



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Mid 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 36 complaints during the year, which is almost double the number received last year. Despite the rise, numbers remain small and I see no special significance in the variation.

Character

Complaints about most subjects increased. Planning made up the bulk of the rise but that included four complaints about two planning applications. Twenty complaints were received about planning, four about housing, three about benefits and two about public finance. Of the seven complaints in the 'other' category, three were about anti-social behaviour, two were about environmental health and two were about land.

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. Six complaints were settled locally. The total amount paid out in compensation this year was £1,250 compared to last year when no payments of compensation were made. I am grateful for the Council's willingness to settle complaints when fault has been identified.

In one complaint, the Council failed to consider how internal lighting from a proposed supermarket would impact on the complainant when it assessed a planning application. I was particularly concerned to note that the report for Committee failed to comment on the issue even though the section of the supermarket facing the complainant was to be predominantly glass. As a result, the complainant suffered from light pollution for eight months longer than necessary. After prompting the Council agreed to pay £750 compensation.

In another case concerning planning the Council's report on a planning application failed to refer to the complainant's property, even though it was the closest one to the development, and failed to include details about her objection. In that case, although I was satisfied following further explanation by the Council that it did not consider the impact of the development on her to be unacceptable, I considered that the complainant had a continuing sense of outrage in feeling that the decision had not been properly arrived at. Certainly she was wrongly deprived of the opportunity to make her particular views known. I am pleased to note that the Council responded promptly to my suggestion for settlement of the complaint and agreed to pay £250 compensation.

In a third case the Council failed properly to consider the complainant's representations about anti-social behaviour from a skateboard park. While the Council did not consider the problems to be significant I was concerned to note that there was no documentary evidence to show how that view had been reached. Instead it appeared that the complainant's concerns about litter had been dealt with in greater depth than his complaints about anti-social behaviour by users of the park. As settlement for this complaint the Council agreed to draw up a revised anti-social behaviour policy, involve the Crime and Disorder Partnership in developing strategies for managing the site, to reach a decision about the location for a proposed extended ramp as soon as possible, and to pay the complainant £250 compensation. I understand that the anti-social behaviour policy is in the process of being drawn up and would be pleased to receive a copy when ready.

I am also pleased to note that in a case concerning enforcement, the Council agreed to amend its proposed report on enforcement options for Committee to ensure that the effect on one particular complainant was brought to its attention.

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

Other findings

Thirty five complaints were decided during the year. Of these, two were outside my jurisdiction, eight complaints were premature and, as I mentioned earlier, six were settled locally. The remaining 19 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons, largely because of lack of injustice, not to pursue them.

Your Council's complaints procedure and handling of complaints

The number of premature complaints has increased slightly in the past year. I do not see this as a particular area of concern and I am pleased to see that the complaints procedure is easily accessible from the Council's website.

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. We provide the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) and 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

We made enquiries on 15 complaints this year, and the average time for responding was 29.7 days, a small deterioration from 2005/6 when the Council's response times were within our 28 day target. The figures were affected by the 72 days taken to respond to a complaint about anti-social behaviour, which involved a significant amount of paperwork. I hope to see next year a return to the Council's generally excellent performance in this area.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending your new link officer to the seminar to be held later in November. If so, please let Stephen Purser, the Assistant Ombudsman, know and he will arrange for an invitation to be sent.

In addition, if it would help for Mr Purser 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
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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	3	4	7	20	2	0	36
2005 / 2006	0	1	3	13	1	1	19
2004 / 2005	2	3	6	14	1	2	28

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	16	3	2	8	27	35
2005 / 2006	0	1	0	0	14	4	5	5	24	29
2004 / 2005	0	2	0	0	8	2	2	4	14	18

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	15	29.7
2005 / 2006	11	24.5
2004 / 2005	10	26.3

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