



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
East Devon 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 40 complaints during the year, a reduction on the 51 received in the previous year. We expect to see these fluctuations over time and I see no significance in the fall.

Character

Eighteen complaints were received about planning and building control and seven about housing. Of the 11 complaints in the "other" category, four were about environmental health and two about leisure and culture; the remaining four complaints in this category were about a commercial matter, drainage, land and a miscellaneous matter. We received one complaint about local taxation and one about housing benefit, a minimal increase on last year's nil returns in these areas. These services have a commendable record, suggesting good complaint handling and resolution in these areas. Three complaints were received about transport and highways.

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. Seven complaints were settled locally.

In one complaint about planning, the Council had already acknowledged to the complainants that it had made a mistake when wrongly assigning Listed Building status to the complainants' property and had offered a sum to reflect their time and trouble in dealing with the matter; the Council also offered to refund their solicitors' fees. The complainants felt that this sum did not reflect the lost opportunities in finding cheaper solutions to improve their home. I recommended payment of a larger sum to which the Council readily agreed, and so it apologised and made a payment of £1000.

In another complaint about planning, the Council failed to notify the complainant about a neighbour's application to build a conservatory immediately behind the complainant's property. This was because the complainant's property was not included as a separate dwelling on the Council's database used for neighbour notification. The case officer failed to check during a site visit that all neighbours had been notified. My investigator recommended a payment of £250 to compensate the complainant for being denied his right to have his say. The Council apologised, ensured that the database was updated and made the payment.

In a further complaint about planning, the complainants were unhappy with the way the Council dealt with an application for refurbishment of an adjoining property, which included approval of a verandah immediately adjacent to their property and very close to their bedroom window. My investigator

discovered that the Council had not properly considered the impact on the complainants' property despite their written representations. But once the complainants had complained to the Council, the Council got the developer to submit amended plans moving the verandah one metre away from the boundary, thus removing the sight line from their bedroom. My investigator concluded that although there was maladministration, the injustice was limited to the complainants time and trouble in having to pursue the complaint and to the distress it caused. The recommendation therefore was that the Council pay £250 in recognition of this, which it agreed to do.

We received a complaint about Housing allocations where the disabled complainant, a young man, often needed overnight care on an irregular basis, depending on the severity of the symptoms of his condition. He wanted the security of a Council-managed tenancy as he was always worried about becoming homeless. However, the Council offered him properties only suitable for one elderly person which had no room for an overnight carer. My investigator considered that it would have been appropriate for the Council to have referred his request for a two-bedroomed property to the medical adviser and also noted that there had been periods of delay in providing information to the complainant. The Council agreed to refer the case to its medical adviser and later confirmed that the complainant had been placed on the register for two-bedroomed properties.

In a complaint about a leisure business concern, the Council failed to consult the coastguard over certain matters and also failed to ensure that the terms and conditions were clear before the complainant entered into a concession. By way of settlement the Council paid £10,000. It also carried out a review of its procedures in this area.

The total paid by the Council over the year was £11,515 and I am grateful to the Council for its assistance in settling these complaints.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

Other findings

Forty complaints were decided during the year. Of these, five were outside my jurisdiction for a variety of reasons. Eleven complaints were premature and, as I mentioned earlier, six were settled locally. The remaining eighteen were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of premature complaints (eleven) against the total received (forty) is in line with the national average. It suggests that the Council's complaints process is sufficiently accessible to its customers and that staff adequately signpost its complaint handling procedure to complainants when they are not happy with what the Council has done.

Last year I commented on the ease of access for complaints to the Council's complaints process via its website and I am pleased to see that it remains as clear this year.

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 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

We made enquiries on twelve complaints this year and the average time for responding was 26.4 days against a target of 28 days. This compares very favourably with the response times of the previous two years. I recognise the effort necessary on the part of officers to achieve this and I am very grateful for the great improvement in performance here.

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
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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	7	10	18	1	3	40
2005 / 2006	0	5	12	33	0	1	51
2004 / 2005	1	7	7	32	1	0	48

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	6	0	0	13	5	5	11	29	40
2005 / 2006	0	2	0	0	27	9	6	8	44	52
2004 / 2005	0	3	0	0	10	14	5	19	32	51

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	12	26.4
2005 / 2006	24	41.2
2004 / 2005	18	32.5

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