



The Commission for
Local Administration in England

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

Tewkesbury 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 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 20 complaints during the year, an increase of five over the previous two years. But the rise is entirely accounted for by seven complaints which all related to the same planning matter.

Character

Sixteen complaints were about planning or building control but, as I say, seven were all on the same matter. Two complaints were about housing and one each about public finance, and transport and highways.

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.

Four complaints were settled this year. Two related to the same planning permission for new development where the Council had not imposed a condition on levels, allowing the developer to raise the height of some of the new properties. The Council arranged with the developer to put trellis on top of fences and to pay £250 to each of the complainants so that they could provide further screening. In another complaint the Council had failed to respond to enquiry letters about the use of neighbouring land and the settlement provided for the Council to reply. The last complaint concerned the height of a boundary hedge and whether the Council had taken sufficient action to ensure a notice had been complied with. Before we had taken any action on the complaint the Council had inspected as part of its planned programme and ensured the necessary action was taken.

In all cases the Council responded quickly and positively to any proposals by my investigators for settlements and I commend it for its help.

I issued no reports against the Council.

Other findings

Sixteen complaints were decided during the year. Of these four were outside my jurisdiction for a variety of reasons. Three complaints were premature and, as I mentioned earlier, four were settled locally. The remaining five were not pursued because there was no evidence of maladministration.

Your Council's complaints procedure and handling of complaints

The number of premature complaints, three, is low when set against the 20 incoming complaints so this suggests that the Council has an effective means of capturing and dealing with complaints. I commented last year on the improvements made to your website and I am pleased to see they seem to be having a positive effect.

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 10 complaints but seven of those were the related planning complaints so only four substantive enquiries were made. The average response time was 21 days, a very considerable improvement from the previous year and well within our requested 28 days. I thank the Council for its work in improving response times here.

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

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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 | 0 | 2 | 0 | 16 | 1 | 1 | 20 |
| 2005 / 2006 | 1 | 1 | 1 | 10 | 2 | 0 | 15 |
| 2004 / 2005 | 1 | 0 | 3 | 9 | 2 | 0 | 15 |

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 | 5 | 0 | 4 | 3 | 13 | 16 |
| 2005 / 2006 | 0 | 0 | 0 | 0 | 5 | 1 | 1 | 5 | 7 | 12 |
| 2004 / 2005 | 0 | 0 | 0 | 0 | 5 | 0 | 1 | 7 | 6 | 13 |

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 | 10 | 21.1 |
| 2005 / 2006 | 5 | 37.4 |
| 2004 / 2005 | 4 | 27.3 |

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 |