



The Commission for
Local Administration in England

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

Newcastle-Under-Lyme Borough 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 Newcastle-Under-Lyme Borough Council 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 25 complaints during the year, a significant reduction on the 35 received in 2005/06. We expect to see these fluctuations year on year.

Character

Seventeen complaints were received about planning, one about benefits, one about public finance and one about transport and highways. Of the five complaints in the 'other' category, two were about environmental health, one about land, one about drainage and one about employment and pensions (outside my jurisdiction). We received no complaints about housing. This is commendable as in the previous year, six complaints had been received.

Decisions on complaints

Reports and 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. When we complete an investigation we must issue a report. Three complaints were settled locally.

In one case, the Council delayed investigating a breach of planning control relating to the use of a site for car auctions. The same complainant also raised a query about another possible breach of planning control to which the Council failed to respond. To settle the complaint the Council agreed to keep the complainant informed of its continuing actions and it also paid him £500 in respect of the delay.

Another complaint that was settled also concerned delays by the Council in respect of enforcement action. Despite taking legal advice on whether the storage of plant machinery at residential premises amounted to a breach of planning control, the Council failed to take a decision and failed to keep the complainant informed. As the situation was still unresolved, the Council agreed to pay the complainant £300 plus a further £50 for every month until a decision on whether to take enforcement action was made.

I issued one report on two complaints against the Council during the year. These complaints also concerned delays in relation to enforcement action. The Council investigated the reported breaches of planning control and quickly came to a view on whether enforcement action was expedient. However, it failed to communicate this decision to the complainants who were left not knowing what was happening and with the impression that the Council was doing nothing. When they complained

about this, there were considerable delays in responding to them. I concluded that although the Council had reached a reasonable and timely decision, its failure to notify the complainants of this was maladministration. The Council apologised and paid each complainant £250.

In total, the Council paid compensation of £1,300 in respect of complaints brought to me. I am grateful to the Council for its assistance in settling these complaints.

Other findings

Thirty complaints were decided during the year. Of these six were outside my jurisdiction for a variety of reasons. Seven complaints were premature and, as I mentioned earlier, three were settled locally and two were the subject of a report. The remaining 12 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints received has improved since 2005/06. While I am aware that complaints can be made on-line via the Council's website, I note that there is no link to the on-line forms from the home page either via the "have your say" page or in its own right. You may wish to consider making your on-line complaints form more visible which may assist in reducing the number of premature complaints.

Of the seven complaints referred back to you as premature, just two were resubmitted to me. This is encouraging, and strongly suggests that when complaints do reach the appropriate people in the organisation they work hard to resolve them.

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.

Liaison with the Local Government Ombudsman

We made enquiries on 17 complaints this year, and the average time for responding was 61 days, a dramatic deterioration on the 31 days it took last year. This is unacceptable. It is not the first time that I have had to comment on this issue. Again this year the lack of response to my enquiries has caused a great deal of concern and on several occasions responses were only received after I informed the Council that a summons would be issued.

Last year I commented on the action I had taken by issuing a summons requiring the Chief Executive and other senior officers to attend my office to provide information. During that visit we agreed a protocol for handling planning complaints which I hoped would improve the Council's response times. I am dismayed that the Council did not follow that protocol and that as a result complainants suffered further delays in the resolution of their complaints.

Barbara Hedley, Assistant Ombudsman, visited the Council this year and gave a presentation to Members about the role of the Ombudsman. I am aware that there have been many changes of senior manager within the Council this year and we have been advised that a new complaints procedure will be introduced. I would be grateful if you could provide me with details of this, including the timescale for implementation. I expect to see concrete improvements in the coming year.

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 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
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Adult care services	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	0	1	0	5	17	1	1	25
2005 / 2006	0	0	6	3	24	2	0	35
2004 / 2005	1	0	1	2	19	1	0	24

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	2	3	0	0	6	6	6	7	23	30
2005 / 2006	0	9	0	0	5	3	1	7	18	25
2004 / 2005	1	4	0	0	9	7	1	11	22	33

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	17	61.1
2005 / 2006	14	31.2
2004 / 2005	11	80.2

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