

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 17 DECEMBER 2014

COMPLAINTS REPORT

Recommendation

<i>That the report be noted and the actions taken be endorsed.</i>
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Contact Officer: Sue Carr, extension 2322.

1. **UPDATE OF COMPLAINTS RECEIVED BY THE DISTRICT COUNCIL**

Reported below is an update of formal complaints investigated by the Corporate Services Team at stage two of the Council's complaints process for the period 1 April 2014 to 30 September 2014. Eleven complaints have been investigated. There has been one finding of maladministration but this did not result in an injustice. There may be issues raised through the complaints process where the Corporate Support Section provides a written explanation of Council policy and procedures but which do not require an investigation. These are not included within this report but are included within the figures in the tables at Appendices A and B.

1.1 **Complaint No. CTX117- North Deal (Closed)**

The complainant was unhappy with the number of council tax bills issued but stated that their correspondence had not been responded to. The matter was investigated by Corporate Services who explained that the revised bills were sent in response to revised direct debit instructions received by the Council. Each bill was headed with a reason for issue, such as "Payment Method Change". The bills act as an acknowledgement and explanation of action taken by EK Services.

1.2 **Complaint No. DEV172 - Walmer (Closed)**

This complaint related to the decision by the Council not to take enforcement action in respect of a development control issue. The complainant stated that they had been informed that the matter they reported would be resolved but were now informed that the Council would not take action and believed that the documentation did not support the Officer's decision. Corporate Services investigated and found that the Officer had advised that they would seek a retrospective planning application for the work carried out and if one were received the complainant would be asked to comment. However when the Officer approached the agent, the information received was that the work carried out related to property in a different ownership and therefore this should be classed as permitted development. The Officer reviewed the decision in light of this information and took the decision that it was not expedient to take enforcement action. Corporate Services advised the complainant that where a matter had been given due consideration it was not for the complaints process to challenge that decision.

1.3 **Complaint No. DEV173 – Walmer (Closed)**

The complainant alleged that the planning enforcement investigator had led residents to believe that the Council would ensure that the developer completed work to their property, but later had been told that this was not possible. Corporate Services apologised on behalf of the Council for any misunderstanding but explained that once a property had been bought any enforcement action that the Council could take would have to be against the current owner. The planning enforcement investigator had been attempting to resolve the matter by asking the developer to carry out the work but the Council had no enforcement powers against the developer.

1.4 **Complaint No. DEV174 – Eythorne & Shepherdsweil (Closed)**

The complainant raised concerns that a house that had been built was out of character and large in comparison to neighbouring properties. Corporate Services advised that the application had been advertised in October 2012 and February 2013 and planning consent granted on 1 March 2013. The concerns raised by the complainant had been addressed by the Case Officer who was of the opinion that the development would not result in harm to the street scene or countryside. As the correct procedures had been followed there was no maladministration. It was also explained to the complainant that the only route for changing a planning decision was by way of judicial review through the High court and such application has to be made within six weeks of the issue of the planning decision notice.

1.5 **Complaint No. ENV036 – Castle (Closed)**

The complainant raised issues concerning their neighbour including noise nuisance and also repairs to their block of flats but was unhappy with the way in which the Council responded. A reply from Corporate Services provided a co-ordinated response with advice from a number of departments. The matter is currently being investigated by the Housing Ombudsman.

1.6 **Complaint No. DCPSV034 – Castle (Closed)**

This complaint related to the standard of cleaning carried out by the Council's contractors to a long lease block of flats. The matter was investigated by Corporate Services who found that the Council also had concerns initially but systems had been put in place to improve the performance of the contract.

1.7 **Complaint No. CTX125 – Walmer (Closed)**

The complainant was unhappy that when they lived in their property on their own they were entitled to a twenty five per cent discount but when they had to vacate their property due to its condition they were not entitled to a discount. Corporate Services established that when the council tax inspector visited, the decision was taken that the property was habitable and therefore no discount could be applied. Once work commenced to the property, the council tax department initiated a further inspection to review their decision.

1.8 **Complaint No. ENV039 – Mill Hill (Closed)**

This complaint related to the way in which the Council responded to reports of dirt and dust on the pavements and highway during the development of a site. Corporate Services investigated and found that no conditions had been applied to the planning consent, as this is something that only applies to very large developments. Until the

condition of the road becomes a statutory nuisance there are no legal powers available to the Environmental Protection Team but increased cleaning regimes had been implemented by Waste Services. The complainants remained dissatisfied and wrote to the Chief Executive. There is no further action that the Council can take but the situation will continue to be monitored.

