

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 13 MARCH 2013

## **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 Complaints & Resilience Officer (CC&RO) at stage two of the Council's complaints process since the last Standards Committee meeting of 23 January 2013. Three complaints were investigated none of which lead to a finding of maladministration with 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 C.

#### 1.1 **Complaint No. ENV023 - North Deal (Closed)**

This complaint related to the way in which reports of noise from a dog barking were dealt with by the Environmental Protection Team. The complainant felt that there was a lack of action by the Officers and was unhappy with the length of time it took to take the matter to Court. The CC&RO explained that, to take court action, the Council would have to prove beyond reasonable doubt that a statutory nuisance was occurring. Robust evidence was therefore required in the form of diary sheets and Officer witness' statements. When Officers were satisfied that there was a statutory nuisance the matter was referred to the Legal Section and a court date was applied for immediately. The court date was three months later due to the volume of cases being dealt with at Canterbury Magistrates Court. The CC&RO advised that the Environmental Protection Officers continued to gather evidence to support the case and the Council was successful with the prosecution. The CC&RO found no evidence of maladministration but advised the complainant that they could refer the matter to the Local Government Ombudsman (LGO) if they remained dissatisfied.

#### 1.2 **Complaint No. PKG031 – St Radigunds (Closed)**

The complainant was unhappy that, having received a parking penalty charge notice, that they could not make payment over the internet. The matter was investigated by the CC& RO who found that on the day the complainant attempted to make payment there was a technical problem with the payment system and it was rectified on the same day. As only parking payments were affected the issue took longer to come to light. The CC&RO found no evidence of maladministration as, as soon as the Council was aware of the problem, it was rectified. The complainant was advised that they could refer the matter to the LGO if they remained dissatisfied with the way in which their complaint had been handled.

### 1.3 **Complaint No. PKG032 – Tower Hamlets (Closed)**

This complaint related to an on-street parking order where the complainant believed that they could move their vehicle to another bay within the same street and not receive a penalty charge notice (pcn). The complainant claimed that they had done this previously but on this occasion the civil enforcement officer had advised them that they needed to move the car away from the street or they would issue a pcn. The CC&RO explained that the street was listed as one entry within the Parking Order and therefore the civil enforcement officer was correct. The CC&RO found no evidence of maladministration but advised the complainant that they could refer the matter to the LGO if they remained dissatisfied with the way in which their complaint was dealt with.

## 2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN SINCE STANDARDS COMMITTEE MEETING OF 23 JANUARY 2013**

2.1 **PSV020** – The complainant, a building company, acquired a property adjoining land owned by the Council. The complainant was asked to clear the adjoining land of rubbish by a Council Officer. They stated they did not own the land but the Officer disagreed so the company cleared the land and fenced it. When the company tried to sell the property it came to light that not all the land was in their ownership. The company complained to the LGO as they believed the Council should reimburse their costs and legal fees. The LGO stated that errors do happen and that the company could have checked with their Land Registry details before fencing off the land. The decision was classed as “To discontinue investigation”.

2.2 **CTX074** – This matter related to the recovery of national non-domestic rates. The Ombudsman found that recovery action had been taken correctly and the debt referred to a bailiff company. The complainant made a payment on the same day that the bailiff company visited them but the payment was made to the Council and not the bailiffs. The payment made to the Council was for the debt and court fees but not the bailiff company’s fees. The Council did not immediately advise the bailiffs that a payment had been received and therefore the bailiffs made a further visit. The complainant paid a further sum to cover the bailiff’s fees but complained to the LGO and requested compensation. The Ombudsman explained that where a payment is made this is off-set against any charges in the first instance and the debt continues until the full amount owing is paid. Although the Council had failed to advise the bailiffs that a payment had been received the payment was made after the debt was referred to the bailiffs therefore the full charge was correct and there was no injustice to the complainant by this action. The case was closed and the decision classed as “Not to initiate an investigation”.

