



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
South Somerset 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 South Somerset 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 31 complaints during the year, a reduction by a quarter on the number of complaints last year.

Character

Nineteen complaints were received about planning:- still the dominant subject area, but substantially down on last year. Three were about local taxation (public finance), and one each on benefits and transport and highways. The seven categorised as 'other' were made up of two environmental health cases, two waste management, and one each of drainage, antisocial behaviour, and licensing issues.

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.

During the year five complaints were settled locally and compensation payments totalling £1,300 were made. The settlements all concerned planning matters.

In one complaint the Council failed to research fully the enforcement history of a site adjacent to the complainant leading to a delay in assessing whether it should take enforcement action. The Council accepted that this had caused frustration to the complainant who had relied upon the Council to assist with problems nearby. The Council agreed to pay the complainant £300.

In another case, when considering a planning application by the complainant's neighbour, the Council failed to protect one of the complainant's trees. There was a likelihood that the tree would be damaged as a result of the development. Following our enquiries the Council accepted that it should have taken greater account of the effect of development on the tree. It agreed to carry out an annual inspection of the tree for the next five years and to pay for any necessary safety works up to a total of £1,000. The Council also agreed to reimburse the complainant's initial cost of instructing a tree expert to assess the potential damage.

In the third case the complainant had submitted written objections to a planning application on a site near to his home. The Council promised to inform the complainant of the date of the committee meeting that would consider the application but on two occasions failed to do so. As a result the

complainant lost the opportunity to address the meeting and highlight his objections. I did not consider that the decision on the application would have been different if the complainant had addressed the committee, but I acknowledged his sense of frustration and grievance. The Council agreed to pay the complainant £150 in recognition of this.

In a similar vein, in the fourth complaint that was settled the Council failed to take into account the complainant's objections to a planning application, and those of the parish council, as a result of delay in updating computer records. This meant that the application was determined by delegation rather than by the planning committee. As with the previous complaint I considered that the decision on the application would not have been different, but again I accepted that the complainant experienced frustration and a sense of outrage that his views appeared not to have been taken into account. The Council agreed to pay compensation of £500.

In the final complaint the Council failed to inform the complainant of an amendment to a planning application by her neighbour. The amendment led to the construction of a dormer window rather than rooflights. The Council accepted that the complainant should have been informed of the amendment and that a new planning application should have been submitted. If a new application had been submitted the Council accepted that it was unlikely that the dormer window would have been approved. The Council agreed to arrange for a valuation to determine if the complainant's property had been devalued as a result. This led to her receiving a small payment of compensation. The Council also agreed to make a further small payment for failing to respond to her letters of complaint.

In all these cases the Council readily accepted that there had been fault and responded positively to my suggestions for settlement.

I issued no reports against the Council during the year; although one reported case has been recently issued and it will be reviewed in my 2007/08 annual letter.

Other findings

Thirty-four complaints were decided during the year. Of these, two were outside my jurisdiction and, as I mentioned earlier, five were settled locally. I received seven complaints that had not been through the Council's complaints procedure. I referred these back to the Council for consideration. The remaining 20 complaints 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

Your Council's complaints procedure is readily available on your website and complaints can be made online. There is also a link to our website. Four of the complaints I received this year had previously been referred back to the Council for consideration under your own complaints procedure. None of these resulted in a finding of maladministration. This is an indication of the effectiveness of the Council's complaints procedure.

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. I recall that we delivered an Effective Complaint Handling course to officers of your council in 2005/2005.

Since then the range of courses has expanded 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 have introduced an Effective Complaint Handling course for planning and enforcement officers. 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.

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 13 complaints this year, and the average time for responding was 25.5 days, well within our target of 28 days. I am most grateful for your excellent performance in this area.

I was pleased to welcome two of your officers to the liaison officers' seminar I held in Coventry in November. And in October I held a seminar for Somerset councils on maximising public value from good complaint handling. I hope your officers found these events useful.

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	1	0	7	19	3	1	31
2005 / 2006	0	0	8	32	0	2	42
2004 / 2005	1	1	9	21	0	3	35

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	5	0	0	11	9	2	7	27	34
2005 / 2006	0	4	0	0	15	7	7	4	33	37
2004 / 2005	1	7	0	0	11	6	3	8	28	36

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	13	25.5
2005 / 2006	25	25.9
2004 / 2005	12	19.3

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