



The Commission for  
Local Administration in England

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

We received 18 complaints during the year, a reduction on the 24 received in the previous year. We expect to see these fluctuations over time.

### ***Character***

As in previous years, the majority of the complaints we received were about planning (nine) and housing (seven). There was an increase in housing complaints this year while the number of planning complaints decreased, but we expect that complaint numbers will vary from year to year. The remaining two complaints fell within the 'Other' category. One concerned the Council's sale of a car park and the other was about Council finances.

## **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.

I issued one report this year. The complainant in that case lived next door to an Inn and was caused disturbance by noise and music for a number of years. Although he had frequently complained about the Inn the Council failed properly to investigate both noise nuisance and associated breaches of planning control. My investigation revealed that the Council's Planning and Environmental Health departments had failed properly to co-ordinate their investigations and that opportunities to mitigate the nuisance caused to the complainant were missed. As a result he was caused an avoidable loss of amenity. To remedy that injustice the Council agreed to pay the complainant £3,000 compensation and it undertook to review liaison arrangements between the departments involved in order to reduce the risk of similar errors in future.

Two complaints were settled locally this year and a further £750 was paid in remedies.

In the first case the Council failed properly to investigate a complainant's justified concerns about anti-social behaviour by his neighbours and it did not promptly deal with outstanding repairs to his property. The Council agreed to settle the complaint by paying the complainant compensation of £500 and completing the repairs to his home. The Council also agreed that it would review the complaints handling procedures employed by its housing managers.

The second complaint concerned the Council's failure accurately to determine the complainant's priority for Council housing. While I did not conclude that the complainant would have received an offer of housing sooner had that error not occurred, I did feel she had been caused avoidable trouble and inconvenience in pursuit of her complaint. The Council agreed to pay compensation of £250.

I am grateful to the Council for providing appropriate redress in all these cases.

### ***Other findings***

One complaint was outside my jurisdiction and a further four complaints were premature. As mentioned above, two complaints were settled locally and one was subject of a report. The remaining 10 complaints 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 (four) is similar to that in previous years, and below the national average. I continue to believe that the Council's complaints procedure is robust and works well. Of the four complaints returned to your Council last year only one was resubmitted to me. This is commendable, and strongly suggests that when complaints reach the Council, it works hard to resolve them.

### **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.

I recall that some of your officers previously attended an effective complaints handling course at South Somerset District Council. I hope this was useful. If we can provide any further training for you please let Barbara Hedley, Assistant Ombudsman, know.

### **Liaison with the Local Government Ombudsman**

We made enquiries on ten complaints this year, and the average time for responding was 27 days. That is an increase on the 21 days it took last year but remains within the requested time of 28 days and I am grateful for the efforts made by the Council to meet our requirements. I am also pleased to note that, on the whole, the Council has maintained the good quality of its responses to our enquiries.

Three officers from the Council attended the annual link officer seminar in 2005. A further seminar will be held later in November and if you would like someone to attend please let Barbara Hedley, Assistant Ombudsman, know and she will arrange for an invitation to be sent.

In addition, if it would help for Barbara Hedley to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

I was pleased to welcome Members and officers from your Council to the seminar I gave at the South Somerset District Council offices on 16 October 2006. I hope they found it useful.

## **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 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

<b>Complaints received by subject area</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	7	2	9	0	<b>18</b>
<b>2005 / 2006</b>	4	3	14	3	<b>24</b>
<b>2004 / 2005</b>	4	1	12	1	<b>18</b>

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

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	1	2	0	0	7	3	1	4	14	<b>18</b>
<b>2005 / 2006</b>	0	4	0	0	14	3	1	4	22	<b>26</b>
<b>2004 / 2005</b>	2	3	0	0	8	4	2	5	19	<b>24</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	10	27.1
<b>2005 / 2006</b>	15	21.3
<b>2004 / 2005</b>	7	31.1

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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