



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Bromsgrove District Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

We received 33 complaints during the year, an increase of 10 over the previous year. Complaints over all subject areas showed an increase, except transport and highways.

### ***Character***

Planning remains the most significant area with 18 complaints, but three of these were about the same development, and two complaints were made about each of two other developments. Complaints about local taxation increased from one to four, and about benefits from one to three. We expect numbers of complaints to vary from year to year.

## **Decisions on complaints**

### ***Reports and local settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

Seven complaints were settled locally and compensation payments totalling £944 were made.

One complaint concerned planning enforcement where an absence of proper procedures was found. The Council not only paid compensation and apologised to the complainant but also introduced enforcement procedures.

In another enforcement complaint the Council wrongly asked the complainant to make a statutory declaration. The Council accepted that this was an error and voluntarily offered to refund the complainant's legal costs.

Two complaints related to signposts and refuse collection from a private driveway. The Council agreed to liaise about new signs and to erect them within two months and compensate the complainants for their time and trouble in pursuing their complaints with the Council and with me.

Wrong advice from the Council resulted in a housing trust advising the complainant that she had been banned from the housing register. The Council commendably offered to settle as soon as it realised that it had given the wrong advice and paid the complainant £150 for the distress caused. The Council also agreed to discuss with the housing trust ways to prevent a similar occurrence.

When a complaint was made about the failure to maintain public footpaths the Council held a site meeting with the complainant and agreed works were subsequently carried out. A maintenance plan for future years was also drawn up.

The Council failed to notify the complainant about a planning application for an extension in an adjoining garden. The Council agreed to liaise with the complainant to draw up a tree planting scheme and to pay for the planting to replace the screen provided by a tree which he had cut down in his garden in ignorance of the planning application.

I am grateful to the Council for its help in providing appropriate redress to complainants once it can be shown that things have gone wrong.

I issued no reports against the Council during the year.

### ***Other findings***

Thirty two complaints were decided during the year. Of these, four were outside my jurisdiction for a variety of reasons. Nine were premature and, as I mentioned earlier, seven were settled locally. In 11 of the remaining 12 there was no evidence of maladministration and I exercised my discretion not to pursue the twelfth.

### **Your Council's complaints procedure and handling of complaints**

The number of premature complaints has increased this year to nine from six in the previous year. This proportion is broadly in line with national figures. Four complaints were resubmitted to me, two of which were outside my jurisdiction and in the other two I found no evidence of maladministration.

### **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

We have not delivered any formal training courses to your Council this year. If we can provide any further training for you please let Reynold Stephen, Assistant Ombudsman, know.

### **Liaison with the Local Government Ombudsman**

We made enquiries on 18 complaints this year, and the average time for responding was 34.3 days, a significant increase on the 26.4 days it took last year. Our target is 28 days and an increasing number of councils are achieving it. The only subject area which achieved our target was public finance, which only received one complainant. Enquiries were made on 13 planning complaints, and the average response time was 33.2 days. My investigator noted in one case that it took almost 12 weeks for the Council to provide the necessary plans. My investigators also noted delays in providing information on two complaints concerning transport and highways. The Council should now put in

place arrangements to ensure that our target time is met, and so return to its excellent performance achieved in previous years.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White**  
**Local Government Ombudsman**

**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	3	1	6	18	4	1	<b>33</b>
<b>2005 / 2006</b>	1	0	4	15	1	2	<b>23</b>
<b>2004 / 2005</b>	1	4	6	1	3	0	<b>15</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	7	0	0	11	1	4	9	23	<b>32</b>
<b>2005 / 2006</b>	0	2	0	0	6	1	3	6	12	<b>18</b>
<b>2004 / 2005</b>	1	4	0	0	8	0	0	6	13	<b>19</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	18	34.3
<b>2005 / 2006</b>	7	26.4
<b>2004 / 2005</b>	6	19.7

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0