1.9 **Complaint No. HND058 – Mill Hill (Closed)**

The complainant was unhappy that following their eviction they had to remain in temporary accommodation for over four months. Corporate Services found that the decision to evict was taken correctly but despite this the Housing Options Officer felt that there were mitigating circumstances and the decision was taken by the Council to accept a full homeless duty. It took longer than the Council would have wished to obtain permanent accommodation for the complainant but this was due to the limited options and number of properties available.

1.10 **Complaint No. DEV178 – Ringwold with Kingsdown (Closed)**

The complainant was of the opinion that documentation relating to trees on the site of a proposed development had not been submitted and therefore a planning application had not been considered correctly. Upon investigation it was found that a Tree Survey Report had been submitted for a previous application relating to the entire site. The applicant referred to this Report and had submitted a survey plan and block plan relating to a small part of the site which the proposal related to. The case officer referred to the trees and a condition was imposed within the Permission demonstrating that the case officer had considered the effect of the development upon the trees. As it is for the case officer to decide what information is required to determine an application Corporate Services were of the view that the matter had been considered correctly.

1.11 **Complaint No. CUS035 – Walmer (Closed)**

The complainant alleged that incorrect advice provided to their agent by the Council resulted in building works being carried out and subsequent enforcement action being instigated. Corporate Services found that incorrect advice had been provided to an agent but that information held by the complainant had not been shared either with the Council Officer providing the advice. The Council apologised for the fact that the wrong information had been provided but stated that the applicant was responsible for sharing information within their possession.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN FOR THE PERIOD 1 APRIL 2014 TO 30 SEPTEMBER 2014**

2.1 **DEV148** – This complaint related to a planning application for which the complainant claimed not to have seen the site notice. They were therefore denied the opportunity to comment and were unhappy with the decision. During the investigation, Corporate Services found that the application should have been advertised in the local press and therefore there had been maladministration. However, the Council was satisfied that the decision was correct and the outcome would be no different therefore there was no evidence of injustice. The complainant was dissatisfied with the apology from the Council and referred the matter to the Local Government Ombudsman. The Ombudsman was of the opinion that the Council provided enough evidence to show it properly considered the impact of the proposed development on the complainant's residential amenity and could therefore find no fault in the way in which the application had been assessed.

- 2.2 **DEV154** – The complainant complained to the LGO that the Council did not address their objection to a planning application, their concerns regarding works being carried out at the neighbouring property were not addressed correctly and there was inconsistency in the Council's decision making. The Ombudsman investigated and found no fault by the Council.
- 2.3 **DEV162** – A complaint was made to the Ombudsman regarding a decision taken by the Council. The Planning Officer was of the view that a developer had partly implemented a planning permission but the premises also retained its lawful use as a pub because the property had not been converted into residential use and occupied as such. The Ombudsman was of the opinion that both parties advanced reasonable arguments and were classed as points of law. The Ombudsman stated that this could only be tested in Court and was not a matter for the Local Government Ombudsman.
- 2.4 **DEV165** - The complainant alleged that the Council failed to take proper account of local residents' views about the suitability of a site for a supported housing facility and that the Council failed to deal with enforcement issues arising from breaches of conditions by the developer. The Ombudsman investigated and did not find any fault with the way in which the Council determined the planning application or investigated allegations of unauthorised activity.
- 2.5 **DEV166** – This complaint related to the granting of planning permission. Upon investigation the Ombudsman found no fault with the way in which the application was decided and therefore could not investigate the complaint.

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year compared to 2013/14. Appendix B details the complaints received by the District Council and EK Services per Ward and Section from 1 April 2014 to 30 September 2014.

Background Papers

File C23/5 – Complaints.

Resource Implications

None.

Impact on Corporate Objectives

An effective complaints system supports the delivery of the Council's corporate objectives set out within the Corporate Plan 2008-2020.

Comment from the Solicitor to the Council:

The Solicitor to the council has been consulted in the preparation of this report and has no further comments to make.

Attachments

Appendix A – Ward Statistics

Appendix B – Breakdown of complaints by Ward and Section

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Corporate Complaints & Resilience Officer, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 872322.