## 3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year. Appendix B details the compliments received per Ward and Section from 3 January 2013 to 25 February 2013. Appendix C details the complaints received by the District Council and EK Services per Ward and Section for the current financial year. Appendix D sets out the complaints received by East Kent Housing per Ward and Section for the current financial year. Appendix E lists the Lessons Learnt from complaints from 3 January 2013 to 25 February 2013.

## 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 C – Breakdown of complaints by Ward and Section

Appendix D – Complaints received by East Kent Housing by Ward

Appendix E – Lessons Learnt

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		
	1.4.11 to 31.3.12	1.4.12 to 25.2.13	1.4.12 to 31.1.13
		<b>DDC</b>	<b>EKH</b>
Aylesham	3	9	1
Buckland	8	7	7
Capel-le-Ferne		2	-
Castle	5	11	1
Eastry	5	8	2
Eythorne & Shepherdswell	7	5	2
Little Stour & Ashstone	10	3	1
Lydden & Temple Ewell	1	1	-
Maxton, Elms Vale & Priory	3	8	-
Middle Deal & Sholden	7	2	3
Mill Hill	3	3	-
North Deal	11	8	1
Outside District or N/A	10	13	5
Ringwould	5	1	-
River	5	5	-
Sandwich	8	5	1
St Margaret's-at-Cliffe	13	2	1
St Radigunds	7	5	3
Tower Hamlets	7	6	3
Town & Pier	4	1	-
Walmer	10	11	-
Whitfield	2	2	-
<b>Total</b>	<b>134</b>	<b>118</b>	<b>31</b>

**Details of Compliments Received Per Section  
From 3 January 2013– 25 February 2013**

<b>Section</b>	<b>Compliment</b>	<b>Ward</b>
Leadership Support	Approval for new layout of tourism brochure	Sandwich
Building Control	Thank you for your help and assistance	Castle
Building Control	I am extremely grateful for the courteous and efficient way in which you have handled this matter. Thank you.	Eastry
Building Control	Thank you for all your assistance. The officers were so supportive and ensured that all the work has been carried out correctly, in accordance with Building Control regulations.	Sandwich
Building Control	Thank you for being so helpful	St Radigunds

**APPENDIX C****Complaints by Ward and Section from 1 April 2012 to 25 February 2013**

Title	Description	Ward
Business Rates	Lack of communication	Aylesham
Horticulture	Grave not turfed	Aylesham
Housing & Council Tax Benefits	Claim processing	Aylesham
Housing & Council Tax Benefits	Claim processing	Aylesham
Housing Needs	Querying decision	Aylesham
Housing Needs	Querying decision	Aylesham
Housing Services	Repairs - lack of action	Aylesham
Valuation	Alleged discrimination	Aylesham
Waste Services	Collection point	Aylesham
Development Control	Objection not listed on website	Buckland
Housing & Council Tax Benefits	Overpayment	Buckland
Housing Services	Noise from tenant – lack of action	Buckland
Waste Services	New scheme - communal bin	Buckland
Waste Services	No response to communications	Buckland
Waste Services	Quality of purple sacks	Buckland
Waste Services	Release of personal data	Buckland
Development Control	Planning - merits of decision	Capel-le-Ferne
Waste Services	Non-collection	Capel-le-Ferne
Council Tax	Recovery	Castle
Council Tax	Recovery	Castle
Community	Fair in Pencester Gardens	Castle
Development Control	Planning - merits of decision	Castle
Housing & Council Tax Benefits	Recovery of overpayment	Castle
Parking Services	Residents permits	Castle
Parking Services	Issue of parking charge notice	Castle
Property Services	Broken glass in play area	Castle
Waste Services	New scheme - assisted collection not taken	Castle
Waste Services	Rubbish in Victoria Park	Castle
Waste Services	New scheme - delay in delivery of bins	Castle
Council Tax	Recovery	Eastry
Council Tax	Recovery	Eastry
Development Control	Planning process	Eastry
Environmental Protection	Investigation regarding smell nuisance	Eastry
Housing & Council Tax Benefit	Recovery of overpayment	Eastry
Housing & Council Tax Benefit	Claim processing	Eastry
Waste Services	New scheme - bins not collected	Eastry
Waste Services	New scheme - assisted collection not taken	Eastry
Development Control	Planning - merits of decision	Eythorne & Shepherdswell
Development Control	Planning - merits of decision	Eythorne & Shepherdswell
Development Control	Planning - merits of decision	Eythorne & Shepherdswell
Development Control	Planning – lack of action	Eythorne & Shepherdswell
Waste Services	Information provided by DDC and Veolia	Eythorne & Shepherdswell
Environmental Health	Prohibition Notice	Little Stour & Ashstone

