

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
East Cambridgeshire District  
Council  
for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about East Cambridgeshire District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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 seven complaints against your Council during the year, 12 fewer than last year. That is a big reduction, although we do expect to see fluctuation year on year

### ***Character***

The majority of complaints received concerned planning and building control. This is where the greatest reduction was recorded, from 16 in 2006/2007 to four in 2007/2008.

One complaint was received about public finance.

The remaining two complaints were recorded in the "Other" category. They included a complaint about anti social behaviour and one about waste management.

We received no complaints about housing or benefits.

## **Decisions on complaints**

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

When we complete an investigation we issue a report.

I issued one report during the year on an investigation into four complaints. All concerned the processing of a planning application for a development on land which was formerly part of a gasworks. I criticised the Council for failing to consider whether a condition should have been imposed on the planning approval to require a soil survey and remediation. I also criticised it for failing to take into account Government advice and guidance on dealing with applications for development on contaminated land. The result of that failure was that contamination of the site was not identified prior to the development commencing and the four complainants now own properties which are based on land classed as contaminated land. In addition to significant sums committed by the Council to remediate the contaminated land properties the Council also agreed to pay each complainant £5,000 and to carry out remediation of their gardens at no cost to them.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Three complaints were settled locally this year, and the Council paid a total of £311 in compensation.

In a complaint about local taxation I criticised the Council for failing to inform the complainant that her payments had been allocated to her council tax arrears, rather than her current year's account, which led her to pursue complaints about missed payments when no missed payments had occurred. I also criticised the Council for failing to address that issue in its response to her complaint. The Council agreed to withdraw one set of summons charges and paid the complainant compensation of £100.

In another complaint about local taxation the Council failed to inform the complainant about how to claim a refund of overpaid council tax. I welcome the Council's acknowledgement that it was at fault here and its willingness to refund £211 to the complainant.

No specific learning points were raised by the remaining complaint.

### ***Other findings***

One complaint was treated as premature and referred back to your Council so that it could first be considered through your Council's complaints procedure.

The remaining six complaints were not pursued because no evidence of maladministration was seen.

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

I am pleased to see that the number of premature complaints made to me has declined from 13 to just one. This suggests that your Council has a robust complaints handling procedure which is easily accessible to residents in the Council's area.

The complaint that had been referred back to the Council as premature was resubmitted to me. I did not pursue that complaint because there was no evidence of maladministration.

### **Liaison with the Local Government Ombudsman**

Enquiries were made on five complaints during the year. Your Council's average response time of 43 days is a significant deterioration on last year's average of 31 days. Only two cases were responded to within the 28 day deadline.

The three cases which exceeded 28 days were all complaints about planning and building control. The Council took 70, 54 and 43 days to respond to those three complaints. I consider these delays to be unacceptable, particularly in cases where complainants are vulnerable or have an ongoing injustice. I hope that your Council will make a determined effort in the coming year to effect improvements, particularly in its response to enquiries about planning and building control matters.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

## **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## **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 No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**18 June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	0	2	4	1	<b>7</b>
<b>2006 / 2007</b>	1	1	0	16	1	<b>19</b>
<b>2005 / 2006</b>	0	1	4	5	5	<b>15</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	4	3	0	0	6	0	0	1	13	<b>14</b>
<b>2006 / 2007</b>	0	2	0	0	4	2	3	4	11	<b>15</b>
<b>2005 / 2006</b>	0	1	0	0	10	2	3	3	16	<b>19</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	5	43.0
<b>2006 / 2007</b>	8	31.0
<b>2005 / 2006</b>	7	27.3

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0