

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 15 JULY 2015

COMPLAINTS REPORT FOR THE PERIOD 1 OCTOBER 2014 TO 30 JUNE 2015

Recommendation

That the report be noted and the actions taken be endorsed.

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 quarters 1 October 2014 to 30 June 2015. Eight complaints have been investigated and three were upheld by the Corporate Complaints & Resilience Officer (CCRO). 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 C.

1.1 **Complaint No. HND057 – Outside District (Closed)**

The complainant was unhappy about the way in which their brother's homeless case was dealt with. The matter was investigated by the (CCRO). The complaint was not upheld but the CCRO explained the bidding process and why certain properties had been unsuitable due to the specific needs of the applicant. One property would be coming available and it was felt that this would be suitable and an offer would soon be made. The family were happy with the explanation and outcome.

1.2 **Complaint No. DEV179 – Whitfield (Closed)**

A complaint was received that emails, in which questions has been raised about a development, had not been responded to. The CCRO replied apologising for the fact that the complainant had not received a response and replying to the questions relating to drainage on the development site. The complaint was upheld with regard to the delay in responding to correspondence and this was remedied by the apology.

1.3 **Complaint No. CTX095 – Castle (Closed)**

The complainant a property owner alleged that the Council had corresponded with a property developer who was renting the complainants property and refused to share copies of the correspondence with the complainant and declined to bill them for council tax. The CCRO explained that the Council had received documentation from the property developer to show that they were renting the property from the complainant. The CCRO contacted the property developer who agreed that the documentation could be released. The Council apologised for the delay in making the complainant responsible for council tax. The complaint was upheld with regard to the delay in making the complainant liable for council and this was remedied by the

apology. Section 2.2 below refers to the Local Government Ombudsman's investigation

1.4 **Complaint No. HND059 – Outside District (Closed)**

The complainant had requested that the Housing Needs Department sends documentation and correspondence including emails in font size 16 due to a visual impairment. The complainant was unhappy when on two occasions documentation was not at the larger font size. Following enquiries, the CCRO determined that this was the case and the complaint was upheld. It was found that the fortnightly freesheet and a global email were not sent at the size requested. In order to rectify this, arrangements had been made for the freesheet to be printed in a larger format and the global email will be sent separately in future. All Housing Officers have made a note of the complainant's requirements.

1.5 **Complaint No. DEV183 – Little Stour & Ashstone (Closed)**

This complaint related to a decision taken in respect of a planning application. The complainants were of the view that the Planning Committee did not have the necessary documentation to reach a decision and questioned the process. The matter was reviewed by the CCRO who could find no evidence of fault by the Council and explained the process to the complainants.

1.6 **Complaint No. ENV042 – Eythorne & Shepherdswell (Closed)**

The complainant was unhappy with the way in which their complaint of noise from an adjoining commercial property was dealt with. They also raised issues regarding vehicular movements and water run off affecting their property. The matter was investigated by the CCRO who could find no evidence of fault by the Council. There was no breach of planning consent and the noise issue had been investigated but there was no evidence of a statutory noise nuisance.

1.7 **Complaint No. LDC002 – Outside District (Closed)**

The complainants, a firm of solicitors, alleged that inaccurate information had been provided by the Council within a Land Charge Search and requested compensation. The CCRO explained that the information provided in respect of adopted highways was accurate as far as the District Council was aware. The information provided to the District Council was subsequently updated by Kent County Council. There was no evidence of negligence or fault by the Council and the CCRO therefore could not make a recommendation of compensation.

1.8 **Complaint No. CTX145 – Unknown (Closed)**

The complainant, a private landlord, was unhappy that they no longer received a council tax free period when their properties were empty. The CCRO explained that due to a change in legislation the Council had taken the decision to withdraw the empty homes discount. This was Council policy and it had been applied correctly. The CCRO could find no evidence of fault by the Council.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN FOR THE QUARTER 1 OCTOBER 2014 TO 30 JUNE 2015**

