

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 4 DECEMBER 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 Services Team at stage two of the Council's complaints process since the last Standards Committee meeting of 25 September 2013. Four 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 C.

1.1 **Complaint No. DEV148 - Little Stour & Ashstone (Closed)**

This complaint related to a planning application for a barn. The complainant stated that he had not seen the planning notice and was therefore denied the opportunity to comment and was unhappy with the decision to grant planning permission. The matter was investigated and it was found that notices had been displayed on the entrance gate to the site on two separate occasions. The first notice related to the initial planning application and the second notice was to inform of additional information received about a hardstanding. The Corporate Complaints & Resilience Officer (CC&RO) visited the site and was of the opinion that a notice on the gate to the site could be seen from the highway. It was found during the investigation that, although site notices had been posted and the parish council had been informed, this application should have been advertised in the local press. As maladministration had been found consideration had to be given to whether or not the complainant had suffered injustice. The case officer was satisfied that the decision was correct and it is not for the complaints process to question the merits of a decision. The only way to alter a planning decision is by way of judicial review and as it is considered that the decision is correct the outcome would be no different therefore there is no evidence of injustice. The Council apologised to the complainant for the error and advised to refer the matter to the Local Government Ombudsman if they remain dissatisfied.

1.2 **Complaint No. DEV155 - Eythorne & Shepherdswell (Closed)**

This complaint related to the way in which the planning application for Lydden Circuit had been processed and questioned the Council's enforcement actions. The matter was investigated and it was found that the correct consultation and planning application procedures had been followed. With regard to enforcement action the complainant was advised that noise monitoring would be undertaken following which meetings would take place with consultants for Lydden circuit and those acting for a

local resident to discuss how noise issues can be addressed. Regarding complaints received by the Planning Department the complainant was advised that camping is allowed on the site provided it is ancillary to the use of the site as a motorsport centre. Where a regularly occurring breach of planning condition is identified rather than an occasional breach, formal enforcement action will be considered. The complainant was also advised that Counsel's opinion was being sought on the subject of holding 'drifting' motor events at the circuit and whether this is classified as motor sport.. The investigation found no evidence of maladministration.

1.3 **Complaint No. DEV156 – Eythorne & Shepherdswell (Closed)**

This complaint related to an unauthorised use of Lydden race circuit and the complainant demanded compensation. The complainant was advised that the matter would be taken up with the site owner. The owner is required to provide a list of annual events before the racing year starts and this will be checked and monitored. Where a regularly occurring breach of planning condition is identified rather than an occasional breach, formal enforcement action will be considered. The complainant was also advised that it is not for the Council to pay compensation for actions carried out by third parties.

1.4 **Complaint No. ENV029 – North Deal (Closed)**

The complainant was unhappy with the food hygiene rating that had been awarded to their premises and considered that the inspection was hurried and did not explain what action the owner was required to take. The Council apologised that the inspection did not meet the owner's expectations but advised that the paperwork that had been left at the premises outlined the key points that needed addressing to improve the rating. The investigation found no evidence of maladministration.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN SINCE STANDARDS COMMITTEE MEETING OF 25 SEPTEMBER 2013**

2.1 **HND036** - The complainant considered that the Council had acted wrongly in the way it had assessed their application for housing. The Ombudsman investigated and found that the Council had properly reviewed its assessment of the application in accordance with its allocations scheme and submitted all medical evidence provided by the applicant to the independent medical adviser.

2.2 **DEV141** – The complainant complained to the LGO that the Council failed to respond properly to their reports of breaches of planning conditions by a nearby business and take appropriate action. The Ombudsman found that the Council did not provide any update on progress to the complainant and did not provide a formal response to the complaint. However the Council provided an update on the alleged planning breaches, evidence that action had been taken to ensure most of the planning conditions are now met and provided reasons where further action is not expedient. The Ombudsman closed the investigation as any fault by the Council did not cause an injustice to the complainant requiring a remedy.

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year compared to 2012/13. Appendix B details the compliments received per Ward and Section from 16 August to 20 November 2013. Appendix C details the complaints received by the District Council and EK Services per Ward and Section

from 16 August to 20 November 2013. Appendix D lists the Lessons Learnt from complaints from 16 August to 20 November 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 – Actions Taken/Procedural Changes as a result of complaints received

