



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Caradon District Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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 44 complaints against your authority in 2006/07. This was 13 more than the previous year, but we expect to see these fluctuations over time and I see no significance in the rise. As in previous years, by far the highest number is in planning with 33 complaints. But that is typical of complaints against councils in rural England.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine.

In one investigation a settlement was agreed. The Council realised that its systems had failed to alert officers to the possible failure of developers to make up roads to an adoptable standard and that the Council had failed to ensure agreements under Section 28 of the Highways Act were completed leaving residents without adopted roads. The Council having recognised that the systems had failed agreed to make up the roads splitting the costs equally between the Council and residents.

When we complete an investigation we must issue a report. I issued two reports. One concerned six complaints received about the same planning application. I found that the Council had granted planning permission for development which lay within a sensitive site designated as a Conservation Area, an Area of Outstanding Natural Beauty and Heritage Coast, without Members being properly advised so that not all of them understood the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The decision was flawed because Members had not taken into account these material considerations.

I recommended that the Council agreed to pay £250 to one complainant who had undertaken the work of pursuing the complaint with the Council and with me, to review its processes and to negotiate with the owners of the development to provide native plant screening and a change of colour to the building at the Council's expense. I also recommended the Council apologise to all complainants.

The other report was about enforcement action. I found a poorly worded informative note attached to the Council's decision to refuse an application for lawful use and development for a shed. But this did not, in my view, effect the Council's later enforcement action in respect of the shed and ultimately its decision that it was not expedient to enforce its removal. So I found maladministration but no injustice.

Other findings

We decided 40 complaints. Nine of these were referred back to the Council for it to consider under its own complaints procedure as I did not consider that the Council had been given a reasonable opportunity to consider them. Of the remaining 31, I considered four were about issues outside my jurisdiction, and in 13 I considered there was no maladministration. The remainder were not pursued for several reasons, but mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

There were nine complaints referred to the Council for consideration under its own complaints procedure but this is not a significant number out of the 44 complaints received. I am pleased to note that the Council continues to promote its complaints procedure through its website and has a link to our website enabling members of the public to pursue their complaints further through that portal.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is 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 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.

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Liaison with the Local Government Ombudsman

The average time for the Council to reply to enquiries about complaints was 40 days. This is an improvement on last year but still well above my requested 28 days. The Council performs poorly in this area. It should now take steps to sharpen up its response times in the coming months.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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

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June 2007

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
01/04/2006 - 31/03/2007	2	4	3	33	1	1	44
2005 / 2006	1	2	4	23	0	1	31
2004 / 2005	0	3	4	32	2	0	41

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
01/04/2006 - 31/03/2007	6	1	1	0	13	6	4	9	31	40
2005 / 2006	0	2	0	0	11	9	5	5	27	32
2004 / 2005	0	5	0	0	13	7	2	7	27	34

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
01/04/2006 - 31/03/2007	22	40.7
2005 / 2006	13	48.8
2004 / 2005	22	26.5

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0