



The Commission for  
Local Administration in England

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

**Forest of Dean 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 16 complaints during the year, a slight increase on the 14 we received last year, but we expect some variations over time.

### ***Character***

As with previous years the complaints received were primarily about planning matters (nine). The planning complaints were about planning enforcement, planning applications and other planning related issues. The other category, in which four complaints were received, includes complaints about drainage and employment and pensions (which is outside my jurisdiction).

## **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.

Two planning complaints were settled locally.

In one case the Council delayed taking enforcement action over breaches of planning permission for an agricultural building, which resulted in the complainant suffering from odours from dead stock. The Council apologised for the delay but could not proceed with enforcement due to the appeal by the planning applicant. The Council agreed to pay compensation of £750 to the complainant for the delay. My investigator considered that the Council gave very detailed responses and ought to have identified the delays and taken action without the need for a complaint to me.

In the second case a neighbour complained about a planning application, but the Council did not reply to his two complaint letters. Initially the Council said it had not received the first letter although it had sent an acknowledgement to the complainant. The Council took some time to agree to apologise to the complainant and pay him compensation of £50 for his time and trouble in pursuing the complaint.

The Council paid a total of £800 compensation this year as a result of complaints made to me.

I issued no reports against the Council during the year.

## ***Other findings***

Fifteen complaints were decided during the year. Of these, five were outside my jurisdiction, for a variety of reasons. One complaint was premature and, as I mentioned earlier, two were settled locally. The remaining seven were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

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

The number of premature complaints is very low compared to the number of incoming complaints. Nationally a little over a quarter of complaints we receive are premature. A low number of premature complaints is usually a good sign and can indicate that residents know how to complain to the Council if they wish to do so.

In August 2006 my Assistant Ombudsman, Reynold Stephen, met with the Head of Legal and Democratic Services to discuss the unusual profile of complaints we were receiving. The Council had a particular problem with the number and nature of planning complaints, and our enquiries caused the Council particular difficulties when the Planning Department was short-staffed with unfilled vacancies. At the meeting it was agreed that complainants need access to targeted information about what I can achieve as regards planning matters, and that the Council would provide a draft for me to consider. Numbers of planning complaints received have now reduced this year. But if the Council considers targeted information is still needed I would be happy to consider a draft.

## **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.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings. 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 six complaints this year, and the average time for responding was 41.7 days, a deterioration on the 37.6 days it took last year. Two planning and building control cases took 56 days each to receive a response which adversely affected the Council's times. I have no doubt that the way my enquiries are dealt with by the Council could be improved. The Council should now improve its response times here to achieve our target of 28 days.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Reynold Stephen know and he will arrange for an invitation to be sent. In addition, if it would help for Mr Stephen to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

## **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)

Complaints received by subject area	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
<b>01/04/2006 - 31/03/2007</b>	1	4	9	1	1	<b>16</b>
<b>2005 / 2006</b>	0	1	12	1	0	<b>14</b>
<b>2004 / 2005</b>	0	1	23	0	0	<b>24</b>

**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
<b>01/04/2006 - 31/03/2007</b>	0	2	0	0	5	2	5	1	14	<b>15</b>
<b>2005 / 2006</b>	0	1	0	0	15	1	2	3	19	<b>22</b>
<b>2004 / 2005</b>	0	2	0	0	9	1	2	8	14	<b>22</b>

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
<b>01/04/2006 - 31/03/2007</b>	6	41.7
<b>2005 / 2006</b>	9	37.6
<b>2004 / 2005</b>	10	44.8

**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