

22 July 2020

*By email*

Ms Waggott  
Chief Executive  
Selby District Council

Dear Ms Waggott

### **Annual Review letter 2020**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

### **Complaint statistics**

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

### **Resources to help you get it right**

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

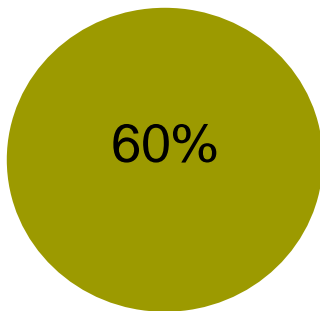
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



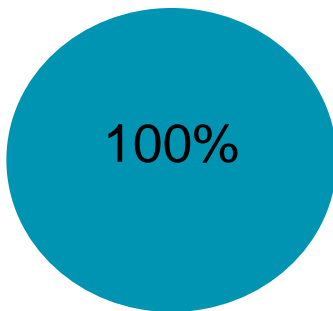
**60%** of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

**3**  
upheld decisions

Statistics are based on a total of 5 detailed investigations for the period between 1 April 2019 to 31 March 2020

### Compliance with Ombudsman recommendations



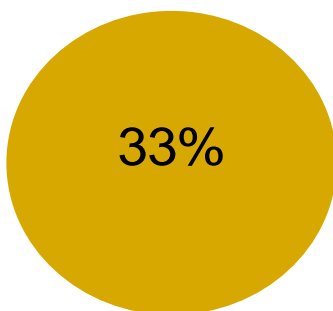
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 2 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedies provided by the authority



In **33%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

**1**  
satisfactory remedy decision

Statistics are based on a total of 5 detailed investigations for the period between 1 April 2019 to 31 March 2020

## Selby District Council (19 015 556)

● Statement ● Closed after initial enquiries ● Councillor conduct and standards ● 27-Feb-2020

Summary: Mr X complains about the delay in the Council's review of a decision on a complaint about a councillor. The Ombudsman will not investigate this complaint as we are unlikely to find fault in the Council's actions and an investigation is unlikely to lead to a different outcome.

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## Selby District Council (19 000 671)

● Statement ● Upheld ● Disabled facilities grants ● 18-Feb-2020

Summary: Mr X says the Council is at fault in how it handled works agreed as part of a Disabled Facilities Grant (DFG). The Ombudsman found some evidence of fault but considers the Council has already provided a suitable remedy for the matters he can consider. He has therefore completed the investigation.

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## Selby District Council (18 019 104)

● Statement ● Not upheld ● Enforcement ● 11-Feb-2020

Summary: There was no fault by the Council in a complaint that it failed to take enforcement action against alleged breaches of planning control at a neighbouring development.

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## Selby District Council (18 013 961)

● Statement ● Upheld ● Enforcement ● 07-Feb-2020

Summary: Mr X complains the Council failed to take enforcement action against multiple breaches of planning control by developers, principally involving working hours, over four years. While not all the matters reported were breaches, many were, and the Council's failure to escalate enforcement action, and its unjustified decision to designate Mr X as a vexatious complainant, caused him and his wife significant distress, a loss of quiet time, unnecessary anxiety and time and trouble. The Council will apologise and pay Mr X £2600.

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## Selby District Council (19 013 392)

● Statement ● Closed after initial enquiries ● Other ● 27-Jan-2020

Summary: The Ombudsman will not investigate this complaint about the Council seeking an affordable housing contribution in relation to the complainant's planning application. This is because the complainant did not contact the Ombudsman within 12 months of becoming aware of the alleged fault, and there are insufficient grounds to exercise discretion to consider the matter now.

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## Selby District Council (19 008 590)

● Statement ● Closed after initial enquiries ● Planning applications ● 16-Dec-2019

Summary: Mr X complains the Council delayed in determining planning applications and failed to take effective enforcement action in respect of an unauthorised music venue. Mr X knew about the issues more than 12 months before he complained to the Ombudsman and there is no basis to exercise discretion to now investigate his complaint. Mr X's complaint is outside the Ombudsman's jurisdiction.

## Selby District Council (19 000 133)

● Statement ● Not upheld ● Noise ● 26-Jul-2019

Summary: Mrs X complains the Council has not properly investigated a noise from a neighbouring property as it has not carried out monitoring when the weather is below freezing. The Council has installed noise monitoring equipment on two occasions and this includes when the temperature fell below zero. The Council's professional judgment is the noise does not constitute a statutory nuisance. There is no fault in how the Council investigated the noise complaint.

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## Selby District Council (18 014 504)

● Statement ● Upheld ● Enforcement ● 12-Jul-2019

Summary: The Council correctly investigated concerns about a neighbour operating a business at home, and causing noise nuisance to Mr B. However, the Council failed to respond to some of Mr B's correspondence which caused annoyance, the Council will apologise.

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## Selby District Council (19 002 361)

● Statement ● Closed after initial enquiries ● Planning applications ● 02-Jul-2019

Summary: The Ombudsman will not investigate this complaint about how the Council dealt with the complainant's concerns about a neighbouring property. It is unlikely the Ombudsman would find evidence of fault by the Council.

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## Selby District Council (19 001 276)

● Statement ● Closed after initial enquiries ● Planning applications ● 11-Jun-2019

Summary: The Ombudsman will not investigate Mrs X's complaint about the Council not determining a planning application it received in November 2018. Mr X is the planning applicant. It is for Mr X to decide whether to use his right of appeal to the Planning Inspectorate against the Council's non determination of his application, agree an extension of time, or tolerate the Council's delay. Mrs X's claimed injustice is not caused directly by the Council. The Ombudsman cannot ask the Council to explain its delay on Mr X's planning application. He is a third party who has not complained. The Ombudsman has no power to persuade Mr X to use his appeal right or press the Council to decide his application.

## Selby District Council (19 002 902)

● Statement ● Closed after initial enquiries ● Elections and electoral register ● 28-May-2019

Summary: The Ombudsman cannot investigate Mr X's complaint about a document which listed candidates for the European elections. The organisation of elections is the responsibility of the Returning Officer who acts in a personal capacity and not on behalf of the Council. The complaint is therefore outside our legal remit.

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## Selby District Council (18 018 447)

● Statement ● Closed after initial enquiries ● Planning applications ● 11-Apr-2019

Summary: Mr and Mrs X complain about the Council's consideration of their request to alter a planning legal agreement. The Ombudsman will not investigate this complaint because the complaint about the original response is out of time and the Council's actions now do not contain fault.