Waste Services	New scheme - delay in delivery of bins	Little Stour & Ashstone
Waste Services	New scheme – bins not being collected	Little Stour & Ashstone
Community Safety	Allegation of no action regarding anti-social behaviour	Lydden & Temple Ewell
Building Control	Issue of completion certificate	Maxton, Elms Vale & Priory
Council Tax	Customer Service	Maxton, Elms Vale & Priory
Development Control	Merits of decision	Maxton, Elms Vale & Priory
Development Control	Consultation	Maxton, Elms Vale & Priory
Governance	Investigation regarding a Parish Councillor	Maxton, Elms Vale & Priory
Parking Services	Wardens not patrolling regularly	Maxton, Elms Vale & Priory
Property Services	Staff action	Maxton, Elms Vale & Priory
Waste Services	Non collection	Maxton, Elms Vale & Priory
Waste Services	New scheme - suitability of wheeled bins	Middle Deal & Sholden
Waste Services	Recycling not collected	Middle Deal & Sholden
Housing & Council Tax Benefits	Entitlement and staff attitude	Mill Hill
Waste Services	New scheme	Mill Hill
Waste Services	Broken wheeled bin	Mill Hill
Building Control	Action taken by officer	North Deal
Council Tax	Recovery	North Deal
Development Control	Planning - time taken to process application	North Deal
Environmental Protection	Action regarding noise nuisance	North Deal
Housing Needs	Allocation of Housing	North Deal
Leadership Support	Mail room performance	North Deal
Waste Services	Non collection	North Deal
Waste Services	Unaware of new garden waste scheme	North Deal
Housing Needs	Points reduced	Outside District
Housing Needs	Delay in re-housing	Outside District
Housing & Council Tax Benefits	Overpayment	Outside District
Housing & Council Tax Benefits	Querying decision	Outside District
Housing & Council Tax Benefits	Release of personal data	Outside District
Housing & Council Tax Benefits	Overpayment	Outside District
Council Tax	Recovery	Outside District
Council Tax	Recovery	Outside District
Development Control	Planning - time taken to process application	Outside District
Development Control	Planning - merits of decision	Outside District
Development Control	Planning – enforcement action	Outside District
Development Control	Planning – administration	Outside District
Land Charges	Fees set by Land Charges	Outside District
Private Sector Housing	Standard of work carried out under loan	Ringwould-with-Kingsdown
Customer Services	Unable to contact Council by telephone	River
Customer Services	Staff action	River
Environmental Health	Use of land by off-road vehicles	River
Housing & Council Tax Benefits	Querying decision	River
Waste Services	Service provided by contractor	River
Development Control	Planning advice	Sandwich
Community	Information not supplied by Department	Sandwich
Council Tax	Recovery	Sandwich

