

# Local Government OMBUDSMAN

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

**Mendip 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 Mendip 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***

Twenty four complaints were received against your Council this year, similar to the number received last year (25).

### ***Character***

Complaints about planning and building control have almost doubled, from ten last year to 19 this. Complaints about benefits have fallen from four to one. Single complaints were received about housing, public finance, environmental health and elections and electoral (matters which are outside my jurisdiction).

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I issued no reports against your Council this year.

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).

Five complaints were settled locally and £2,825 was paid in compensation.

A complainant was concerned that the Council took too long to decide whether or not to take planning enforcement action against his neighbour and failed to keep him informed of its intentions. This caused the complainant an unnecessarily prolonged period of uncertainty, anxiety and distress for which the Council apologised and made a payment of £1,000.

Four complaints concerned planning applications.

In the first, the Council failed to check the accuracy of the submitted plans and to resolve discrepancies. The Planning Board then went on to approve the application without giving substantive reasons for departing from officers' recommendations and the Local Plan. While I could not conclude that the outcome would necessarily have been different had the errors not occurred, they did cause an unacceptable lack of transparency in the planning process. The complainants' confidence in the decision was undermined and they were caused a sense of outrage, uncertainty and anxiety. The

Council was reluctant to accept my decision on the complaint but agreed to make a payment of £1,000.

A second complaint was prompted by failure to notify the complainant of a planning application and to respond to complaints about breaches of planning control. The Council agreed to make a payment of £75 in recognition of the complainant's frustration and its poor communication.

The third case arose after the complainant had made representations about proposed neighbouring development which the Council failed to record properly on the planning file. As a result the file was not referred to the ward Member. I took the view that planning permission would probably have been granted with appropriate conditions imposed on window openings had the fault not occurred. Even so, the fault caused the complainant time and effort, and anxiety. The Council sought legal modification of the planning consent and appropriate modifications were secured. It also made a payment of £500 to the complainant.

The fourth complaint concerned an officer's report on a planning application which failed to refer to the complainant's windows facing the development because these were obscured by vegetation. The complainant was assured that the issues would be covered when reserved matters were considered but they were not. The Council agreed to make a payment of £250 in remedy.

In a somewhat different complaint about planning application the Council resolved the complaint in an appropriate way but the complainant came to me because he remained unhappy. Errors had occurred when the Council dealt with an application seeking determination of whether a submission of details was required for the complainant's agricultural proposals. Further failings followed in the way the complaint was handled. I am satisfied that the Council conducted a rigorous review at the final stage of its complaint process. There were no outstanding issues for me to investigate or resolve and I considered that the Council's remedy of a payment of £500, agreement to review its agricultural determination procedures and its complaints process was appropriate. I am grateful for the Council's actions here.

### ***Other findings***

Of the 29 complaints decided this year, seven were referred back to your Council for consideration through its own complaints procedure. Five were outside my jurisdiction for a variety of reasons. The remaining 12 were not pursued either because no evidence of maladministration was seen or for other reasons, mainly because no significant injustice flowed from the fault alleged.

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

The number of premature complaints (ten) is approximately just under a quarter of the decisions made. This is in line with the national average of 27%.

Four complaints, previously determined as premature, were resubmitted to me during the year and I found no cause to pursue any of them.

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

I made initial enquiries on 11 complaints during the year. The average response time was 46 days which is an improvement on last year's average of just under 52 days but is still well outside my target of 28 days. Only one response was received within target.

It may help you to have more detailed information and I set this out below in tabulated form.

Complaint category	Number of complaints	Response time in days
Benefits	1	55
Housing	1	16
Drainage	1	46
Environmental Health	1	68
Planning and Building Control	6	33,50,40,30,50,51
Public Finance	1	63

This is the third year I have drawn the Council's attention to its unacceptable performance in this area and I will be contacting you in September 2008 to find out what steps have been taken to secure progress.

Sometimes it is necessary for us to make further enquiries and I am disappointed to note that on one occasion I had to advise you that formal action would be taken against your Council if it did not respond. Such delays are damaging to the reputation of your Council, and inevitably undermine the confidence of complainants in the information eventually provided.

### **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 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.

No one from your Council has attended our complaints managers' seminar in recent years and if you would like further information about the session please contact my personal assistant, Mrs L McCaig (email: l.mccaig@lgo.org.uk).

### **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**

**June 2008**

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
01/04/2007 - 31/03/2008	1	1	2	19	1	0	24
2006 / 2007	4	2	8	10	0	1	25
2005 / 2006	1	3	2	10	1	0	17

**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
01/04/2007 - 31/03/2008	0	5	0	0	9	3	5	7	22	29
2006 / 2007	0	4	0	0	7	3	0	5	14	19
2005 / 2006	0	2	0	0	7	2	0	6	11	17

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
01/04/2007 - 31/03/2008	11	45.6
2006 / 2007	11	51.6
2005 / 2006	7	47.1

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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