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	
	1.4.12 to 31.3.13	1.4.13 to 20.11.13
	DDC	DDC
Aylesham	11	1
Buckland	7	4
Capel-le-Ferne	2	2
Castle	11	6
Eastry	8	5
Eythorne & Shepherdswell	6	9
Little Stour & Ashstone	3	3
Lydden & Temple Ewell	1	5
Maxton, Elms Vale & Priory	9	6
Middle Deal & Sholden	2	9
Mill Hill	4	5
North Deal	11	2
Outside District or N/A	14	4
Ringwould	2	5
River	5	-
Sandwich	6	7
St Margaret's-at-Cliffe	2	3
St Radigunds	5	2
Tower Hamlets	10	-
Town & Pier	1	3
Unknown	6	7
Walmer	13	3
Whitfield	2	1
Total	141	92

**Details of Compliments Received Per Section
From 16 August – 20 November 2013**

Section	Compliment
Building Control	Thank you for such an efficient service.
Building Control	Thank you for quick turn around "fab service".
Building Control	Thank you for help on the telephone "It makes such a change to call someone and the phone is answered by a person AND it is answered straight away by a person who can help you!".
Community Team	Letter of thanks from resident of Elvington for assistance in resolving parking issues
Housing Options	Letter of appreciation for work by Housing Options Officer ".. even though I have been a nuisance and demanded everything you have still been there for me!."
Leadership Support	Compliments for design work for promotion of community launch
Legal Services	Thank you for dedication and hard work in dealing with a particularly difficult housing case.

Complaints by Ward & Section from 16 August 2013 to 20 November 2013

Title	Complaint Type	Ward
Recovery Action	Council Tax - EK Services	Castle
Telephone service	Customer Services - EK Services	Castle
Drain cover	Property Services - DDC	Castle
Smell nuisance	Environmental Health - DDC	Eastry
Land allocation	Development Control - DDC	Eastry
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Enforcement decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Grant	Private Sector Housing - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Little Stour & Ashstone
Consultation	Development Control - DDC	Lydden & Temple Ewell
Enforcement decision	Development Control - DDC	Maxton, Elms Vale & Priory
Wheellie bins	Waste services - DDC	Maxton, Elms Vale & Priory
Pest Control	Environmental Health - DDC	Maxton, Elms Vale & Priory
Recovery Action	Council Tax - EK Services	Middle Deal & Sholden
Planning Committee	Democratic Services - DDC	Middle Deal & Sholden
Parking Order	Parking Services - DDC	Middle Deal & Sholden
Recovery Action	Council Tax - EK Services	Mill Hill
Staff attitude	Customer Services - EK Services	Mill Hill
Staff action	Parking Services - DDC	Mill Hill
Claim processing decision	Benefits - EK Services	North Deal
Staff action	Development Control - DDC	Ringwould
Overpayment	Benefits - EK Services	Sandwich
Recovery Action	Council Tax - EK Services	Sandwich
Recovery Action	Council Tax - EK Services	Sandwich
Claim processing	Benefits - EK Services	St Margaret's-at-Cliffe
Recovery Action	Council Tax - EK Services	St Margaret's-at-Cliffe
Missed collections	Waste services - DDC	St Radigunds
Administration	Waste services - DDC	Town & Pier
Service by contractor	Waste services - DDC	Town & Pier
Recovery Action	Council Tax - EK Services	Unknown
Discount	Council Tax - EK Services	Unknown
Recovery Action	Council Tax - EK Services	Unknown
Staff contact	Development Control - DDC	Unknown
Merits of decision	Development Control - DDC	Whitfield
Request for service	Parking Services - DDC	Walmer
Sale of property	Valuation - DDC	Walmer

**Actions Taken and/or Procedural Changes as a result of
Complaints received between
16 August and 20 November 2013**

Section	Complaint	Actions Taken/Procedural Changes
Housing Benefits - EK Services	Complainant was not aware of the overpayment made to tenant and letters had been acknowledged or responded to.	EKS have changed some working procedures so that appeals can be highlighted to the Corporate Income Team quickly to minimise the risk of additional reminders being issued whilst an appeal is pending
Council Tax – EK Services	Unhappy at having to pay council tax on an empty rental property	Explanation of changes in legislation given to complainant
Customer Services – EK Services	Unhappy with staff attitude felt they were condescending	Staff training in handling customer enquiries
Development Control - DDC	Complainant unhappy that it was not possible to speak to the case officer who was a consultant .	When using external contractors develop a process for them to be contacted by anyone wishing to discuss the application.
Development Control - DDC	Allegation that representations made on the Land Allocations Pre-submission Local Plan in respect of land near Station Road Walmer were not adequately considered by the Council.	Acknowledge that even when correct procedures are followed there will be dissatisfied customers.
Environmental Protection - DDC	Unhappy with service and time taken by contractor	Complainants should be referred to the contractors as soon as possible when complaining about their service
Parking Services - DDC	Complainant unhappy with length of time taken to process a new residents parking order area.	A different member of staff to liaise with the complainant during the administration process for the order.