

Local Government
OMBUDSMAN

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

Restormel Borough 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 Restormel Borough 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

We received 25 complaints during the year, three fewer than in the previous year. We expect to see such fluctuations over time.

Character

The majority of complaints received were about planning and building control, 12 in all. This is a reduction in the number of complaints received in this category in previous years. We received two complaints about benefits, one about public finance and three about transport and highways. The remaining eight complaints fell into the 'other' category and included complaints about leisure facilities, licensing, antisocial behaviour and contracts and business matters.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report.

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).

Two complaints were settled locally this year. In one, concerning a planning application, the Council paid £500 for the outrage caused by the Council imposing a condition to protect the complainant's amenity which could not be enforced. In the other complaint, the Council issued a fresh invoice and stopped recovery action after it lost the complainant's cheque for her Council Tax.

I issued one report against your Council in January 2008. I criticised the Council's consideration of a Certificate of Lawful Development. I found that the Council delayed in determining the application, failed to evaluate rigorously the site history, failed to deal with the evidence submitted by the complainants in an even handed manner, contrary to its legal advice. And failed to give sound reasons for its decision to approve the application I concluded that had the maladministration not occurred, the application would not have been approved. The complainants incurred considerable costs and uncertainty and suffered some permanent loss of amenity. I recommended that the Council pay a total compensation of £24,000 to the complainants and commission external consultants to carry out a reassessment of the present position at the site within six months, taking into account all nuisance and enforcement issues. I also asked the Council to report its findings both to me and to those residents affected and then consider any recommendations made to protect the amenity of the

area. The Council has made the compensation payments and is investigating how best to carry out a reassessment of the site.

Other findings

Twenty-one complaints were decided this year. Of these, nine were premature and two were outside my jurisdiction. I found no evidence of maladministration in four complaints and no evidence of injustice flowing from the maladministration in three complaints.

Your Council's complaints procedure and handling of complaints

We received nine premature complaints this year, broadly similar to the figures for the last two years. This represents 43% of the complaints decided and is well above the national average of 27%. The Council's complaints procedure is clearly accessible on its website but the figures here could reflect a failure to signpost the public to the complaints procedure in the course of the Council's dealings with them.

Liaison with the Local Government Ombudsman

We made enquiries on eight complaints this year. This is a significant decrease on the 17 enquires we made last year. The average time for responding was 43 days which is substantially outside our target timescale of 28 days.

This is extremely disappointing given the low number of enquiries we made. The Council's performance has deteriorated from the previous year (34 days). The majority of the delays were in responding to Planning and Licensing complaints. But I recognise that preparation for the reorganisation of local government in Cornwall in 2009 will inevitably have impacted on the Council's ability to respond to our enquiries within our target timescale. Nevertheless, I hope that the Council will be able to respond to our enquiries in a timely manner in the year to come.

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.

I acknowledge that your Council may not wish to take advantage of our training at this time due to its dissolution in 2009. But I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings which may be of interest to those officers transferring to the new authority.

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.

As a result of Secretary of State's decisions on the future structure of local government in Cornwall this is the last Annual Letter that I shall be sending to Restormel Borough Council. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and cooperation and wish you well for the future.

J R White
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18 June 2008

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
01/04/2007 - 31/03/2008	1	0	8	12	1	3	25
2006 / 2007	1	1	4	20	2	0	28
2005 / 2006	0	1	8	28	0	1	38

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	2	0	0	4	3	2	9	12	21
2006 / 2007	0	4	0	0	15	5	3	8	27	35
2005 / 2006	0	2	0	0	11	5	5	7	23	30

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	8	42.9
2006 / 2007	17	34.1
2005 / 2006	16	44.6

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