



The Commission for  
Local Administration in England

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

**Teignbridge 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 your 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 44 complaints during the year, a significant reduction on the 65 received in the previous year. However, last year, there were two planning issues which accounted for 18 and 23 complaints respectively. In this context and given that we expect to see fluctuations over time, I see no significance in the fall.

### ***Character***

Twenty-four complaints were received about planning, and five about housing. Four complaints were received about local taxation and also about transport and highways matters. Of the five complaints received in the other category, three were about antisocial behaviour, one about drainage and one about miscellaneous matters. Two complaints were received about housing benefit.

## **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 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.

Twenty-four complaints were settled locally. These included the 18 complaints about one particular planning matter which I referred to earlier. In this case, the Council failed to issue a Notice of Refusal for an application to erect a telecommunications mast and base station within the 56-day deadline and so the developer was deemed to have gained consent. The Council sought my advice with regards to a suitable remedy. I accepted the Council's position that it would have granted permission to a revised scheme which was being drawn up at the time of the failed refusal. But I also asked the Council to consider a remedy which would bring general benefit to the entire community in practical terms to recognise the complainants' outrage at the failure and their time and trouble in having to pursue the complaint. The Council proposed a solution which would cost about £3000; it then entered into negotiations with the Parish Council to decide the most suitable outcome. I understand that this is still being discussed.

A further complaint, about Transport and Highways, was that the Council acted outside its powers in changing the names of the street on which the complainant owned a business and also that the

Council failed to consult residents or to demonstrate that there was a majority agreement by residents. At the start of our investigation the Council agreed to meet with the complainant along with the local Ward Councillor and the Chairman of the Parish Council and another local resident. It was agreed that the Council could have provided a better service in this respect and the Council sought my views on how to proceed with the matter. I recommended that the Council apologise and make a payment of £250, which it agreed to do.

We also received a complaint about the administration of a private housing grant. The complainant had moved into a ground floor flat which needed major repairs to the wall which faced the sea. It turned out that the disrepair also affected the flats above and so she and the other owner occupiers applied for a Common Parts Grant. A number of complaints were raised about the Council's handling of the matter. My investigator concluded that there was delay, poor communication and a failure to take action or to provide adequate information. The Council agreed to make payment of £750 and to apologise for the time and trouble caused to the complainant. The Chief Environmental Health Officer confirmed that he had taken on board my investigator's comments regarding the inadequacy of records and file notes and so minimise the chances of similar criticism in the future.

In a further complaint about planning applications, the Council gave approval for the complainant's neighbour to build out towards the shared boundary. But it failed in its delegated report to state that one of the complainant's windows faced a window on the development. It also failed to demonstrate whether the height of the extension meant that there would be a degree of overshadowing. I recommended that the Council make a payment of £250 in recognition of the complainant's sense of outrage at the defects in the report.

The total paid to individual complainants in compensation by the Council over the year was £1450. I am grateful to the Council for its assistance and willingness to settle these complaints.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

### ***Other findings***

Eighty complaints were decided during the year. Of these six were outside my jurisdiction for a variety of reasons. Ten complaints were premature and, as I mentioned earlier, twenty four were settled locally. The remaining forty 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 (ten) is fairly low when set against the number of incoming complaints (44) and six of these were about planning where a high rate of resubmission can be expected. This suggests that the Council's complaint process is reasonably accessible to its customers and that staff also ensure that citizens are made aware of how they might make a complaint if they remain unhappy with what the Council has done.

I am pleased to see that the Councils' website now sets out clearly, following a suggestion I made in last year's letter, how a customer might make a complaint and what the subsequent procedure is, including details of how to contact my office.

## **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. These are 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**

We made enquiries on 41 complaints this year, and the average time for response was 44.6 days against a target of 28 days. This is significantly worse than last year's average of 16.9 days. I appreciate that the number is skewed by the 49 days taken by the Council to respond to a multiple complaint about a planning matter but the figures still show that on twelve other complaints the Council failed to respond within the target time. I have no doubt that the Council could improve the way it handles my enquiries centrally and it should now consider how to do so and let me know the outcome.

I note the Council now has a new link officer who will not have attended our previous annual link officer seminars and you may wish to consider sending him to the seminar to be held later in November. If so please let Stephen Purser the Assistant Ombudsman know and he will arrange for an invitation to be sent. In addition, if it would help for him to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange 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 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**  
**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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	5	5	24	4	4	<b>44</b>
2005 / 2006	0	1	5	56	2	1	<b>65</b>
2004 / 2005	1	3	7	7	0	0	<b>18</b>

**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	24	0	0	36	4	6	10	70	<b>80</b>
2005 / 2006	0	4	0	0	7	2	4	7	17	<b>24</b>
2004 / 2005	1	6	0	0	13	6	1	6	27	<b>33</b>

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	41	44.6
2005 / 2006	21	16.9
2004 / 2005	13	38.2

**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