

Local Government  
**OMBUDSMAN**

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

**North Devon 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 North Devon 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 32 complaints against your Council this year, three more than last year. We expect these fluctuations year on year.

### ***Character***

The 19 complaints about planning and building control account for just under two thirds of all the complaints received and this is not dissimilar to the situation last year. Housing complaints doubled from three last year to six this. We received single complaints on public finance and transport and highways.

In the 'other' category, there were two complaints about licensing and single complaints about environmental health, land and miscellaneous matters.

## **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).

One complaint about planning applications was settled locally this year. The Council failed to notify the complainant of a planning application for development which overlooked his garden and dining area. It seemed likely that the outcome would have been the same had the notification been made but the complainant lost the opportunity to make representations and was left thinking that the outcome might have been different. To make matters worse no proper site visit notes were made. I am pleased to note that the Council had already reminded officers of the need to make site visit notes and to take photographs whenever possible and had also agreed that delegated decisions should in future be reviewed and countersigned by a second officer. To settle the complaint, the Council apologised and made a payment in compensation of £500. I am grateful to the Council for its assistance in settling this complaint.

## ***Other findings***

Twenty-six complaints were decided during the year. Of these, seven were out of my jurisdiction for a variety of reasons. Five complaints were referred back to your Council as premature, so that they could be considered through the Council's complaints procedure. The remaining 13 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 five premature complaints referred back to your Council represent just under a fifth of the decisions made last year and this is lower than the national average of 27%. This supports the view that the Council's complaints procedure is readily accessible to the Council's residents.

Five complaints were re-submitted to me during the year. One was outside my jurisdiction. Two were not pursued, one because no evidence of maladministration was seen and the other because no significance injustice flowed from the fault alleged. Two had not been decided at the end of the year.

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

I ask councils to respond to my enquiries within 28 days. This year I made ten enquiries of your Council and the average response time was just under 29 days, just above the target set.

When the individual responses are examined, it is clear that the average response time is skewed by two responses which were sent very quickly: housing (two days) and land (four days). If these responses are ignored then the average response time is some 35 days. I hope the Council will be able to return to its earlier response times of under 28 days in the coming year

## **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	6	5	19	1	1	32
2006 / 2007	0	3	1	21	3	1	29
2005 / 2006	2	2	9	16	3	0	32

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	1	0	0	11	2	7	5	21	26
2006 / 2007	0	4	0	0	9	5	4	8	22	30
2005 / 2006	0	3	0	0	13	6	7	8	29	37

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	10	28.8
2006 / 2007	10	28.2
2005 / 2006	14	24.9

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