



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Restormel 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 Restormel Borough Council 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

During the year I received 28 complaints against the Council, a reduction of ten on last year's. Although the variation appears large I expect to see fluctuations year on year.

Character

As in previous years, planning complaints made up the majority of those received, numbering 20 of the total of 28 complaints. It is pleasing to see a fall in the number of planning complaints in the light of your comments to me after I wrote last year and I am sure that it is an area you will continue to focus on in terms of addressing the complainants' understanding of the planning process itself. Four complaints were categorised as other (one was over drainage, one leisure and culture and two were miscellaneous complaints.) I also received two complaints about public finance (both local taxation) and single complaints about benefits and housing.

Decisions on complaints

Reports and 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

Four complaints were settled locally. The Council agreed to pay £1,000 as compensation for a delay of 12 months in taking enforcement action over work to a road junction which was the only access to the complainant's home. In another case, where the Council had delayed in taking action over an extractor system in a restaurant, it also agreed to pay compensation of £1,000 for the nuisance it had avoidably caused the complainant. A third case involving delay related to an enquiry over an enforcement enquiry and the Council apologised and paid the complainant £50 for the time and trouble involved in pursuing the matter. The fourth settlement was in a case where the Council had failed to pay an agreed local settlement of £500 in a previous investigation and it paid the complainant an additional £35 as interest for the period of the delay. It is disappointing that all of these settlements resulted from delays and ended in the Council making payments which could have been avoided if timely action had been taken in each case.

The total amount paid in compensation to settle complaints was £2,585.

I noted concerns over one case which did not reach a local settlement. Here the Council failed to determine an application for a Certificate of Lawful Use or Development when the complainant considered the use affected his amenity. I decided I could not come to a view on the complaint until the application had been determined and the complaint was therefore closed. However, I asked the Council to determine the matter and advised the complainant to resubmit the complaint if it had not been resolved within six months. The Council determined the application in October 2006 and the complainant has since submitted a further complaint which we are investigating.

I am pleased to record that I issued no reports against the Council during the year.

Other findings

Thirty-five complaints were decided during the year. Eight were premature complaints and three were outside my jurisdiction. Four more were settled locally as described above. The remaining 20 were not pursued because there was no evidence of maladministration or because there were other reasons not to pursue them. Twelve of the 20 planning complaints showed no evidence of maladministration, and in some cases the complaint was about the decision rather than the process.

Your Council's complaints procedure and handling of complaints

The percentage of premature complaints which were returned to the Council was 23% which is below the national average of 28%. Only one of these was subsequently returned to me and the complaint was not upheld. This suggests that the Council responded well when I returned complaints as being premature.

I am also please to note that the Council's website contains a hyperlink to the Commission'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. I note that this was something the Council had expressed an interest in last year and I hope it is something you will take forward in the coming months.

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

In last year's letter I expressed my concern about the time it had taken for the Council to respond to our enquiries and you explained the steps you intended to take to address this. I am very pleased to report that we made enquiries on 16 complaints during the year and the average time taken to respond was 32 days compared with 44 in 2005/2006. This is still above our target time of 28 days and I hope your measures will allow the Council to achieve this target during the current year.

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 in November. If so, please let Reynold Stephen, the Assistant Ombudsman, know and he will arrange for an invitation to be sent.

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
Details of training courses

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	1	1	4	20	2	0	28
2005 / 2006	0	1	8	28	0	1	38
2004 / 2005	0	2	0	15	0	0	17

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	15	5	3	8	27	35
2005 / 2006	0	2	0	0	11	5	5	7	23	30
2004 / 2005	0	2	0	0	11	3	1	1	17	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	16	32.8
2005 / 2006	16	44.6
2004 / 2005	11	36.4

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