



The Commission for
Local Administration in England

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

I received 18 complaints against your Council in 2006/07 which was significantly lower than 2005/06, when I received 31 complaints, and was also lower than in previous years.

Planning has repeatedly been the main area of complaint and in 2006/07 all but one (benefits) complaint was about this service area. The majority (12) concerned planning applications. While planning complaints may, to some extent, be expected because of the nature of the area, I am aware of long standing issues with the planning service the Council has provided. My Assistant Ombudsman has previously met with the Management Board to discuss matters and I note too the 'poor' assessment of the Audit Commission.

Decisions on complaints

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. When we complete an investigation we must issue a report.

I did not issue any reports against your Council in 2006/07. Two complaints resulted in local settlements being agreed. In a complaint about council tax benefit, a summons for non-payment of council tax had been issued while a review of benefits entitlement was being undertaken. I did not consider this to be reasonable. I also considered that a failure to respond to the complainant's solicitor had led to unnecessary reminder letters being sent. The Council agreed to my recommendation to pay the complainant £100 in compensation.

The second complaint which involved a local settlement was made on behalf of a group of local residents who were concerned about a new housing development. When planning permission for the development was granted, there was no specific agreement or condition which required any party to be responsible for an existing amenity area or its subsequent upkeep. The Council accepted it was at fault here, and that its failure had caused the complainant time and trouble in pursuing the matter. There was also a degree of uncertainty about the future of the amenity area. The Council agreed to pay the complainant £500 to reflect the injustice caused.

Of the remaining 13 complaints decided in 2006/07, 3 were referred back to your council because you had not had sufficient prior opportunity to consider them before I became involved. A further complaint was not within my jurisdiction to investigate. In the other 9 cases, I exercised my discretion not to pursue the matter further, generally because I did not consider there had been fault by the Council, or because I considered there was insufficient fault to warrant my continued involvement.

My Assistant Ombudsman has recently met again with officers of the Council to discuss concerns which, while not always leading to settlements, have arisen from complaints about planning matters in recent years. These include:

- The adequacy of the Council's procedures for publicising planning applications with site notices. These may not always be the best or most appropriate way of publicising applications. They should be posted on or near the site and should be dated with the date of posting. This was not always happening. I should also expect a record of where and when they are posted (perhaps with a digital photograph). This was not always happening.
- When neighbour notification letters were sent, they were not always sent to the closest affected properties.
- Where site notices were supplemented by neighbour notification letters, the Council had a practice of allowing 17 days for responses. The logic of moving from the 21 days for publicity set out in regulations was unclear. I understand the Council no longer does this.
- For a time, the Council experimented with not producing a written report for decisions which were delegated. I am pleased to note that the Council abandoned this experiment.
- The Council's policy on speaking at Committees was not referred to in correspondence with an objector and there was no reference to the policy on the Council's website. I understand that the Council intends to include its policy on its website.
- A complainant was not told that a meeting at which a planning application was to be decided had been rescheduled.
- There were significant delays by the Council in dealing with legal agreements ("section 106 agreements") attached to some planning permissions. As permissions are not issued until the agreements are signed, this delays the permission. Yet as the applicant would know that permission would eventually be granted, it would be unrealistic to expect them to submit an appeal against the Council's failure to determine their application.

Based on the complaints I have seen, the performance of the planning service has been significantly below that which I would expect. The Council's officers have outlined some of the changes that have taken place within the planning department over the last year or so, the ongoing programme of improvements which are intended, and improvements in performance. I will monitor the situation to ensure promised improvements occur.

Your Council's complaints procedure and handling of complaints

The target time for providing responses to my staff's enquiries about complaints is 28 days. In 2006/07 the Council's average response time was 54.5 days, almost double the target and slightly worse than the figures about which I expressed concern last year. Only one response was received within the target time.

In my annual letter to you for 2005/06 I said:

"Last year I understood that the staffing problems in the planning team had been addressed and, when my Assistant Ombudsman met you and your senior managers and staff of the Planning Department in September he was led to believe that performance would improve. I regret that any improvement has not been sufficient to provide what I consider would be an appropriate level of service to me, or to complainants".

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In 2006/07 on three occasions the Council's response to my enquiries on planning cases took more than 80 days. One case took 98 days and the average time for responding to all planning and building control complaints was 61.3 days. This is very far from adequate.

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 and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. 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.

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.

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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.

Tony Redmond
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	Transport and highways	Total
01/04/2006 - 31/03/2007	1	0	0	17	0	18
2005 / 2006	0	0	3	24	4	31
2004 / 2005	1	1	3	20	1	26

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	0	2	0	0	5	4	1	3	12	15
2005 / 2006	0	3	0	0	10	7	4	6	24	30
2004 / 2005	0	7	0	0	9	5	4	5	25	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
01/04/2006 - 31/03/2007	12	54.5
2005 / 2006	6	52.7
2004 / 2005	11	45.8

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