- 2.1 **VAL005** - This complaint related to the bidding process for properties for sale by the Council on the open market. The complainant questioned the manner in which bids were processed and no reason was given as to why the complainant's higher bid was not accepted. The CCRO investigated and found that officers dealing with the sale believed that once an offer had been confirmed under a "gentleman's agreement" this should be honoured and was the correct thing to do. However, Councils are considered to be Trustees and are not vested with such freedom and have an overriding duty to obtain the best price they can for their beneficiaries. Therefore the second offer which was higher should have been considered rather than dismissed. However the matter was referred back to Cabinet who asked that all parties submit sealed bids for full and final offers. This process was accepted as correct practice and remedied the error. The complainants considered that it was not dealt with in a fair and transparent manner and referred their complaint to the Local Government Ombudsman (LGO). The Ombudsman was of the opinion that the Cabinet decision to request best and final offers remedied any injustice suffered and the complainant's offer had not been high enough to secure the property. The decision was classed as "Not upheld: no maladministration".
- 2.2 **CTX095** – This complaint, reported at 1.3 above, was referred to the LGO by the complainant. The Ombudsman found the Council not to be at fault in deciding not to bill the complainant whilst their liability was in dispute but did find fault for the delay once it was agreed that the liability should be transferred. The Ombudsman stated that an apology was sufficient to remedy the injustice. The decision was classed as "Upheld: maladministration, no injustice".
- 2.3 **CUS035** – The complainant's agent was given wrong advice regarding planning which the complainant claimed resulted in building works going ahead and subsequent enforcement action. The Ombudsman found that the complainant was aware of the legal position about his property which was that it did not benefit from permitted development rights. The Ombudsman also stated that the complainant had some involvement with the planning process and should be more aware of the importance of permitted development rights than the average applicant. The Ombudsman was of the view that information within the complainant's possession should have been shared with his agent and that although there was fault by the Council it did not cause an injustice. The decision was classed as "Upheld: maladministration, no injustice".
- 2.4 **DEV172** – The complainant alleged that the Council failed to take planning enforcement action in relation to a driveway that formed part of a new development. The Council had initially agreed that the driveway did not comply with the approved plans and they would invite the developer to make a retrospective planning application. However the Council Officers later advised that the driveway was permitted development. The Ombudsman was of the view that an undertaking to carry out enforcement action was not given as it is usual practice to request a retrospective planning application. He also stated that the officers had considered the expediency of planning enforcement and this was a decision that they were entitled to reach. The Ombudsman did find fault in the length of time taken to respond to the complaint at stage 1 and issued a finding of "Upheld: maladministration, no injustice".

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year compared to 2014/15. Appendix B details the compliments received by Section for the period 1 October 2014 to 30 June 2015. Appendices C1 and C2 detail the complaints received by the District Council and EK Services for the previous financial year and from 1 April 2015 to 30 June 2015. Appendix D lists the Lessons Learnt from complaints from 1 October to 30 June 2015. Appendix E compares the number of complaints dealt with by the Local Government Ombudsman for the previous two financial years.

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 compliments by Section

Appendix C1 – Breakdown of complaints by Section - 1 April 2014 to 31 March 2015

Appendix C2 – Breakdown of complaints by Section – 1 April 2015 to 30 June 2015

Appendix D – Actions Taken/Procedural Changes as a result of complaints received

Appendix E - Statistics for the number of complaints dealt with by the Local Government Ombudsman

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	
	1.4.14 to 31.3.15	1.4.15 to 30.6.15
	DDC	DDC
Aylesham	-	1
Buckland	4	-
Capel-le-Ferne	2	2
Castle	7	2
Eastry	1	1
Eythorne & Shepherdswell	9	1
Little Stour & Ashstone	7	2
Lydden & Temple Ewell	2	1
Maxton, Elms Vale & Priory	4	1
Middle Deal & Sholden	5	1
Mill Hill	4	1
North Deal	17	1
Outside District or N/A	11	-
Ringwould	2	-
River	2	3
Sandwich	7	2
St Margaret's-at-Cliffe	7	1
St Radigunds	5	-
Tower Hamlets	5	1
Town & Pier	4	-
Unknown	16	2
Walmer	12	3
Whitfield	5	-
Total	138	26

**Details of Compliments Received Per Section
From 1 October 2014 – 30 June 2015**

Section	Compliment
Building Control	"Wonderfully speedy response".
Building Control	Thank you for help and persistence with work to neighbouring property.
Building Control	Thank you for an efficient service.
Building Control	Appreciation for prompt attention
Building Control	Thank you for help, guidance and advice "service is a credit to Dover District Council"
Building Control	Thank you for help and assistance
Community Team	Well produced DDC Newsletter
Community Team	Appreciation for DDC's support to the FAST project
Community Team	Thank you for support and advice for "You Decide" Grant Scheme
Community Team	Thank you for follow up to questions raised at Neighbourhood Forum
Community Team	Thank you for comprehensive responses to questions raised at traffic themed Neighbourhood Forum
Community Team	Thank you for help arranging "Big Beach Clean" – officers friendly and co-operative
Design Studio	Hoardings in Woolcomber Street – "Looks Amazing", "Looks Brilliant" "Good Ideas for Sprucing up Dover"
Design Studio	Fantastic Visitors Guide
Parking Services	"Genuine lovely conversation with Civil Enforcement Officer 094"
Property Services	Efficient service and accurate record keeping relating to burial plots
Property Services	Officer dealing with disabled bay was very understanding, speedy and extremely polite
Property Services	Excellent service for provision of bench, inscription well done, and installation neat, secure and exactly in the place requested.
Property Services	Kindness in providing bench in time for annual commemoration
Property Services	Thank you for arranging a school visit to Deal Chapel
Property Services	Appreciation for assistance with purchase of memorial bench
Property Services	Officer dealing with purchase of grave plot was very helpful and compassionate
Property Services	Thanks to Trees & Horticulture Officer "efficient in his duties and a great credit to Dover District Council"
Property Services	Thank you to Valuation Officer for support, patience and kindness in dealing with the purchase of a memorial plaque
Property Services	Thank you for steps built into sea wall at Deal
Property Services	Thank you for landscape work carried out to open space in Hamilton Road, Dover

