



The Commission for
Local Administration in England

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

South Cambridgeshire 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 25 complaints this year, an increase on the 19 received in the previous year. I expect to see fluctuations over time and I see no significance in the rise.

Character

As I noted in last year's letter the largest number of complaints related to planning and the number of issues complained about has been broadly similar year on year. Eleven complaints were received about planning, and six about housing. Three complaints were received in the 'other' category and these were all about anti-social behaviour. Three complaints were received about benefits and one about local taxation which we now record as 'public finance'. The number of complaints received in these categories is commendably low.

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.

Three complaints were settled locally, all of which concerned planning. In one, the Council met with the complainants to assess the impact of breaches of planning conditions upon them and agreed a resolution that my investigator considered was satisfactory. The second complaint concerned the handling of a planning application and noise arising from development. I found no maladministration in the Council's handling of the application but the Council agreed to install noise monitoring equipment to establish whether there was a noise problem. The third complaint was about a failure to confirm whether planning conditions had been complied with. The Council agreed to pay the complainant compensation of £250 and to provide the required response.

When we complete an investigation we must issue a report. I issued one report against the Council during the year and this concerned the handling of a planning application for residential development near a business premises. The complainants owned the business premises and complained that due to failings in the handling of a planning application, they felt they were vulnerable to noise complaints from residents of the new dwellings. I concluded that the Council failed to consider how noise from the business premises would impact on the new properties, failed to consider its own policies on noise and had misunderstood the relevance of Government guidance on noise when assessing the planning application. To remedy the complaint I recommended that the Council should extend an intended noise survey to take into account the new houses nearest the business premises and inform me of the outcome of the survey so that I can consider whether any further remedy is necessary. I

also recommended that the Council should contribute £5,000 towards the legal costs incurred by the complainants in pursuing their complaint with the Council and with me. My report was issued just before the end of the year and a response is expected shortly.

Other findings

Twenty six complaints were decided during the year. Of these three were outside my jurisdiction for a variety of reasons. Eight complaints were premature, and, as I mentioned earlier, three were settled locally and one report was issued. The remaining eleven 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 proportion of premature complaints is relatively high when set against the number of decided complaints. Three of these premature complaints were resubmitted, and one was settled locally only after I investigated the complaint. The Council may wish to look at these cases to see if there is anything more it could have done through its complaints process to secure early resolution.

In last year's letter I commented that the Council's complaints process was available on the Council's website although I also suggested that the location could be more clearly signposted. As far as I can tell, the situation remains unchanged and I hope that the Council will now look carefully at ways of helping customers make complaints quickly and effectively via its website, clearly signposting the facility from the home page so that customers can find the online complaints facility quickly.

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.

Liaison with the Local Government Ombudsman

We made enquiries on 11 complaints this year, and the average time for responding was 66 days against a target of 28 days, a significant increase on the 43 days it took last year. This is utterly unacceptable and makes your Council one of the least responsive in the country. Initially there were signs of an improvement in your response times but there were three cases where the delay was so bad that the Assistant Ombudsman was obliged to write to you to request a response. I have no doubt that the way my enquiries are dealt with centrally by the Council could be improved. The Council must now improve its response times here, particularly given the relatively low number of enquiries I made of the Council. If there is no improvement I shall have to consider using my statutory powers to require officers to attend at my offices with their files.

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 Stephen Purser, my 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.

I would like to hold a regional seminar in Cambridgeshire during 2007/2008. These seminars have proved popular and enable Members and Officers to obtain a better understanding of my role and of our role in complaint handling. If your Council would be willing to host such a seminar please let Stephen Purser know. Assuming a venue can be found, I will be sending out invitation letters later in the year.

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 | 6 | 3 | 11 | 1 | 1 | 25 |
| 2005 / 2006 | 1 | 1 | 5 | 12 | 0 | 0 | 19 |
| 2004 / 2005 | 1 | 5 | 5 | 14 | 1 | 1 | 27 |

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 | 1 | 3 | 0 | 0 | 7 | 4 | 3 | 8 | 18 | 26 |
| 2005 / 2006 | 0 | 4 | 0 | 0 | 10 | 4 | 3 | 3 | 21 | 24 |
| 2004 / 2005 | 0 | 2 | 0 | 0 | 23 | 2 | 3 | 5 | 30 | 35 |

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 | 11 | 66.5 |
| 2005 / 2006 | 10 | 43.7 |
| 2004 / 2005 | 26 | 46.0 |

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 |