



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter**

Cheltenham Borough 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

In 2006-7 we received 20 complaints against your Council. This number is broadly similar to the figure for the previous year and does not provide cause for concern.

Character

There was a slight increase in the number of complaints about housing and a slight fall in the number of complaints about planning. These kinds of fluctuations are quite common and I do not attach any particular significance to them.

Decisions on complaints

We decided 22 complaints against your Council in 2006-7. Five were premature complaints. Of the other 17 complaints, in eight cases I found no maladministration, three were outside my jurisdiction and I exercised my discretion to discontinue my investigation in a further two cases. I refer to the other four cases in more detail below.

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. I did not issue any reports against your Council in 2006-7.

There were four complaints which I asked the Council to settle. In one case the Council did not follow its procedures when impounding and disposing of the complainant's vehicle. The Council offered the complainant compensation in negotiations but subsequently withdrew its offer. I recommended that the Council should reinstate its offer and make a payment to reflect the complainant's time and trouble, a total of £750.

In another case the Council delayed in making major repairs to the complainant's property. As a result the complainant's family lived in temporary accommodation for a year, which caused them considerable inconvenience, especially as their belongings were in storage. The Council agreed to pay the complainant £1500 in compensation and carry out landscaping work to the garden as further remedy for the injustice caused.

The third complaint was one where the Council did not keep notes of a meeting with the complainant, who was an objector to a planning application, or tell elected Members that the location plan was inaccurate. As a result, the Council granted planning permission for the complainant's neighbour to build a garage in a position which had greater impact on his amenity than would otherwise have been

the case. Elected Members confirmed that they would have granted planning permission for the development as built, but I recommended a payment of £750 in compensation for the complainant's justified dissatisfaction with the Council's handling of the application and his time and trouble.

The final complaint was also about a planning application where the Council advised the complainant's neighbour that he could build a dormer extension under permitted development rights, when in fact he required planning permission. Although I was satisfied that the Council would have granted planning permission for the development if the complainant's neighbour had applied for it, I recommended that the Council should pay compensation of £500 to recognise the complainant's sense of outrage and I was pleased that the Council readily accepted my proposal.

In all your Council paid £3500 in compensation in respect of complaints brought to me.

Your Council's complaints procedure and handling of complaints

Last year I referred to the relatively high number of premature complaints and the steps the Council was taking to revise and publicise its complaints procedure to address this problem. I am pleased to be able to say that the Council's approach appears to be successful. The number of complaints I referred back to the Council to deal with fell to below the national average. I am also pleased that the Council's website provides a link to our own to assist complainants who wish to pursue their complaints beyond the Council's complaints procedure.

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.

Liaison with the Local Government Ombudsman

Last year I asked the Council to take steps to ensure that we receive responses within the target of 28 days we have set. I am grateful to the Council for its efforts in this respect, as it made a significant reduction in 2006-7 in the time it took to respond. This was down from an average of 31.3 to 21.2 days, a most commendable performance by the Council. My officers have appreciated the prompt way with which their enquiries have been dealt and the fact that the Council has been proactive in letting them know if there is likely to be any delay.

I would also like to thank you for your invitation to visit the Council in January 2007, meet you and make a presentation to elected Members. I found this a most rewarding experience and I hope that it was useful from your prospective.

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

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June 2007

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	1	5	3	7	1	3	20
2005 / 2006	0	3	3	10	0	2	18
2004 / 2005	0	1	2	10	0	2	15

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

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	4	0	0	8	2	3	5	17	22
2005 / 2006	0	4	0	0	2	2	2	6	10	16
2004 / 2005	0	0	0	0	14	3	0	4	17	21

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	10	21.2
2005 / 2006	9	31.3
2004 / 2005	12	24.6

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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