



The Commission for  
Local Administration in England

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

# **North Cornwall 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 North Cornwall District 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 29 complaints during the year which was a considerable reduction on the 38 received last year. But that figure of 38 had included five about one particular planning issue, and I expect to see these fluctuations year on year.

### ***Character***

As in the previous two years, the majority of the complaints were about planning and building control. There were six complaints about housing and four in the 'other' category comprising complaints about drainage, environmental health, waste management and one miscellaneous complaint. As last year, no complaints were received about benefits, which suggests the Council has a well run service which deals well with complaints. The same applied to transport and highways and to public finance. Each of the last three sections has received only one complaint over the last three years and staff should be pleased with this record. I am aware that the planning issues around the St Merryn Holiday Village site have been the subject of several complaints over recent years and I am pleased to note that the Council has now taken Counsel's advice in order to seek a resolution to these issues.

## **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.

Four complaints were settled locally during the year. In one case the Council apologised to a complainant after it had wrongly included his property on a plan showing properties that were subject to a Section 106 agreement. It also revised the plans and these now show the correct situation. This was seen as a satisfactory resolution and no compensation payment was warranted. Another complaint was settled without any payment being made, by the Council making alterations for a complainant who was disabled and required better access to her home and a new shower. The Council paid one complainant £100 for its failure to reschedule a cancelled appointment to discuss a right of way over common land and it settled another right of way complaint by apologising for failing to follow procedures and by paying the complainant's solicitor's costs and offering compensation for delay. The total payment in that case was £500.

I did not have cause to issue any reports against the Council.

## ***Other findings***

During the year 32 complaints were decided, the same number as the previous year. Of these, two were outside my jurisdiction and seven were premature. As I have described, four more were settled locally. The remaining 19 were not pursued as there was no evidence of maladministration or because it was decided for other reasons not to pursue them. That was mainly because I did not believe that significant injustice flowed from the fault alleged.

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

The number of premature complaints rose from three in the previous year to seven. But the figure represents 21% of the total, below the national average of 28%, and I have no immediate concerns.

It is pleasing to see that the Council retains its hyperlink to the Commission's website on its own website.

## **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.

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

We made enquiries on 13 complaints this year and the average time for responding was 29 days, an improvement on the 32 days it took last year. I hope that the Council can continue to improve this response time to meet our target of 28 days.

Nobody from the Council attended the latest annual link officer seminar although I am aware the link officer has attended before this. You may wish to consider sending someone to the seminar to be held in November. If so, please let Reynold Stephen (the Assistant Ombudsman) know and he will arrange for an invitation to be sent. In addition, if it would help for Mr Stephen to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

## **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**

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

**June 2007**

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	0	6	4	19	0	0	29
2005 / 2006	0	5	6	26	0	1	38
2004 / 2005	1	4	1	18	1	0	25

**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	4	0	0	13	6	2	7	25	32
2005 / 2006	0	0	0	0	10	14	5	3	29	32
2004 / 2005	0	10	0	0	11	4	5	4	30	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	13	29.2
2005 / 2006	17	32.1
2004 / 2005	11	27.3

### 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