Section	Compliment
Property Services	Thank you for meeting the projected budget and finalising the service charges quickly
Waste Services	Thank you for the two new road sweeping operatives – they are very hard working
Waste Services	Member of staff courteous and action taken prompt and effective
Website Design	Delighted with ease, speed and clarity of the website

Complaints by Section from 1 April 2014 to 31 March 2015

Complaint Type	Reason for Complaint	Number
Building Control – DDC	Advice and staff	1
Communication & Engagement - DDC	Noise associated with preparations for an event	1
Council Tax & NNDR - EKS	Banding	1
Council Tax & NNDR - EKS	Billing	4
Council Tax & NNDR - EKS	Discount	15
Council Tax & NNDR - EKS	Increase in Charge	1
Council Tax & NNDR - EKS	Payment	3
Council Tax & NNDR - EKS	Business rate relief	1
Council Tax & NNDR - EKS	Recovery	16
Council Tax & NNDR - EKS	Refunds	1
Customer Services - EKS	Length of time on telephone	1
Customer Services - EKS	Non action	1
Customer Services - EKS	Temporary closure of office	1
Customer Services - EKS	Wrong advice	1
Development Control - DDC	Administration	4
Development Control - DDC	Application approved without required documentation	1
Development Control - DDC	Contact with staff	3
Development Control - DDC	Enforcement	4
Development Control - DDC	Merits of decision	4
Electoral Registration - DDC	Advised of change of address but received paperwork for postal vote	1
Environmental Protection - DDC	Dirt caused by developers	1
Environmental Protection - DDC	Dog nuisance	1
Environmental Protection - DDC	Dog warden	1
Environmental Protection - DDC	Fly-tipping	1
Environmental Protection - DDC	Noise nuisance	3
Environmental Protection - DDC	Staff attitude	1
Horticulture - DDC	Damage caused to property	1
Horticulture - DDC	Maintenance of play area	1
Housing & Council Tax Benefits - EKS	Administration	1
Housing & Council Tax Benefits - EKS	Claim processing	5
Housing & Council Tax Benefits - EKS	Decision	1
Housing & Council Tax Benefits - EKS	Overpayment	3
Housing & Council Tax Benefits - EKS	Provided wrong advice	1
Housing Needs - DDC	Disclosure of personal data	1
Housing Needs - DDC	Rehousing	3
Housing Needs - DDC	Staff actions	1
Housing Needs - DDC	Staff attitude	1
Land Charges	Accuracy of information	1
Licensing - DDC	Licence processing	1
Licensing - DDC	Response to correspondence	1
Parking Services - DDC	Appeal process	1
Parking Services - DDC	Enforcement	5
Parking Services - DDC	Permit	2
Private Sector Housing - DDC	Grant	1

Complaint Type	Reason for Complaint	Number
Private Sector Housing - DDC	Repairs	1
Private Sector Housing - DDC	Staff action	1
Property Services - DDC	Provision of beach huts	6
Property Services - DDC	Condition of car park	1
Property Services - DDC	Disabled parking bay	1
Property Services - DDC	Ground maintenance	1
Property Services - DDC	Lighting	1
Property Services - DDC	Photographs of children	1
Property Services - DDC	Cleaning contract	1
Property Services - DDC	Decision regarding trees	1
Valuation - DDC	Use of land	1
Waste services - DDC	Enforcement for littering	1
Waste services - DDC	Contractors vehicle blocking highway	1
Waste services - DDC	Service provision by contractor	7
Waste services - DDC	Missed collection	6
Waste services - DDC	Provision of bins / purple sacks	2
Waste services - DDC	Recycling not taken	3
Waste services - DDC	Staff behaviour	2
Waste services - DDC	Street cleaning	3

