

# Local Government OMBUDSMAN

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

**Taunton Deane  
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 Taunton Deane 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 18 complaints against your Council this year, two fewer than last year and ten fewer than in 2005-2006. Some variations from year to year are expected and if numbers rise in the current year I would not consider this significant.

### ***Character***

Ten complaints about planning and building control were received this year, two more than last year. This accounts for slightly more than half of all complaints received.

The number of complaints received about benefits (one) and about housing (two) are the same as last year.

In the 'other' category, one complaint was about leisure and culture matters, and there were two each about antisocial behaviour and miscellaneous matters.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I issued no reports against your Council this year.

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).

Five complaints were settled locally this year and the Council paid a total of £1,000 in compensation.

Two complaints concerned the same issue of highway management. The residents complained of parking difficulties and that the Council had not informed them of the outcome of a review of parking in the area. It did not do so because it believed that the problem had been resolved. I considered that the promise of a response had raised the complainant's expectations and led them to believe that problems of Council tenants blocking their private rights of way would be resolved. The Council agreed to apologise in writing and explain the action taken.

A leaseholder in dispute with his freeholder complained that the Council had failed to inform the freeholder that it had a statutory duty to provide information to leaseholders although he did accept that the exercise of the Council's further powers to prosecute the freeholder for failure to do so were discretionary. The complainant was therefore without the information he desired and his freeholder

would not respond. To resolve the complaint the Council wrote to the freeholder clarifying the position and setting out his statutory obligations.

Two complaints about the same planning application were settled this year. Essentially, the application should have been delegated to the town council for determination, in accordance with the Council's own policy and procedure. The complainants were outraged when this did not happen because they were then unable to put their views forward to the town council. Additionally, the planning application was incorrectly conditioned with respect to alterations to one flank of the building but this caused no injustice due to a pre-existing consent. The Council sought to reach an agreed variation to the planning permission without success and agreed to make payments of £750 and £250 respectively to the complainants.

In each case, your Council has been quick to apologise and to take action when it recognises that it is at fault and I am grateful for its willingness to settle such cases locally.

### ***Other findings***

I decided 21 complaints this year. Five of these were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

The remaining complaints 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 maladministration alleged.

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

The five complaints decided as premature account for less than a quarter of all decisions. This is slightly lower than the national average, which this year is 27%, and indicates that the Council's complaints procedure is generally accessible and robust.

Five complaints which had been treated as premature were resubmitted to me during the year. One had not been decided at the end of the year and I found no reason to pursue the other four.

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

Last year, I noted that the Council had taken steps towards meeting my target of 28 days for responding to enquiries. I hoped that positive progress would continue to be made in this area. Unfortunately that is not evidenced by this year's statistics. Twelve enquiries were made this year and the average response time was 51 days, some 15 days more than last year (35.9). This figure is heavily influenced by the 147 days the Council took to respond to two complaints about transport and highways matters. The average time for the responses to enquiries in other categories was 29 days for housing, 33 days for planning and building control, and 31 days for the other category. Two responses were received within 28 days. If the transport and highways response times are excluded the average response time for the remaining categories is just under 32 days which is an improvement on last year. I hope the Council will make renewed efforts this year to secure progress in this area.

When responses are received they are comprehensive and thorough and your officers are noted to be particularly helpful in answering telephone queries.

### **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.

No one from your Council has attended our annual seminar for complaint managers/link officers recently and if you would like more information please contact my personal assistant, Mrs McCaig (l.mccaig@lgo.org.uk).

### **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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No2**  
**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	Benefits	Housing	Other	Planning & building control	Transport and highways	Total
01/04/2007 - 31/03/2008	1	2	5	10	0	18
2006 / 2007	1	2	7	8	2	20
2005 / 2006	2	5	1	18	2	28

**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	5	0	0	8	3	0	5	16	21
2006 / 2007	0	4	0	0	10	3	1	4	18	22
2005 / 2006	0	2	0	0	12	4	2	7	20	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	12	51.0
2006 / 2007	14	37.6
2005 / 2006	13	44.9

#### 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