

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

**Ellesmere Port and Neston  
Borough 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 received about Ellesmere Port and Neston Borough Council and comments on the authority's performance and complaint-handling arrangements.

As a result of the Secretary of State's decision on the future structure of local government in Cheshire this is the last Annual Letter that I shall be sending to the Council. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.

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**

During the year my office received 41 complaints against the Council which is in sharp contrast to the total of 9 complaints received in the previous year. Although this represents a significant rise in percentage terms, the numbers are still small and I would draw no conclusions other than to suggest that the Council reflects on possible causes for this rise and the potential for this increase to be the start of a trend.

No patterns emerged during the year in terms of the subject of the complaints sent to me although I do note that 13 complaints about planning and building control matters were sent to me and these constituted the largest single grouping of complaints. I offer no comment other than to say, again, that this may be something the Council will wish to reflect upon.

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

I ask for responses from all authorities to reach me within 28 calendar days and, for the second year running, the Council failed to meet this target. This year the Council took over 35 days on average to reply to my enquiries and although the number of enquiries made was small [and I do accept that some complaints are complex and require more time] I would ask the Council to make more effort to try and ensure that responses to complaints reach me within 28 days.

## **Decisions on complaints**

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

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 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). If an investigation is completed I issue a public report.

I issued no reports against the Council this year.

### ***Other findings***

I determined 43 complaints against the Council this year a figure which differs from the number of complaints received because of work in hand at the beginning and end of the year. Of the 43 decisions taken, 25 were determined as premature while a further 3 were outside of my jurisdiction. In 4 cases I exercised my discretion not to pursue the complaint and in 8 cases I found no evidence of

maladministration by the Council. The Council agreed to settle 3 cases and I am grateful to the Council for its willingness to acknowledge the fact, where appropriate, that something has gone wrong and that the complainant should be offered some form of remedy. In two of these cases the Council agreed to pay financial compensation, £600 in one case, £2,000 in the other, responses which reflect well on the Council following my judgement that maladministration had taken place and caused the complainant in each case some significant injustice.

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

No issues have arisen during the year to suggest that there are any problems with the way in which the Council handles complaints made to it by the public.

### **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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose 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, has 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

### **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex**  
**Local Government Ombudsman**  
**Beverley House**  
**17 Shipton Road**  
**YORK**

**YO30 5FZ**

**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>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	9	15	13	4	<b>41</b>
<b>2006 / 2007</b>	1	1	1	6	0	<b>9</b>
<b>2005 / 2006</b>	0	1	5	6	1	<b>13</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>	0	3	0	0	8	4	3	25	18	<b>43</b>
<b>2006 / 2007</b>	0	2	0	0	2	1	1	1	6	<b>7</b>
<b>2005 / 2006</b>	0	2	0	0	5	2	4	1	13	<b>14</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>	4	35.3
<b>2006 / 2007</b>	2	31.5
<b>2005 / 2006</b>	9	27.1

**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