

Local Government  
**OMBUDSMAN**

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

**Eden District Council**

**for the year ended  
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints received about Eden District Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied experience or perceive your services.

Two attachments 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***

Only five complaints were received against the Council last year, just under half as many as during the previous year (11).

### ***Character***

A couple of complaints were about planning matters, and a couple more about transport and highways.

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

The Council took 58 calendar days to respond to the enquiries made upon the single complaint investigated in this way last year. While 57% of district councils, like Eden, respond within 28 days, only 21% of such councils take longer than an average of 36 calendar days to respond to enquiries. It is to be hoped that next year Eden may respond more swiftly to the enquiries made of it.

## **Decisions on complaints**

Decisions were taken upon seven complaints last year (some of which, of course, had been received during the previous year). Of these a couple were premature, where the Council had not yet had a proper chance to deal with the complaint. Another three lay outside my jurisdiction.

However, in one case, although the investigator decided not to pursue the complaint for other reasons, she was critical of the way in which the Council had dealt with this particular planning matter for the following reasons: neither of the two committee reports told members that the property fell within the curtilage of a listed building; one report failed to remind members that within an area of outstanding natural beauty there is a duty to preserve that beauty; it failed to explain why permission had been given previously for modern upvc windows when an original planning permission had been for smaller windows with painted timber frames; and there had been other earlier failings too. I am hopeful that the Council took these criticisms to heart, even though the complaint was not pursued further, and that whatever errors were identified have been rectified for the future.

## **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose information on the full range of courses available together with contact details for enquiries and any further bookings.

## **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

## **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**YORK**  
**YO30 5FZ**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Other	Planning & building control	Transport and highways	Total
01/04/2007 - 31/03/2008	1	2	2	5
2006 / 2007	3	8	0	11
2005 / 2006	2	6	0	8

**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
01/04/2007 - 31/03/2008	0	0	0	0	0	2	3	2	5	7
2006 / 2007	0	0	0	0	3	3	2	3	8	11
2005 / 2006	0	2	0	0	3	2	0	2	7	9

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
01/04/2007 - 31/03/2008	1	58.0
2006 / 2007	5	46.2
2005 / 2006	5	19.0

### Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0