



The Commission for
Local Administration in England

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

We received 50 complaints during the year, almost double the number received last year (26).

Character

Planning and building control complaints more than doubled from 16 to 34. But these included ten complaints about the same issue. There was also an increase in the 'other' category from six to nine. These included complaints about antisocial behaviour (two), environmental health (four) and single complaints about leisure and culture, waste management and an investigation carried out by the Council's Monitoring Officer.

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.

There were four local settlements during the year with compensation amounting to a total of £700.

The Council failed to respond appropriately to a request that it apply for an order to withdraw a school's exemption certificate for caravan rallies and then failed to respond to a complaint. The Council agreed to gather information and put a report to Cabinet so that it could decide whether or not to apply for an order. In the event it did not. The Council paid £250 for the complainant's time and trouble.

The Council misread plans sent in for advice and told a resident that planning permission was not required for a garage. When he built it and his neighbour complained, the Council found that the height of the garage was such that planning permission was required. The matter was placed before the Development Control Committee who took the view that the application would have been approved. The Council agreed to pay the complainant £400 in recognition that the Council's error denied him the opportunity to comment before the garage was built.

The other two cases raised no exceptional issues and resulted in apologies and a payment of £50.

I am grateful to the Council for providing appropriate redress in these cases.

I issued a report on ten complaints about the same matter this year. I identified errors in publicity for a planning application and in the process leading to approval against the officer's recommendation. I took the view that the planning outcome was unlikely to have been different but for the errors and so residents' amenity was not affected by the maladministration. They were, however, caused a sense of grievance and concern about highway safety issues, and had been put to unnecessary time and trouble in pursuit of the complaint.

I recommended a payment of £250 to each complainant together with a review of procedures.

The Council's initial response was to question the appropriateness of paying the complainants compensation when I had concluded that the planning outcome was unlikely to have been different. But my recent meeting with the Chief Executive and the Council's Solicitor was very positive and Members will be reviewing the matter shortly.

Other findings

Forty-three complaints were decided during the year. Of these three were outside my jurisdiction for a variety of reasons. Seven complaints were premature and, as I mentioned earlier four were settled locally and ten were the subject of a formal report. The remaining 19 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 number of premature complaints (seven) is low compared to the number of decisions made (43), approximately 16%. The national average is 28%. This suggests that the Council's complaints process is visible to customers and that staff signpost the complaints process for customers who remain unhappy with what the Council has done.

Your Council's website is accessible and enables members of the public to make a complaint or pay a compliment quickly and easily. I note that you have our old telephone number on that web page and it would be helpful if this could be updated.

Only two of the seven complaints referred back to you were re-submitted to me and I found no reason to pursue an investigation.

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.

We delivered the effective complaints handling course at the Council on 4 June 2007. I hope this was useful. If we can provide any further training for you please let Barbara Hedley, Assistant Ombudsman, know.

Liaison with the Local Government Ombudsman

We made enquiries on 22 complaints this year, and the average time for responding was 40 days, a six day increase on the 34 days it took last year. This is unsatisfactory and can undermine a complainant's confidence in the process. I have no doubt that the way my enquiries are dealt with centrally by the Council could be improved. I hope the Council will consider taking immediate steps to improve its response times here.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Barbara Hedley, Assistant Ombudsman, know and he will arrange for an invitation to be sent.

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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	3	9	34	0	2	50
2005 / 2006	1	2	6	16	0	1	26
2004 / 2005	4	2	7	20	3	0	36

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	10	4	0	0	15	4	3	7	36	43
2005 / 2006	0	2	0	0	7	3	2	2	14	16
2004 / 2005	0	4	0	0	16	5	7	9	32	41

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	40.3
2005 / 2006	18	34.2
2004 / 2005	12	37.5

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