

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
Mid Beds 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 Mid Beds 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 24 complaints against your Council during the year, eight more than last year and two more than in 2005/2006. We expect to see fluctuations in numbers year on year, and I see nothing significant in the increase.

### ***Character***

Twelve complaints, half of all those we received against your Council, were about planning and building control. This is nearly twice the number received last year (seven). Seven complaints concerned other issues including environmental health, land, licensing and contracts and business matters.

Three complaints were made about benefits and two complaints were made about public finance, similar numbers to the complaints made for these areas last year.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I issued no reports against your Council in 2007/8.

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).

Four complaints were settled locally this year, and the Council paid a total of £1750 in compensation. Two of these complaints were about environmental health, one about housing benefit and one about planning.

1. The Council failed to identify that it was the riparian owner of a ditch and bank at the back of the complainants' properties. The complainants said that there was rubbish in the ditch and overgrown banks had contributed to a rat problem. The Council thought the land had been

transferred to a housing association but an error in the plan meant the Council remained the owner. The Council responded promptly to each stage of my enquiries and my proposed settlement of the complaint. It agreed to maintain the land to a better standard in future and to pay £50 to each of the complainant households for their uncertainty over the matter.

2. The complainant alleged that the Council had failed to enforce planning conditions against a supermarket near his home. Deliveries were undertaken outside the permitted hours and the loading yard was being used contrary to a service agreement. The Council delayed taking legal advice as to whether it could issue a Breach of Condition Notice and subsequently discovered it had poorly drafted two of the conditions resulting in a reduced level of protection of the complainant from disturbance. The Council agreed to pay the complainant £700 for its shortcomings, and to inform him of its decision as to the expediency of further action, a decision it was to make promptly.
3. The complainant reported possible benefit fraud by a relative and complained that the Council had failed to investigate his concerns properly. He considered he could be guilty by association if the Council pursued the matter in the future. The Council agreed to write to the complainant to confirm it would not pursue him, which I considered to be an adequate remedy.
4. A neighbour's representation about a planning application for a sizeable residential development was not on the planning file and could not be shown to have been considered by the officer who exercised delegated authority to approve the application. The case officer's report did not refer to the overlooking that the complainant had written about so the Council could not show that this aspect of her amenity had been considered. I considered that an appropriate remedy for the complainant's uncertainty and outrage would be for the Council to pay her £1000 and the Council agreed. A new application was made by the developer while the complaint was being investigated so we asked the Council to address the issue of overlooking. The Council confirmed the bay window concerned had been removed on the new plans.

### ***Other findings***

Seven complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In one case I took the view that the matter complained of was outside my jurisdiction. The remaining nine complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

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

The proportion of premature complaints has risen in the last year to some 33% which is higher than the national average of 27%. Despite this increase the numbers involved are small and I do not have any concerns about the Council's publicity of its complaint process. The Council's website has clear information about how to complain with direct links to my web site, explaining that I would usually accept a complaint only when the Council has had the opportunity to resolve it.

Three of the seven premature complaints were resubmitted to me. In two cases I decided that a local settlement could be achieved, and I have described these above. I did not pursue one complaint as the complainant did not provide evidence of his injustice arising from the Council's decision for his neighbour's planning application.

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

Enquiries were made on eight complaints during the year. Your Council's average response time of 25.9 days was similar to last year's average. I am very grateful for all your efforts in meeting my target time of 28 days.

The quality of responses is generally very good and I am pleased to note that my officers have had cause to comment favourably on some proactive and helpful responses from your officers which have resulted in speedy resolutions and good outcomes for the complainants. I understand that due to reorganisation pressures an independent officer has been recruited to collate and consider the responses to my enquiries. In these circumstances you may wish to consider if she would benefit from attending one of our link officer seminars. These seminars help to explain how my office operates and how to develop an effective working relationship, and are usually held in the autumn. If you would like someone from your Council to attend, please contact Mr D Pollard, Acting Assistant Ombudsman.

## **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 acknowledge that your Council may not wish to take advantage of our training at this time. But I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings which may be of interest to those officers transferring to the new authority.

## **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**

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

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>Other</b> | <b>Planning &amp; building control</b> | <b>Public finance</b> | <b>Total</b> |
|--|-----------------|--------------|--|-----------------------|--------------|
| <b>01/04/2007 - 31/03/2008</b>             | 3               | 7            | 12                                     | 2                     | <b>24</b>    |
| <b>2006 / 2007</b>                         | 3               | 3            | 7                                      | 3                     | <b>16</b>    |
| <b>2005 / 2006</b>                         | 0               | 1            | 18                                     | 3                     | <b>22</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              | 4         | 0             | 0              | 5             | 4               | 1                           | 7                           | 14                          | <b>21</b>    |
| <b>2006 / 2007</b>             | 0              | 1         | 0             | 0              | 7             | 1               | 4                           | 5                           | 13                          | <b>18</b>    |
| <b>2005 / 2006</b>             | 0              | 1         | 0             | 0              | 10            | 9               | 2                           | 3                           | 22                          | <b>25</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> | 8                             | 25.9                              |
| <b>2006 / 2007</b>             | 8                             | 26.0                              |
| <b>2005 / 2006</b>             | 7                             | 25.6                              |

**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                     |