Complaints by Section from 1 April 2015 to 30 June 2015

Complaint Type	Reason for Complaint	Number
Communication & Engagement - DDC	Delay in response	1
Community Safety Unit - DDC	Delay in response	1
Council Tax & NNDR - EKS	Administration	1
Council Tax & NNDR - EKS	Billing	2
Council Tax & NNDR - EKS	Discount	2
Council Tax & NNDR - EKS	Recovery	3
Customer Services - EKS	Staff attitude	1
Customer Services - EKS	Telephony system	2
Development Control - DDC	Administration	1
Development Control - DDC	Merits of decision	1
Development Control - DDC	Procedures	1
Environmental Protection - DDC	Not answering telephones	1
Governance - DDC	Breach of Data Protection	1
Horticulture - DDC	Response and decision	1
Housing & Council Tax Benefits - EKS	Advice	1
Housing & Council Tax Benefits - EKS	Claim processing	1
Housing Needs - DDC	Rehousing	2
Licensing - DDC	Querying decision for licence	1
Parking Services - DDC	Staff attitude	1
Private Sector Housing - DDC	Provision of information	1
Waste Services - DDC	Missed collection	1

**Actions Taken and/or Procedural Changes as a result of
Complaints received between
1 October 2014 and 30 June 2015**

Section	Complaint	Actions Taken/Procedural Changes
Community Engagement - DDC	Residents not informed of early start on site by contractors.	In future consideration must be given to neighbouring properties when organising an event.
Council Tax – EK Services	Unhappy with decision in respect of council tax free period.	Full information to be provided with initial decisions.
Council Tax – EK Services	Direct debit cancelled by Council in error	Procedures changed so that backdated changes to Council Tax are escalated to a senior officer before the Council Tax bill is issued
Council Tax – EK Services	Department notified of father's death via the 'tell us once service' however a council tax letter was sent to the deceased 9 days later	New procedures put in place to ensure that accounts are inhibited
Customer Services – EK Services	The complainant's agent was given wrong advice regarding planning which resulted in building works going ahead and subsequent enforcement action.	The Customer Services training manual has been updated and training provided so that new members of staff will also be aware of this type of restriction.
Development Control - DDC	Complainant led to believe that planning enforcement action would be taken against the developer.	As the properties had all been sold and the developer no longer the owner of the site, the home owners are responsible for any unfinished works. The Council can only take enforcement action against the owner. Full advice should be given at an early stage.
Development Control / Environmental Protection - DDC	Problems with noise from neighbouring factory took too long to resolve.	Where complaints impact on several departments, such cases will now be monitored by the Head of Regulatory Services.
Housing Benefits - EK Services	Benefits stopped for two weeks while seeking further information thus causing hardship.	Where possible contact should be by telephone as more expedient.
Housing Benefits - EK Services	Letter sent to person no longer living at the address despite being informed that they had left	Matter discussed with case officer and reminder sent to Corporate Income Team

Section	Complaint	Actions Taken/Procedural Changes
NNDR – EKS	Delay in processing application for small business rate relief.	Procedures have been put in place to ensure that all enquiries made to third parties are followed up in a reasonable timescale.
Parking Services - DDC	Reports of parking on double yellow lines not being dealt with.	Arrangements made for patrols to visit at different times.
Property Services – DDC	Unhappy with cleaning contract at block of flats.	Management of contract and reporting procedures revised.
Property Services – DDC	Unhappy with decision and positioning of new beach huts.	Planning procedures implemented correctly but DDC as land owner needed to engage better with community about the proposals rather than relying on the Planning process. A change programme underway in Property Services has, as one of its ultimate goals a communications plan as a requisite part of similar future projects.
Property Services - DDC	Complaint regarding the bidding process for the sale of Council property.	Officers should seek legal advice if unsure of legislation and procedures. Office procedures now adopted by the Department.
Waste Services - DDC	Complainant considered that the way they were spoken to was insulting.	Arrange customer care training for staff.
Waste Services - DDC	Request for change of collection point agreed by DDC but not applied by the contractor.	When a request for a change of collection point is agreed Waste Services will carry out a further check to ensure the contractor is complying with the agreed arrangement.
Waste Services - DDC	Refuse truck straddled both lanes in Maison Dieu Road for nearly 15 minutes.	Contracts Manager for Veolia has ensured that the crew are reminded of their responsibilities and their need to be considerate to other road users when they are out collecting. He has also carried out further monitoring of this crew with his Contracts Supervisor since this incident.
Waste Services - DDC	Warning notice sent regarding litter but complainant denied discarding a letter claiming it had never been delivered to their property.	Officers to collect photographic evidence and complete PACE notes to support any enforcement action.

Number of Decisions Issued by the Local Government Ombudsman for the Previous Two Financial Years

The Local Government Ombudsman produces an Annual Review Letter which sets out the number of complaints that have been received by the Ombudsman and details any changes or improvements to the service.

Set out below are the number of complaints received and processed by them in the previous two financial years. The five complaints that were upheld in 2014/15 related to Environmental Services/Planning & Development, Benefits & Council Tax, and three in respect of Planning & Development.

	Upheld	Not Upheld	Advice Given	Closed after Initial Enquiries	Referred to DDC for Resolution	Total
2013/14	3	5	2	9	11	30
2014/15	5	6	1	7	11	30