



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Peak District National Park  
Authority  
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 the Peak District National Park Authority 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 eight complaints during the year three more than received in the previous year. I see nothing unusual in this, I would expect to see small fluctuations year on year.

### ***Character***

All eight complaints were about planning, six of them about planning applications. This is to be expected given the Authorities remit.

## **Decisions on complaints**

### ***Reports and local settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Authority 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.

One complaint was settled locally when the Authority agreed to instruct case planning officers to keep site visit notes recording their consideration of the impact of development on neighbouring properties. In addition, scrutinising officers will consider the whole file. Compensation of £500 was paid to the complainant to reflect his frustration at not knowing whether the impact on his amenity from the development had been taken into account by the decision-maker. However I could not conclude that the outcome would have been different.

I am grateful to the Authority for its assistance in settling this complaint.

When we complete an investigation we must issue a report. I issued one report against the Authority during the year.

The complaint concerned the Authority's failure to monitor a permission for change of use of a site even though written assurances that this would happen had been provided to the Ombudsman previously. My investigation revealed several lapses in systems relating to records keeping, in particular letters missing from the Authority's files, and a failure to record and take appropriate action in respect of complaints about planning breaches.

In addition the Authority took more than four years to resolve the matter, which it did by issuing a new planning permission. This was an unreasonable delay which caused a prolonged period of uncertainty for the complainant. To remedy this complaint the Authority agreed to bring the matter to a speedy conclusion; pay the complainant £750; and report to me within three months on how it will

monitor the conditions in future. On 20 July 2006 I was satisfied that the Authority had provided the agreed remedy.

In total, £1,250 was paid in compensation.

### **Other findings**

Six complaints were decided during the year. Of these two were outside my jurisdiction because the complainant had an avenue of appeal to the Planning Inspectorate. As I mentioned earlier, I reported on one complaint and one complaint was settled locally. The remaining two were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

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

There were no complaints returned to your Authority as premature. This suggests that the Authority's own complaints procedure is well advertised and is working effectively.

### **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 run open courses for groups of staff from smaller authorities and also customise courses to meet your Authority'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 two complaints this year, and the average time for responding was 34 days, against a target of 28 days. This is longer than the 22 days it took last year. But this year the figure was affected by the time taken responding to a more complicated complaint. I hope the Authority will take steps in the coming year to return to its excellent performance record here.

### **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 Authority'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  
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Planning & building control	Total
01/04/2006 - 31/03/2007	8	8
2005 / 2006	5	5
2004 / 2005	5	5

**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	1	1	0	0	1	1	2	0	6	6
2005 / 2006	0	1	0	0	3	1	0	0	5	5
2004 / 2005	0	0	0	0	0	1	2	1	3	4

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	2	34.0
2005 / 2006	4	22.3
2004 / 2005	0	0.0

**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