



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
North Somerset 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 Somerset 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 53 complaints during the year, a significant reduction on the 90 received in the previous year. Planning complaints in particular have decreased for the second year running contrary to national trends. This is a welcome development.

### ***Character***

Eighteen complaints were received about planning and building control, thirteen complaints were about public finance and seven were about benefits. There were five or fewer complaints in all the other categories.

## **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.

This year your Council settled thirteen complaints. Five of these complaints were about local taxation, four of those concerning recovery action taken by the Council. In three cases there were shortcomings in the information given to the complainants about the amounts of council tax outstanding. In two cases failings in the administration of the complainants' council tax benefit led to recovery action being taken that should have been avoided. The Council agreed to pay a total of £1450 compensation in these five cases.

There were three cases about housing benefit and council tax benefit. In one, the Council failed to reach a correct decision on a claim within a reasonable period. In the second case the Council failed to take appropriate steps before determining a claim as defective. In the third case the Council took too long to decide an application for backdated benefit. A total of £425 compensation was paid in these three cases.

Two planning complaints were settled by the Council. Both were about the Council's failure to notify the complainants of planning applications, so denying them an opportunity to object. In one case, where the complainant's property adjoined the application site, the Council agreed to pay £250 compensation and in the other case, where the complainant lived opposite, the Council agreed to pay £400 compensation. In that case the complainant was not notified of two applications in respect of the site.

The remaining cases were resolved by the Council taking appropriate action and did not involve any compensation payments.

I issued a report on two complaints against the Council during the year. Both complaints were about the same planning application. There was a misunderstanding between officers and Members as to what constituted a controversial planning application and important discussions between officers and Members about the application were not recorded. This meant that the Council's procedure for Members to request that the Planning Committee consider an application was not followed. As a result the application was determined by officers using their delegated powers. This denied the complainants an opportunity to present their objections in person to the Planning Committee. I decided that it was likely that Members would not have approved the application in its present form but, as the applicant could have appealed, I could not say what the final outcome might have been. I recommended that the Council should pay each complainant £1000 compensation and review its procedures to ensure the confusion between Members and officers does not recur.

I am pleased to note that the Council has accepted my recommendations.

In total the Council paid compensation of £4525 in respect of complaints made to me. I am grateful to the Council for its help in providing redress for complainants when it can be shown that things have gone wrong.

### ***Other findings***

Fifty-nine complaints were decided during the year. Of these four were outside my jurisdiction for a variety of reasons. Eight complaints were premature and, as I mentioned earlier, 13 were settled locally and reports were issued on two complaints. The remaining 32 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 (eight) is relatively low when set against the number of incoming complaints (53). As was the case last year, this suggests that the Council's complaints process is proving effective in resolving complaints before they come to me. But it might help for the Council to review its arrangements for offering complainants compensation when it is reasonably clear that something has gone wrong. If you feel my staff can offer any assistance here please contact Barbara Hedley, the Assistant Ombudsman.

The Council helps customers make complaints quickly and effectively via its web site, clearly signposting the facility from the home page and provides an electronic complaint form.

### **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 can 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.

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 35 complaints this year, and the average time for responding was 31.2 days, a decrease on the 32.9 days it took last year. I welcome the continuing trend for response times to improve and I hope the Council will continue to strive to meet our target of 28 days. An increasing number of Councils are achieving 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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	1	7	1	2	3	5	18	13	3	<b>53</b>
<b>2005 / 2006</b>	1	6	0	3	4	11	38	15	12	<b>90</b>
<b>2004 / 2005</b>	3	1	0	2	5	7	47	7	6	<b>78</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	13	0	0	17	15	4	8	51	<b>59</b>
<b>2005 / 2006</b>	0	19	0	0	25	26	10	12	80	<b>92</b>
<b>2004 / 2005</b>	1	10	0	0	20	21	7	24	59	<b>83</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	35	31.2
<b>2005 / 2006</b>	54	32.9
<b>2004 / 2005</b>	40	37.3

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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