

Local Government
OMBUDSMAN

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

Plymouth City 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 we have received about Plymouth City Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

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

I received 89 complaints against your Council during the year, a slight decrease on the 94 received last year but I see nothing significant in this change.

Character

Thirteen complaints were received about planning and building control and nine complaints were received about transport and highways. Both categories show a slight decrease in numbers of complaints received but I cannot draw any significance from these changes.

Eleven complaints were about housing, a fall of 50% compared to the previous year.

In two subject areas there was a large increase in the number of complaints received. The number of benefits complaints received was eight compared to two the previous year and the number of public finance complaints received was nine compared to three the previous year.

I received a similar number of complaints to previous years in the areas of adult care services (two), children and family services (six) and education (two).

The remaining 29 complaints were recorded in the "Other" category. They included complaints about antisocial behaviour (11), leisure and culture (three), waste management (eight), licensing, consumer affairs, contracts and business matters and access to information. Three complaints were recorded as miscellaneous.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). When we complete an investigation we issue a report.

I issued one report against your Council this year about enforcement matters. The complainant alleged that the Council had not informed him and his neighbours of a planning application for industrial premises and failed to ensure compliance with the planning permission granted. As a result, the complainant and his neighbours suffered unacceptably from noise and fumes for a period of

almost five years. While I found no fault in the application of the Council's neighbour notification procedure, I identified inadequacies in respect of planning enforcement. I have recommended that the Council provides the complainant with information, reviews planning enforcement arrangements to ensure that they are fit for purpose and make a payment of £5,000 in compensation. I am pleased to say that the compensation payment has been authorised in advance of the remaining recommendations being considered at Committee in June.

I have investigated a number of complaints over many years about operations at Plymouth Airport. There are currently two reports on which I have yet to be satisfied with the Council's response. But following the Council's recent commercial development agreement with Plymouth City Airport Limited and Sutton Harbour Holdings plc, which contain new operating requirements, I am hopeful that a satisfactory resolution is finally in sight.

Nine complaints were settled locally this year.

A complaint about leisure and recreation matters was eventually settled by the Council agreeing to reconsider the designated use of a playing pitch and by entering into dialogue with affected groups. This has resulted in an acceptable compromise.

In one of two complaints about managing tenancies, the complainants found a leaking drainage pipe during building works at their home. The Council then carried out the repair works promptly but a series of miscommunications and delays, coupled with a failure to respond properly to the complaint, meant that the complainants spent a year believing that the repair had not been done and that they could not complete their building works. The complaint could have been resolved earlier but was finally settled by the Council arranging a CCTV investigation of the pipes and by making a compensation payment of £1,000.

One complaint about planning applications concerned breaches of planning permission which were not acknowledged before amended plans were approved. The Council only recognised during my investigation that there had been breaches of the planning permission and this delayed resolution. I concluded that, even if the full extent of the departures had been recognised, the likelihood was that the amended plans would have been approved. But the complainant had been put to considerable time and trouble in pursuing the complaint. The Council therefore agreed to make a payment of £500 in settlement.

Two complaints about waste management services concerned the collection of domestic refuse and were settled by the Council making payments of £250 and £100.

The remaining complaints were settled locally by the payment of compensation and the taking of appropriate action but they do not raise issues of particular significance.

The Council made compensation payments totalling £7,075 this year.

Other findings

Thirty four complaints were treated as premature and referred back to your Council so that they could first be considered through the complaints procedure.

In eight cases I took the view that the matters complained of were outside my jurisdiction.

A further 38 cases were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

In response to last year's annual letter the Council wrote to me setting out its plans to improve customer care services. During the first half of the year, my officers noted a number of instances where the complaints procedure had not been followed appropriately or where the Council's investigation of the complaint was insufficiently robust and resolution of complaints had been delayed. There are still instances of complaints being referred back to the Council by my office where no action is then taken by the Council. I would ask you to look again at what can be done to ensure that the complaints procedure is working properly.

The proportion of complaints being referred back to the Council has reduced slightly this year to about 30%. While this is still slightly above the national average of 27%, I am pleased to see that an improvement has been made.

Fourteen complaints that had been determined as premature were resubmitted. Two resulted in local settlements; ten were not pursued further and two were still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

One of your officers attended our annual link officer seminar in November last year and I hope this was helpful. My investigator tells me that there have been improvements since his attendance in terms of liaison between the Council and my office. I hope that we can build on this in the coming year.

Enquiries were made on 29 complaints during the year. Your Council's average response time of 33 days, an increase from 31 days last year, masks a disappointing picture. Only 11 responses, approximately a third of those made, were received within the target timescale of 28 days.

In eight cases it took over 40 days for a response to be received, including two planning and building control cases that took 76 and 91 days, a transport and highways complaint that took 56 days and two antisocial behaviour complaints that took 49 days each. During the year six sets of enquiries were made on antisocial behaviour complaints and in all cases the response time was at least 30 days.

It is not acceptable for responses to be so delayed and it adds to the injustice felt by complainants. I would welcome your comments on what actions you will be taking to improve this in the coming year.

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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

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, have 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'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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.

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June 2008

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	2	8	6	2	11	29	13	9	0	9	89
2006 / 2007	3	2	7	1	22	25	19	3	0	12	94
2005 / 2006	2	8	7	5	26	31	15	6	1	15	116

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	1	9	0	0	24	14	8	34	56	90
2006 / 2007	1	14	0	0	23	7	15	37	60	97
2005 / 2006	1	20	0	0	32	20	13	41	86	127

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	29	32.8
2006 / 2007	20	30.7
2005 / 2006	52	34.9

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