



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Torridge 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 32 complaints against the Council during the year, the same as the previous year.

Character

As in previous years, the majority of complaints (19) concerned planning. This reflects the rural nature of the district and the concern residents have to safeguard as far as possible their amenity.

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.

Two complaints, both on planning matters, were settled locally during the year.

- One concerned part of a development for which planning permission was granted in 2002. I took the view that the Council had not taken sufficient steps at that time to assess the implications of a steeply sloping part of the site on the design of the building nearest the complainants' homes; the Council had failed to record the Members' site visit and what had been considered at that time; and the planning files on the application were poorly maintained. Although the evidence did not support a conclusion that these failures undermined the decision on the application, they did cause the complainants some injustice in the sense of outrage they felt at the Council's failures. They would never know whether the Council would have approved the design of that building as it now stands or would have considered removing permitted development rights for the new building, and they felt the Council had not been transparent in the way it dealt with the application. I discontinued the investigation following the Council's agreement to a compensation payment of £1,000 and its undertaking to review file management procedures.
- The other local settlement included agreement to a compensation payment of £150 and recognition by the Council of delay during 2004/5 in responding to an enquiry about the need for planning permission and the effect this had on the complainant's actions. In closing this case I was pleased to note that the Council had increased staffing and made significant improvements in its performance since the period of time covered by this complaint.

The total paid was £1,150.

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

Other findings

A total of 32 decisions were made on complaints during the year (including the two local settlements).

The number of premature complaints (12) is relatively high, nearly a third of complaints received. This suggests that the Council's complaints process may not be sufficiently visible to customers or that staff, when dealing with requests for assistance, do not signpost the complaints process for customers who remain unhappy with what the Council has done.

On nine complaints investigation was not pursued because there was no or insufficient evidence of maladministration to warrant investigation, five complaints concerned matters which were outside my jurisdiction and four were not pursued for other reasons.

Your Council's complaints procedure and handling of complaints

Of those 12 premature complaints which were referred back to the Council for consideration, only three have been resubmitted to me. This suggests that the Council's handling of complaints through its own complaints procedure is generally robust.

The Council's website includes a clear statement of its complaints procedure and how to pursue it, and usefully allows submission of complaints through an on-line complaints 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. 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 only six complaints this year, compared with 19 and 18 for each of two previous years. This creditably indicates that, when complaints are submitted to me, complainants have generally received a full response from the Council, sufficient for a decision to be made on the complaint without formal enquiries.

I am very pleased to note for this year an average response time to our enquiries of 19 days against the target of 28 days. This compares very favourably with the average of almost 40 days for each of the two previous years. The reduced number of enquiries probably assisted here but I commend staff who have contributed to this impressive improvement in performance and hope that it can be maintained for the future.

I was pleased to welcome the Council's newly-appointed link officer and planning support manager to the annual seminar held in Coventry in November. I hope they found it useful. In response to last

year's Annual Letter you invited my Assistant Ombudsman to give a presentation to Members following the May 2007 elections and I hope that arrangements for this will soon be agreed.

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	1	2	8	19	2	0	32
2005 / 2006	1	1	1	26	1	2	32
2004 / 2005	4	4	11	26	0	2	47

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	2	0	0	9	4	5	12	20	32
2005 / 2006	1	9	0	0	13	8	6	9	37	46
2004 / 2005	0	5	0	0	4	14	2	10	25	35

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	6	19.0
2005 / 2006	19	39.8
2004 / 2005	18	39.7

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