

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 13 JANUARY 2016

COMPLAINTS REPORT FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 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 from 1 July 2015 to 31 December 2015. Fourteen complaints have been investigated and three were upheld. 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. ASB010 – Walmer (Closed)

The complainant was dissatisfied with the amount of time taken by the Community Safety Unit (CSU) to resolve a neighbour dispute and stated that they did not receive feedback following a meeting between the Officer and their neighbour. The matter was investigated by the Corporate Complaints & Resilience Officer (CCRO) who found that this was not an issue over which the CSU had any jurisdiction. Despite this the Officer carried out mediation between the two parties. The Officer had already apologised for the length of time taken to resolve the matter and the CCRO explained that details of the meeting between the Officer and the third party could not be revealed due to data protection. The complaint was not upheld.

1.2 Complaint No. BDG030 – Eastry (Closed)

A complaint was received that information had been given by Building Control to a third party who was no longer employed by the complainant. The matter was reviewed by the CCRO and it was determined that Building Control had met with a third party but at that time the Officer was unaware that they were no longer employed by the complainant. No evidence was found of maladministration but the recommendation was made that file notes be made of all meetings to establish the nature of discussions and agreements reached. The complaint was not upheld.

1.3 Complaint No. DEV184 – Little Stour & Ashston (Closed)

The complainant was unhappy with a decision taken by Planning Committee for residential development. They alleged that the information provided to Committee was incorrect and therefore Members had taken a decision based upon mis-information. Following an investigation the process and procedures had been

explained to the complainant. There was no evidence of maladministration and the complaint was not upheld.

1.4 **Complaint No. DEV188 & DEV 190 – Aylesham (Closed)**

Two complaints relating to a planning decision for approval of residential properties were investigated. The complainants advised that letters confirming the date of the planning committee were not received and the decision should be overturned as the development would increase the flooding in the area. The CCRO apologised that they had not received the letters but confirmed that they had been sent. It was also explained that the objections had been taken into consideration within the Case Officer's report and a surface water drainage system was to be incorporated within the development which would provide improvements to the current surface water flooding situation. The complaint was not upheld.

1.5 **Complaint No. HND062 – Outside District (Closed)**

This complaint related to housing provision. The complainant who lived outside the district claimed that the Council had not applied the policy for local connection and that medical points relating to their disability had not been awarded. The matter was investigated by the CCRO who found that the Council had applied the local connection policy correctly and that the complainant's medical circumstances had been assessed. There was no evidence of maladministration and the complaint was not upheld.

1.6 **Complaint No. ENV044 – Little Stour & Ashstone (Closed)**

This complaint related to private drainage and flooding. The complainants were unhappy with the information and assistance provided by the Environmental Protection Team. The CCRO responded to the questions raised by the complainants and as they disputed the information provided, a meeting was arranged between the complainants and Officers. The matter was a civil dispute between neighbours and the Council explained that they could not support either party in their claim but would provide documentary evidence if requested to do so by either party's solicitor. There was no evidence of maladministration and the complaint was not upheld.

1.7 **Complaint No. PSH020 – Eythorne & Shepherdswell (Closed)**

This complaint related to the provision of information in respect of a disabled facilities grant and a decent homes loan. The complainant claimed that they should be awarded compensation as they had not been provided with all the information when they initially contacted the Council. The CCRO investigated and confirmed the details of the amounts due, when they would be repayable and whether or not interest was due. The complaint was upheld and the CCRO apologised on behalf of the Council for not providing all of the information when responding to the initial request.

1.8 **Complaint No. COM009 – Tower Hamlets (Closed)**

The complainant alleged that the correct procedures had not been followed when advertising the temporary closure of the cycleway through Pencester Gardens. The matter was investigated and it was found that the District Council officers who dealt with the events at the park were not aware that the cycleway had been the subject of a Deed of Dedication and therefore maintained at public expense by Kent County Council, the highway authority. The complaint was upheld and an apology given for

the error. The records have now been amended and the officers involved are aware of the status of the land so that if a closure is required in future the correct notices in accordance with the highway legislation will be used.