Number of Complaints Received Per Ward and processed through the Complaints System

Ward	No of Complaints	
	1.4.13 to 31.3.14	1.4.14 to 30.9.14
	DDC	DDC
Aylesham	3	-
Buckland	5	3
Capel-le-Ferne	2	1
Castle	7	3
Eastry	7	-
Eythorne & Shepherdswell	11	6
Little Stour & Ashstone	6	3
Lydden & Temple Ewell	5	1
Maxton, Elms Vale & Priory	9	2
Middle Deal & Sholden	13	4
Mill Hill	6	3
North Deal	8	7
Outside District or N/A	7	5
Ringwould	6	1
River	1	1
Sandwich	10	2
St Margaret's-at-Cliffe	3	4
St Radigunds	2	-
Tower Hamlets	3	3
Town & Pier	5	2
Unknown	11	8
Walmer	6	10
Whitfield	2	2
Total	138	71

Complaints By Ward & Service from 1 April to 30 September 2014

Title	Complaint Type	Ward
Noise nuisance	Environmental Protection - DDC	Buckland
Disabled parking bay	Property Services - DDC	Buckland
Missed collection	Waste services - DDC	Buckland
Missed collection	Waste services - DDC	Capel-le-Ferne
No response to correspondence	Development Control - DDC	Castle
Noise nuisance	Environmental Protection - DDC	Castle
Quality of cleaning	Property Services - DDC	Castle
Council Tax bill not received	Council Tax - EKS	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Planning enforcement	Development Control - DDC	Eythorne & Shepherdswell
Use of website comments page	Development Control - DDC	Eythorne & Shepherdswell
Flytipping	Environmental Protection - DDC	Eythorne & Shepherdswell
Missed collection	Waste services - DDC	Eythorne & Shepherdswell
Billing administration	Council Tax - EKS	Little Stour & Ashstone
Contact with staff	Development Control - DDC	Little Stour & Ashstone
Missed collection	Waste services - DDC	Little Stour & Ashstone
Recycling not taken	Waste services - DDC	Lydden & Temple Ewell
Staff attitude	Environmental Protection - DDC	Maxton, Elms Vale & Priory
Recycling not taken	Waste services - DDC	Maxton, Elms Vale & Priory
Damage caused to private property	Horticulture - DDC	Middle Deal & Sholden
Enforcement	Parking Services - DDC	Middle Deal & Sholden
Condition of car park	Property Services - DDC	Middle Deal & Sholden
Provision of bins	Waste services - DDC	Middle Deal & Sholden
Dust and dirt caused by developers	Environmental Protection - DDC	Mill Hill
Disclosure of personal data	Housing Needs - DDC	Mill Hill
Rehousing	Housing Needs - DDC	Mill Hill
Recovery	Council Tax - EKS	North Deal
Recovery	Council Tax - EKS	North Deal
Discount	Council Tax - EKS	North Deal
Provided wrong information	Housing Benefits - EKS	North Deal
Rehousing	Housing Needs - DDC	North Deal
Grounds maintenance	Property Services - DDC	North Deal
Street cleaning	Waste services - DDC	North Deal
Record Maintenance	Electoral Registration - DDC	Outside District
Rehousing	Housing Needs - DDC	Outside District
Beach huts	Property Services - DDC	Outside District
Beach huts	Property Services - DDC	Outside District
Use of land	Valuation - DDC	Outside District
Merits of decision	Development Control - DDC	Ringwould
Communication	Community Engagement - DDC	River
Recovery	Council Tax - EKS	Sandwich
Contractors	Waste services - DDC	Sandwich
Recovery	Council Tax - EKS	St Margaret's-at-Cliffe
Overpayment	Housing Benefits - EKS	St Margaret's-at-Cliffe
Recovery	NNDR - EKS	St Margaret's-at-Cliffe
Waste - recycling not taken	Waste services	St Margaret's-at-Cliffe
Response to correspondence	Licensing - DDC	Tower Hamlets
Rate relief	NNDR - EKS	Tower Hamlets
Staff action	Private Sector Housing - DDC	Tower Hamlets
Telephone waiting time	Customer Services - EKS	Town & Pier

Title	Complaint Type	Ward
Claim processing	Housing Benefits - EKS	Town & Pier
Discount	Council Tax - EKS	Unknown
Recovery	Council Tax - EKS	Unknown
Application processing	Development Control - DDC	Unknown
Staff attitude	Housing Needs - DDC	Unknown
Enforcement	Parking Services - DDC	Unknown
Data Protection regarding photography	Property Services - DDC	Unknown
Beach huts	Property Services - DDC	Unknown
Beach huts	Property Services - DDC	Unknown
Discount	Council Tax - EKS	Walmer
Wrong advice	Customer Services - EKS	Walmer
Temporary office closure	Customer Services - EKS	Walmer
Enforcement	Development Control - DDC	Walmer
Enforcement	Development Control - DDC	Walmer
Beach huts	Property Services - DDC	Walmer
Beach huts	Property Services - DDC	Walmer
Missed collection	Waste services - DDC	Walmer
Missed collection	Waste services - DDC	Walmer
Cleanliness of estate	Waste services - DDC	Walmer
Missed collection	Waste services - DDC	Whitfield
Staff behaviour	Waste services - DDC	Whitfield