

# Local Government OMBUDSMAN

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

## **Newcastle-under-Lyme 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 we have received about Newcastle-under-Lyme Borough 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 19 complaints against your Council during the year, six fewer than last year. We expect to see fluctuations like this from year to year.

### ***Character***

Fifteen complaints, approximately 80% of all those we received against your Council, were about planning and building control. Last year, complaints in this category accounted for 60% of the total.

One complaint was received about local taxation. The remaining three complaints were recorded in the "Other" category. They included a complaint about land and two about antisocial behaviour.

We received no complaints about benefits, housing or transport and highways.

## **Decisions on complaints**

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

When we need to 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 way of local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Three complaints about planning applications were settled locally and a total of £500 was paid in compensation.

One complaint related to land levels on a development site. The Council put the matter to Cabinet and agreed to explore a number of options for alleviating the problem including screening, enforcement action and making compensation payments to those affected. I felt that the Council was doing all it could to resolve the complaint and had no need to make any further recommendations.

Two complaints were about failures to take action. In the first the Council did not take enforcement action in respect of breach of conditions and compounded the problem by not responding to the complaint. The Council apologised, made a payment of £250 and undertook to keep the complainant

informed of intended actions and timescales. The other concerned the Council's failure to notify a neighbour of a planning application on adjoining land which meant that the complainant only became aware of the situation when work began on the site. There was no indication that the outcome would have been any different but the Council agreed to make a payment of £250 in recognition of the complainant's lost opportunity to make representations.

### ***Other findings***

Nine 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 a further two cases I took the view that the matters complained of were outside my jurisdiction.

The remaining 11 complaints were not pursued because no evidence of maladministration was seen.

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

The proportion of premature complaints has risen in the last year to some 36% which is higher than the national average, which this year was 27%.

Last year I suggested that there might be benefit to the Council in improving the visibility of your Council's complaints form on its webpage to reduce the number of premature complaints made to me. I note that there are links to the complaints procedure included on the Council services webpage but there is still no direct link from the home page.

Four of the nine premature complaints were resubmitted to me. In three cases I decided that there were no grounds to pursue the investigations because no evidence of maladministration was seen. One was still under consideration at the end of the year.

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

Last year I commented on the Council's continuing unacceptable response times to my enquiries and that on several occasions responses had only been forthcoming after I informed the Council that a summons would be issued. The situation did not improve in the first six months of the year when four enquiries were made (all concerning planning applications) and the average response time was 61.5 days, slightly worse than the previous year, although, the responses, when received, were clear and comprehensive and further enquiries were not needed.

Because of my concerns in this area, I met with you and the Head of Legal Services in November 2007 to discuss the way forward. I am aware that your Council has implemented changes to its customer services arrangements this year and that it is committed to making improvements. As yet, we do not know how effective these changes have been because we did not have cause to make enquiries of your Council in the second half of the year.

I hope that next year I will have reason to compliment the Council on its response times.

### **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.

## **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 how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

## **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 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	0	0	3	15	1	0	19
2006 / 2007	1	0	5	17	1	1	25
2005 / 2006	0	6	3	24	2	0	35

**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	3	0	0	11	0	2	9	16	25
2006 / 2007	2	3	0	0	6	6	6	7	23	30
2005 / 2006	0	9	0	0	5	3	1	7	18	25

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	4	61.5
2006 / 2007	17	61.1
2005 / 2006	14	31.2

**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