1.9 **Complaint No. DEV192 – Ringwold (Closed)**

This complaint related to the non-enforcement of a planning condition. The complainant was of the view that a condition in respect of parking at a holiday park should be enforced. They were of the opinion that it was a condition precedent and without its implementation the planning permission did not take effect. They alleged that as a condition precedent the Council had no discretion as to whether or not to enforce it. The CCRO confirmed that the planning officer had considered this point but was of the view that the condition did not go to the heart of the planning decision to allow all year round use. The park had permission to operate throughout the busy summer months when parking is at a premium and yet this condition does not apply to that planning permission. It was the Council's opinion that the provision of parking is not vital to the opening of the park for the remainder of the year when there is not as much traffic on site and therefore could not be considered to be a "true" condition precedent. The CCRO could find no evidence of maladministration and the complaint was not upheld.

1.10 **Complaint No. ENV045 – Middle Deal & Sholden (Closed)**

This complaint related to noise from a factory. The complainant was unhappy with the way the officer dealt with them and felt that their disability issues should have been taken into consideration. The matter was investigated by the CCRO who found that procedures had been followed. The noise was due to unauthorised work that had been carried out at the factory and as the factory owner agreed to undertake improvements there was no need for the Council to utilise the regulatory framework and law enforcement powers available. With regard to the Equalities Act, the Council has a duty to make reasonable adjustments where a practice of theirs would put a disabled person at a substantial disadvantage, especially with regard to access to services. In this case the complainant had not been disadvantaged in any way as they were able to report their concerns to the Environmental Protection and Planning Officers. The CCRO could find no evidence of maladministration and the complaint was not upheld.

1.11 **Complaint No. GOV021 – GOV027, – Little Stour & Ashstone (Closed)**

Seven complaints were received in respect of the decision taken by the Director of Governance to de-list a building which had been listed as an asset of community value on an application for review of a decision to list a building as an asset of community value. Under the Localism Act 2011 various community groups have the ability to nominate buildings and land that they wish to be added to the list of assets of community value which the Council is required to maintain. The Act (and regulations made under it) sets out the statutory scheme and the process for dealing with nominations and for reviewing them. Only the landowner can request a review of a decision to list land or buildings as an asset of community value, as happened in this case. The CCRO checked the records and was satisfied that the Council had followed its own procedures. The decision taken by the Officer was one that he was entitled to make under the legislation. The complaint was not upheld.

1.12 **Complaint No. HND064 – Little Stour & Ashstone (Closed)**

The complainant was unhappy that their details were no longer on the housing register and they claimed that they had previously been told that they did not have to register annually. The matter was investigated by the CCRO who found that the process for re-registering changed in 2006. The card system was replaced by a letter which the applicant had to sign and return to the Council. Although the process changed, it was still the responsibility of the applicant to confirm each year that they wished to stay on the housing register. From 2006 until 2011 the complainant had continued to re-register following the new procedure. The CCRO could find no evidence of maladministration by the Council and advised the complainant to complete a housing registration form if they wished to go back onto the register. The complaint was not upheld.

1.13 **Complaint No. CTX166 – St Margaret's-at-Cliffe (Closed)**

The complainant had been granted an exemption from council tax for twelve months from April 2014. In April 2015 a bill was issued for a zero charge and the Council did not realise the error until September. The Council apologised and offered a payment plan. The complainant was unhappy stating that financial decisions had been taken based on the council tax bill received in April 2015. The matter was investigated by the CCRO who explained that the Council had no discretion to extend the discount period and that the letter granting the exemption in April 2014 made it clear that the discount period was only for twelve months and therefore the complainant should have queried the bill received in 2015. The complaint was upheld and an apology provided. The complainant advised that they would be referring the matter to the Local Government Ombudsman and this is reported at 2.2 below.

