



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
North Devon 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 Devon 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, a small reduction on the 32 last year, but we expect to see some fluctuations over time.

Character

As I noted in last year's letter a significant proportion of complaints concerned planning. The 21 complaints in 2006/07 represented a further increase in this area. Three complaints were about housing and one in the 'other' category was about waste management. Three complaints were received about public finance but none about housing benefit. One complaint in the transport and highways category was about disputed parking charges.

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.

Four complaints were settled locally. In two complaints, about planning enforcement, the Council accepted that during a delay in resolving enforcement issues flooding occurred and it agreed to pay compensation of £500 to one complainant and £50 to another as well as sending a monthly report to the complainants about the ongoing enforcement. In another complaint about planning enforcement, the Council failed to respond to letters from the complainant following a visit from an enforcement officer but, when responding to searches, informed the prospective purchaser's solicitor that an enforcement investigation was still outstanding. This was information not requested in the search. The Council agreed to review the approach to revealing investigations to third parties prior to taking formal action and pay the complainant £350 to reflect the anxiety, uncertainty and time and trouble he had spent pursuing the complaint. The remaining complaint raised no issues of particular interest and did not involve the payment of compensation.

The total compensation paid was £900. I am grateful to the Council for its assistance in settling these complaints.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

Other findings

Thirty complaints were decided during the year. Of these three were outside my jurisdiction for a variety of reasons. Eight complaints were premature and, as I mentioned earlier, four were settled locally. The remaining fifteen 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 fault alleged.

Your Council's complaints procedure and handling of complaints

Your Council's complaints process appears clear and is available on the website. Complaints can be made online, a facility increasingly valued by citizens. No issues arose in the complaints I have investigated which relate to the Council's complaints process.

Of the eight premature complaints I referred to earlier, five had been resubmitted by the end of the year. Each of them was about fundamental disagreement with the merits of planning decisions and so I do not believe this in itself indicates any defect in the Council's processes.

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 ten complaints this year, and the average time for responding was 28 days, a slight increase on the 25 days it took last year. But, our target for responses is 28 days, and I am grateful to the Council for its efforts in meeting the target for the second year running.

I was pleased to welcome your link officer to the seminar I held in Coventry in November. I hope she found the seminar useful.

In addition, if it would help for Stephen Purser, the Assistant Ombudsman, 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 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	3	1	21	3	1	29
2005 / 2006	2	2	9	16	3	0	32
2004 / 2005	2	2	3	18	3	2	30

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	9	6	3	8	22	30
2005 / 2006	0	3	0	0	13	6	7	8	29	37
2004 / 2005	0	3	0	0	19	4	3	4	29	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	10	28.2
2005 / 2006	14	24.9
2004 / 2005	17	43.8

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