

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
South Hams 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 we have received about South Hams District 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 20 complaints against your Council this year, six fewer than last year but similar to the number received in 2005-2006. We expect to see these fluctuations year on year.

### ***Character***

Twelve complaints were received about planning and building control. Single complaints were received about housing and transport and highways.

In the 'other' category, we received three complaints about environmental health, and single complaints about antisocial behaviour, contracts and business matters and miscellaneous.

## **Decisions on complaints**

### ***Reports and local settlements***

When we need to complete an investigation we issue a report. I issued one report against your Council this year about the Council's failure to take appropriate enforcement action against unauthorised development which had been the subject of an unsuccessful planning appeal. During my investigation, I established that the files were missing and it was therefore unclear what, if any, consideration had been given to taking action. The dwelling and its access caused the complainant loss of amenity and I therefore recommended that the Council seek a before and after valuation of the complainant's property and, if there was a difference, to make him an equivalent payment. I also asked the Council to make him a payment of £500 in recognition of his time and trouble and anxiety.

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 way of 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 and a total of £2,149 was paid in compensation.

The first complaint was about forward planning. The complainant was concerned that a decision to enforce temporary mooring restrictions and fees did not comply with the original development consents agreed in 1992. In fact, several changes of use had been approved since that time but the Council failed to explain this to him clearly when he complained. In settlement, the Council agreed to make a report to Committee about management arrangements, to waive his mooring fees of £549 and to make a payment of £100 for time and trouble, making a total of £649 in compensation.

The other complaint was about the Council's failure to condition appropriately a new development to prevent adverse effects on the complainant's privacy and amenity. After some negotiation, the Council agreed to make the complainants a payment of £1,500 to cover the costs of screening and to remedy their distress and time and trouble in pursuing the complaint.

I am grateful to the Council for its assistance in resolving these matters.

### ***Other findings***

Twenty-three complaints were decided during the year. Four of these were premature and were referred back to your Council for consideration through its complaints procedure.

Four complaints were outside my jurisdiction. The remaining 12 were not pursued, either because no evidence of maladministration was seen or for a variety of other reasons, mainly that no injustice flowed from the fault alleged.

### **Your Council's complaints procedure and handling of complaints**

The four premature complaints account for less than a fifth of all complaints decided and this compares favourably with the national average of 27%. This indicates that the Council's complaints procedure is accessible and well publicised.

Three complaints were resubmitted to me during the year and none was pursued, either because no maladministration was identified or because no injustice flowed from the fault alleged.

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

I made 11 enquiries this year and the Council's average response time was 37 days. This is an improvement of two days compared to last year but remains well outside my target of 28 days. Only two responses were received within my target and four took over 47 days.

Last year I asked you to address this area and while I am pleased to see some improvement, I hope your Council will make renewed efforts to improve its response times in the coming year.

My officers have commented that there are occasions when your Council seems unwilling to accept fault when it is identified or when it could have acted sooner to resolve a complaint. And so I repeat the invitation I made last year for one of your complaint managers to attend the annual seminar I arrange which covers our work and complaint resolution.

### **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 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 how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

## **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**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2008**

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

Complaints received by subject area	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	6	12	0	1	20
2006 / 2007	1	6	17	1	1	26
2005 / 2006	0	3	14	0	2	19

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	7	5	4	4	19	23
2006 / 2007	0	4	0	0	4	1	4	7	13	20
2005 / 2006	0	6	0	0	12	5	1	3	24	27

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	11	37.3
2006 / 2007	6	38.8
2005 / 2006	7	36.3

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