Council Tax	Recovery	Sandwich
Development Control	Time taken to process planning application	Sandwich
Development Control	Decision re advertising	St Margarets-at-Cliffe
Parking Services	Issue of parking charge notice	St Margarets-at-Cliffe
Housing & Council Tax Benefits	Letter sent addressed to deceased person	St Radigunds
Housing Needs	Length of time on waiting list	St Radigunds
Housing Needs	Processing of housing application	St Radigunds
Parking Services	Payment processing	St Radigunds
Waste Services	New scheme - delay in delivery of bins	St Radigunds
Council Tax	Customer service	Tower Hamlets
Customer Services	Rent payments	Tower Hamlets
Environmental Health	Dog warden service	Tower Hamlets
Housing & Council Tax Benefits	Overpayment	Tower Hamlets
Parking Services	Querying Traffic Order	Tower Hamlets
Private Sector Housing	Home Loan	Tower Hamlets
Parking Services	Increase in charges	Town & Pier
Customer Services	Unable to contact Council by telephone	Walmer
Development Control	Advertisement for planning application	Walmer
Development Control	Planning - enforcement	Walmer
Development Control	Planning lack of action by staff	Walmer
Housing & Council Tax Benefits	Overpayment	Walmer
Housing & Council Tax Benefits	Claim processing	Walmer
Revenues	Lack of response	Walmer
Waste Services	Unaware of new garden waste scheme	Walmer
Waste Services	Charge for green waste service	Walmer
Waste Services	Release of personal data	Walmer
Waste Services	Non-collection of waste	Walmer
Development Control	Planning - provision of information	Whitfield
Housing Needs	Re-housing	Whitfield



**APPENDIX D****Complaints received by East Kent Housing Per Ward and Section from 1 April 2012 to 31 January 2013**

Title	Description	Ward
Housing Maintenance	Outstanding repairs and lack of contact from EKH	Aylesham
Housing Services	Complaint of graffiti, signage, weeds and general condition of the area	Buckland
Housing Services	Assessment for disabled shower	Buckland
Housing Services	Complaint concerning the way a tenant was spoken to by a housing officer	Buckland
Housing Services	Allegation of unprofessional behaviour of Officer	Buckland
Housing Maintenance	Damage caused to roof of private property during work to Council property	Buckland
Housing Maintenance	Repairs to brickwork and actions of contractors	Buckland
Housing Maintenance	Repairs to leak from flat above	Buckland
Housing Services	Complaints of noise and racial harrassment	Castle
Housing Services	Lack of contact from EKH	Eastry
Housing Maintenance	Leaks to shed roof	Eastry
Housing Maintenance	Faults with lighting since rewire	Eythorne & Shepherdswell
Housing Maintenance	Length of time taken to carry out repairs	Eythorne & Shepherdswell
Housing Services	Service received from housing officer	Little Stour & Ashstone
Housing Services	Allegation of incorrect action taken over tenant's behaviour	Middle Deal & Sholden
Housing Maintenance	Repairs to block that required scaffolding which affected the TV aerial	Middle Deal & Sholden
Housing Maintenance	Repairs to door entry system	Middle Deal & Sholden
Housing Maintenance	Assessment for disabled shower	North Deal
Housing Services	Allegation of forced entry into a leaseholder's property	Outside District
Housing Services	Leasehold questionnaire roof repairs not included	Outside District
Housing Services	Allegation of unprofessional behaviour of Officer	Outside District
Housing Services	Allegation of unprofessional behaviour of Officer	Outside District
Housing Services	Amount charged for external repairs	Outside District
Housing Maintenance	Damage caused to roof of private property during work to Council property	Sandwich
Housing Maintenance	Poor finish to rewiring work	St Margarets-at-Cliffe
Housing Maintenance	Blocked toilet not cleared for over 33 hours	St Radigunds
Housing Services	Allegation of unprofessional behaviour of Officer	St Radigunds
Housing Services	Allegation of unprofessional behaviour of Officer	St Radigunds
Housing Maintenance	Poor condition of property	Tower Hamlets
Housing Services	Communal aerial supply included in electric supply for flat 24	Tower Hamlets
Housing Services	Length of notice to quit when someone dies and the state of the property regarding damp	Tower Hamlets

**Lessons Learnt from Complaints/Compliments  
From 3 January 2013 – 25 February 2013**

<b>Section</b>	<b>Complaint/Compliment</b>	<b>Lessons Learnt</b>
Housing Benefit	Monthly repayments were agreed with the Council for an overpayment of housing benefit but a letter was received from a bailiff company. Information had not been passed from Customer Services to the Housing Benefit team.	Customer Service staff to maintain diary notes and record telephone conversation on the data base.