1.14 **Complaint No. PSH022 – Castle (Closed)**

The complainant alleged that they had lost business as a result of information provided by the Council to the Home Office. The CCRO advised the complainant that the Council had confirmed to the Home Office that the complainant's property was licenced for use as a House in Multiple Occupation and there was no reason why that property could not be used. The CCRO could find no evidence of maladministration and suggested that if the complainant was unhappy that they contact the Home Office to ask for the reason for their decision. The complaint was not upheld.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN BETWEEN 1 JULY 2015 AND 31 DECEMBER 2015**

2.1 **DEV168** – The decision taken by the Ombudsman regarding this complaint was not to investigate as it was not made in time. The complaint related to the Council's decision to grant planning consent for a major residential development near the complainant's property. The application was approved in 2011, and as the Ombudsman cannot normally investigate late complaints unless there is good reason why the complaint was not made earlier, the Ombudsman carried out preliminary enquiries. The Case Officer's report on the Council's website revealed that due to the distance between the complainant's property and the development site there would be no significant loss of amenity to the complainant. As the loss of amenity to the complainant was taken into account when the planning decision was made, the Ombudsman considered that there was no reason to accept the complaint when it was not made in time.

- 2.2 **CTX166** – This complaint is referred to at 1.13 above. The Ombudsman assessed the complaint but was of the opinion that although an error was made, the Council had previously made the complainant aware that the discount period could not be extended. The Ombudsman stated that if the complainant had made financial decisions based upon the council tax account received in April 2015 that they should have contacted the Council to check the validity of the account. The Ombudsman took the decision not to investigate as the Council had already offered a fair and proportionate remedy.

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 July 2015 to 31 December 2015. Appendix C details the complaints received by the District Council and EK Services for the current financial year. Appendix D lists the Lessons Learnt from complaints from 1 July to 31 December 2015.

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.

Background Papers

File C23/5 – Complaints.

Attachments

Appendix A – Ward Statistics
Appendix B – Breakdown of compliments by Section
Appendix C – Breakdown of complaints by Section for the current financial year
Appendix D – Actions Taken/Procedural Changes as a result of complaints received

SUE CARR
Corporate Complaints & Resilience Officer

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 31.12.15
	DDC	DDC
Aylesham	-	4
Buckland	4	5
Capel-le-Ferne	2	3
Castle	7	7
Eastry	1	3
Eythorne & Shepherdswell	9	2
Little Stour & Ashstone	7	9
Lydden & Temple Ewell	2	1
Maxton, Elms Vale & Priory	4	4
Middle Deal & Sholden	5	6
Mill Hill	4	2
North Deal	17	3
Outside District or N/A	11	4
Ringwould	2	2
River	2	3
Sandwich	7	3
St Margaret's-at-Cliffe	7	3
St Radigunds	5	2
Tower Hamlets	5	3
Town & Pier	4	-
Unknown	16	6
Walmer	12	3
Whitfield	5	4
Total	138	82

**Details of Compliments Received Per Section
From 1 July 2015 – 31 December 2015**

Section	Compliment
Building Control	Technical Clerk - Thank you for acting so quickly “takes the meaning of ‘first class customer service’ to a whole new level”
Communication & Engagement	PR & Marketing Officer – impressed with the content and layout of the DDC Winter News
Communication & Engagement	Design & Print Manager and Assistant – praise for the Christmas video message “inspired” and “impressive”
Licensing	Technical Support Officer – “A great credit to your service”.
Housing Needs	Housing Options Officer – “Helpful and reassuring”
Housing Needs	Housing Options Officer – Exceptionally high standard of customer care
Property Services	Multi skilled tradesmen - thanked for their work following vandalism at public conveniences in Eastry
Property Services	Multi skilled tradesmen - thanked for work to bench in Sandwich and the updates provided
Property Services	Valuation Officer - Thank you for time, effort and help tracing relative’s grave.
Property Services	Head of Assets & Building Control & Multi skilled tradesman – Thanked for help resolving complaint regarding trees/fence
Property Services	Valuation Officer – “You have just made my day, thank you so much for your trouble”
Property Services	Valuation Officer – thank you for care and consideration for assistance with funeral arrangements
Property Services	Valuation Officer & Senior Horticultural Officer – thanks for kind help and the work undertaken looks excellent
Property Services	Corporate Maintenance Inspector – thank you for assistance in purchasing a memorial bench – excellent service
Property Services & Waste Services	Head of Assets & Building Control and Waste Services Officers - Thank you for all involved in sorting out our rubbish dilemma
Various Departments	Officers from a number of departments plus Kent Highways – thank you for the assistance with the Trafalgar Day Parade in Deal. Technical questions resolved with the assistance of the various teams.

