

Report to: Cabinet



Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Complaints to the Ombudsman during 2019/20

### Report summary:

This report provides information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2019/20

### Recommendation:

That Cabinet notes the report and learning points arising from complaints decided during the year.

### Reason for recommendation:

To continue to improve the way we handle, and learn from, complaints.

Officer: Henry Gordon Lennox, Monitoring Officer

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Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

### Financial implications:

There are no direct financial implications.

### Legal implications:

As the report is for information there are no direct legal implications arising. However, the outcomes do highlight some learning points which should be taken on board to avoid similar complaints in the future.

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Medium Risk; Potential criticism, deterioration in reputation and failure to improve. Loss of credibility in complaints procedure.

**Links to background information** <http://eastdevon.gov.uk/feedback-and-complaints/making-a-complaint/complaint-outcomes/>  
<https://www.lgo.org.uk/your-councils-performance/east-devon-district-council/statistics>

**Link to [Council Plan](#):**

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

**Report in full**

**1. Complaints to the Local Government Ombudsman (LGO)**

- 1.1 12 complaints were received by the LGO during the year, compared to 21 received during 2018/19. There was a slight pause during the Covid19 lockdown whilst the Ombudsman suspended the consideration of new complaints.
- 1.2 9 (75%) complaints were planning related, compared to 52% in 2018/19, whilst 2 were for Environmental Health and 1 was regarding the Monitoring Officer's decision not to carry out an investigation into a complaint about a parish councillor as the complainant refused to complete the complaint form.
- 1.2 15 complaints were closed (decided) by the Ombudsman during the year:

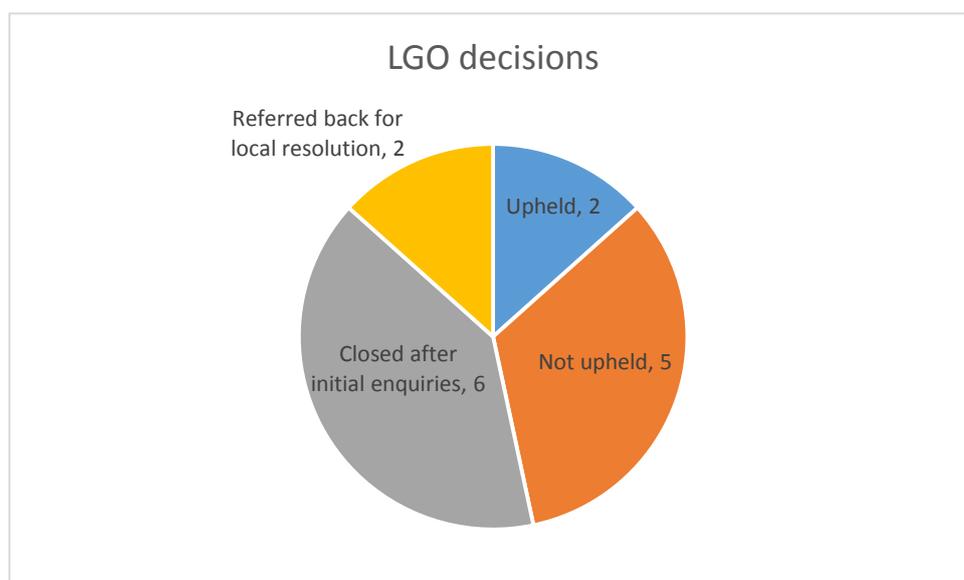
(Key to terms in pie chart below)

**Upheld:** Maladministration – with or without injustice

**Not upheld:** No maladministration

**Referred for local resolution:** Premature complaint referred which has not been considered by the council

**Closed after initial enquiries:** Complaint out of time/alternative remedy available or insufficient evidence of injustice



1.3 2 complaints were upheld and a summary of these is provided below. Complaint outcomes are published on our website in most cases, except where the Ombudsman requests that a decision is not publicised for example, where they feel that to do so may identify an individual complainant.

### **Complaint 1:**

The ombudsman found fault in relation to the council's granting of consent for prior approval for a telecommunications mast in failing to properly document its consideration and assessment of the proposed appearance of the mast. The Council agreed to remind officers of the need to refer to the Neighbourhood Plan in their reports, where appropriate, and to accurately record who was consulted/commented. The Council also agreed to remind planning and landscape officers it would be good practice to have a written record confirming where those consulted on an application wished to make no comments on it.

### **Complaint 2:**

The council was at fault in its assessment of permitted development provisions which resulted in the complainant carrying out further works that subsequently made no difference to the development's planning status. The council was asked to provide financial remedy (£250) to the complainant in recognition of the time and trouble they were put to in carrying out these further works.

In both of the above cases the council complied fully with the ombudsman's required remedy.

## **2. Links to council priorities**

- 2.1 The council's planning service will ensure that the documentation of the consideration of planning applications is a comprehensive and accurate record, making our decisions clearer to the public, which links in with our priority of promoting an outstanding place and environment
- 2.2 The council's full compliance with the ombudsman's recommendations and low number of upheld complaints (29% in comparison with a national average for similar councils of 45%) is also indicative of our efforts to learn from complaints and to continuously improve.

## **3. Reporting requirements**

- 3.1 The Ombudsman continues to encourage authorities to move away from a simplistic focus on complaint volumes and instead to focus on the lessons learned and the wider improvements.
- 3.2 The council's performance is published by the ombudsman here <https://www.lgo.org.uk/your-councils-performance> enabling comparisons to be made with other local authorities.

## **4 Housing Ombudsman**

- 4.1 Complaints about the council, as social housing landlord, are considered by the Housing Ombudsman. This does not include complaints about allocations or bandings as these matters still fall within the jurisdiction of the Local Government

Ombudsman. Complaints referred to the Housing Ombudsman tend to focus on matters such as property repairs and maintenance and estate management issues.

- 4.2 In 2019/2020, there were no decisions issued by the Housing Ombudsman and no new referrals. During this time the ombudsman referred two complaints back to the council for consideration through our own complaints procedure.

## **5 Learning points**

- 5.1 As the Ombudsman points out in his letter, considering volumes of complaints alone is not an effective measure of the quality of services being provided by the Council. The important thing is that the council continuously learns from, and improves, as a result of complaints received.
- 5.2 One of the key learning points from this year's complaints is the need to ensure that our planning considerations and decisions are adequately documented so that non-planning specialists and interested parties can easily see the full process; all consultee comments (including where there are none submitted); and that we can demonstrate that all relevant information and policy is considered.