



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Penwith 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 Penwith 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 35 complaints during the year, a very slight rise on the previous year. We expect to see these fluctuations over time.

Character

As in the past two years, most complaints were about planning and building control, with 18 in all. I noted that at least three complaints related to failures to consult neighbours about planning applications or to consider the impact of developments on neighbours' amenity and I trust that Planning Officers have acted to address these concerns by neighbours. Six complaints were about transport and highways, an increase from three last year. We received four complaints about benefits and four about housing, both similar numbers to last year, and two about public finance. One complaint, about anti-social behaviour, was classed as 'other.' These figures are broadly similar to last year's.

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.

I am pleased to record that, for the fourth consecutive year, I had no cause to issue any reports against the Council. However, eight complaints were resolved by local settlements, an increase on the previous two years. Seven of these involved financial settlements.

In one case the Council paid £500 to a complainant after it failed to consult him about a neighbour's planning application, failed to take into account the effect of the development on his listed building and historic garden, and dealt inadequately with his own planning application for a change of use. In another planning complaint the Council paid £400 and refunded the planning fee to a complainant who had been advised to resubmit a planning application and was then told it could not be considered after he had gone to the expense of obtaining new drawings. In another case the Council paid £250 to a complainant after it failed to consider the impact on his amenity of a planning application by a neighbour. A similar complaint that the Council had failed to notify the complainant about a planning application for a neighbouring property was settled by an apology and a payment of £150 for his time

and trouble in pursuing the complaint. The Council also arranged for the neighbour to plant a screen of trees. A complaint that the Council forgot to instruct bailiffs not to pursue a debt over alleged Council Tax arrears was settled by apologising and paying the complainant £100 in compensation for sending the bailiffs in error. A landlord complained that the Council had failed to pay his tenant's housing benefit directly to him, despite the tenant being more than eight weeks in arrears; the Council paid him £50 to reflect his time and trouble and undertook to monitor new procedures for dealing with payments direct to landlords. The Council also paid £50 for a complainant's time and trouble in pursuing a complaint that he was not told of his right to a review over a decision to refuse a Disabled Facilities Grant. One complaint was settled without any payment. This related to an undertaking made in a previous complaint to re-consider the complainant's application for a reserved parking space. The Council did this and ensured he was involved in a review of car parking in his area. The total amount paid to complainants during the year was £1,500.

Other findings

Thirty five complaints were decided during the year. Eight were returned to the Council as premature complaints and another seven were outside my jurisdiction for various reasons. As I said earlier, eight more were settled locally. The remaining nine were not pursued because no evidence of maladministration was found or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

The percentage of premature complaints was 22% which is below the national average of 28%. This suggests that the Council's complaints process is operating successfully in most cases to ensure complainants know where to take their complaints at the outset. But most of the complaints that I upheld involved small payments of compensation and it seems to me that the Council could do more to resolve matters within the complaints procedure. It is better for all concerned if matters can be resolved locally, without recourse to me.

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

Last year I was concerned by the time it had taken the Council to respond to my investigators' enquiries. I wrote "The average time taken this year was [53.5] days, despite the fact that we made fewer enquiries. The deterioration in performance affects all areas of the Council's operation and is frankly unacceptable. The Council should now restore its response times to the good performance of earlier years." I was therefore very pleased to note that the average response time during the last year was down to 23 days, well within our target of 28 days. I commend the Council for putting in place successful measures to correct the problem and I hope that this can now be maintained.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the next seminar to be held in November. If so, please contact Reynold Stephen (the Assistant Ombudsman) 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 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

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June 2007

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

Complaints received by subject area	Adult care services	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	0	4	4	1	18	2	6	35
2005 / 2006	0	3	4	4	14	4	3	32
2004 / 2005	2	6	1	9	22	2	1	43

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	8	0	0	9	3	7	8	27	35
2005 / 2006	0	5	0	0	10	3	6	7	24	31
2004 / 2005	0	4	0	0	14	5	7	10	30	40

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	15	22.9
2005 / 2006	10	53.5
2004 / 2005	16	27.6

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