Complaints by Section from 1 April 2015 to 31 December 2015

Complaint Type	Reason for Complaint	Number
Communication & Engagement - DDC	Delay in response	1
Communication & Engagement - DDC	Procedural fault	1
Community Safety Unit - DDC	Delay in response	1
Building Control - DDC	Alleged breached of data protection	1
Building Control - DDC	Procedural fault	1
Council Tax & NNDR - EKS	Administration	2
Council Tax & NNDR - EKS	Billing	4
Council Tax & NNDR - EKS	Discount	3
Council Tax & NNDR - EKS	Recovery	9
Council Tax & NNDR - EKS	Data Protection	1
Customer Services - EKS	Staff attitude	1
Customer Services - EKS	Telephony system	3
Development Control - DDC	Administration - format of website	1
Development Control - DDC	Merits of decision	5
Development Control - DDC	Procedures	1
Development Control - DDC	Enforcement	2
Environmental Protection - DDC	Not answering telephones	1
Environmental Protection - DDC	Staff actions and attitude	1
Environmental Protection - DDC	Service Provision - action taken re sewerage issue	1
Environmental Protection - DDC	Merits of decision re: pollution monitoring	1
Governance - DDC	Breach of Data Protection	1
Governance - DDC	Merits of Decision - Asset of community value	7
Horticulture - DDC	Response and decision	1
Housing & Council Tax Benefits - EKS	Advice	1
Housing & Council Tax Benefits - EKS	Claim processing	2
Housing & Council Tax Benefits - EKS	Administration - wording of a letter	1
Housing & Council Tax Benefits - EKS	Overpayment	1
Housing Needs - DDC	Rehousing	4
Housing Needs - DDC	Maintenance of Housing Register	1
Housing Needs - DDC	Administration	1
Housing Services - EK Housing	Recharges	1
Licensing - DDC	Querying decision for licence	1
Parking Services - DDC	Staff attitude	1
Private Sector Housing - DDC	Provision of information	3
Property Services - DDC	Monitoring of cleaning contract	1
Property Services - DDC	Administration - processing of refund	1
Property Services - DDC	Service Provision - high hedge and rubbish attracting vermin	1
Waste Services - DDC	Missed collection	8
Waste Services - DDC	Merits of decision	2
Waste Services - DDC	Damage caused by crew	1
Waste Services - DDC	Service Provision - litter left after collection	1

**Actions Taken and/or Procedural Changes as a result of
Complaints received between
1 July 2015 and 31 December 2015**

Section	Complaint	Actions Taken/Procedural Changes
Building Control – DDC	Actions taken by a member of staff	Notes should be made of all meetings with applicants and builders
Council Tax – EKS	System error resulted in discounts not ending on accounts	Software provider amended the system
Council Tax – EKS	No explanation for amendment to account	Explanatory letter to accompany revised bills
Customer Services – EKS	Navigation through telephone system	Interactive voice response to be reviewed
Environmental Protection – DDC	Complainant not asked to put complaint in writing	When taking a complaint by telephone confirm details of complaint with complainant
Property Services - DDC	No response to correspondence.	Procedures put in place to log and monitor correspondence.
Housing Benefits – EKS	Wording of correspondence not courteous	Comments to be taken into consideration when the standard letters are reviewed
Property Services – DDC	Refund not processed as request included in an attachment which had not been opened	Officers must open and check all attachments
Property Services – DDC	Standard of work carried out by cleaning contractors.	New system for reporting issues direct to the Contractor is resolving complaints more quickly.
Private Sector Housing – DDC	Not all details of grant provided	Copy documentation to be provided