

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 21 November 2013 until 31 March 2014. Nine 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 Services Section has provided assistance 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. CTX103 - St Margarets-at-Cliffe (Closed)

This complaint related to the way in which EK Services had dealt with the complainant when they were experiencing financial difficulties. The complainant had been advised that they would be sent a form to complete but this did not happen and they received a letter from the bailiffs. The matter was investigated by Corporate Services. An apology was given for not sending the form and as the debt related to two financial years one debt was recalled from the bailiffs and an agreement reached for the complainant to pay an amount each month that they could afford, to cover the last two financial years and then to continue to cover the 2014-15 financial year.

1.2 Complaint No. CTX108 - Little Stour & Ashstone (Closed)

The complainant had been granted a council tax exemption as the property they had bought was uninhabitable. The complainant applied for planning permission but this took longer to obtain than they had envisaged and therefore requested a further exemption. This was denied and the complainant referred the matter to Corporate Services. It was explained that the delays in obtaining planning permission were attributed to both parties and that there were no further exemptions that could be applied. It was agreed that the period for repayment of outstanding council tax could be extended if that would assist the complainant.

1.3 Complaint No. DEV159 – Ringwould-with-Kingsdown (Closed)

The complainant alleged that the planning officer failed to keep them updated and deliberately delayed dealing with their planning application and sought answers direct from the contractor on issues that were outside the planning application. Corporate Services apologised on behalf of the Council that the target date had not been met and that the officer had not informed them that enquiries had been made of their

contractor. The planning application was decided and the complainant was satisfied with the outcome.

1.4 **Complaint No. DEV162 – Ringwold with Kingsdown (With LGO)**

The complainant disagreed with a decision taken by the planning department not to take enforcement action claiming that they had not taken case law into consideration. Corporate Services responded to the complaint stating that, having taken professional advice, the Council's view was that they were satisfied that the premises had planning permission. The matter is currently being investigated by the Local Government Ombudsman.

1.5 **Complaint No. ENV031 – North Deal (With LGO)**

The complainants are unhappy with noise from a factory near their property and the length of time being taken to carry out noise insulation works. Corporate Services apologised for the delay, explained the process and action taken by the Council. Environmental Protection were endeavouring to obtain a commencement date from the contactors but the works required to insulate the premises is vast and there are technical hurdles that need addressing to enable works to progress. The complainant was advised that an officer from the Environmental Protection Team would update them as matters progressed and it was hoped that works would commence at the end of March. There have been further delays by the factory owner and the complainant has therefore referred the matter to the Local Government Ombudsman.

1.6 **Complaint No. GOV016 – North Deal (Closed)**

The complainant alleged that the Licensing Sub Committee took account of a statement that was a petition, did not give consideration to information from licensing and noise officers, and gave consideration to statements with no supporting evidence. The matter was investigated by Corporate Services who advised that Licensing Committee have procedures to follow and deal with facts as presented to them by the Licensing Officers and detailed in the Notice of Determination. The evidence presented included a standard objection form which was completed by 35 individual parties, each one giving their own personal contact details. The individual objectors had been represented by a substitute for their Ward Councillor and some objectors also attended the meeting in person. The allegation of fraud regarding the signatures was investigated by the Police but there was insufficient evidence to be able to interview or arrest any person on suspicion of fraud. Corporate Services could find no evidence of maladministration.

1.7 **Complaint No. HND050 – North Deal (Closed)**

The complainant was unhappy with housing advice provided to their brother who was elderly and vulnerable. Corporate Services advised that as the Court had not found in favour of the complainant, emergency accommodation would be arranged. The Housing Officer obtained advice from the Legal Department and information from Canterbury County Court. The Council were of the view that the advice was correct and could find no evidence of maladministration.

1.8 **Complaint No. VAL005 – Walmer (Closed)**

This complaint relates 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. Corporate Services 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 officers are now aware of the procedure to follow. Although the decision taken was initially incorrect the correct process was followed and therefore no injustice caused to the complainant.

1.9 **Complaint No. WST131 – Town & Pier (Closed)**

The complainant was unhappy that their wheeled bins were not being returned to the point of collection. They had initially reported this to Waste Services and for a while the contractors were fulfilling their obligations but the contractor had again failed to return them to the correct place. Corporate Services found that the contractors had been monitored from mid-September throughout October but when the area supervisor went on leave the contractor reverted back to leaving the bins on the grass. Corporate Services advised that the contractors would be monitored until such time as the Council was happy that the contractor was fulfilling its obligations.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN SINCE STANDARDS COMMITTEE MEETING OF 4 DECEMBER 2013 UNTIL 31 MARCH 2014**

2.1 **BEN079** - The complainant alleged that the Council's housing and housing benefit departments failed to assist when they were evicted and made homeless in December 2013. That the Council was wrong to determine that they had rent arrears and also that the Council's actions led to their eviction from a previous property in 2008. The Ombudsman investigated and did not find any fault with the way in which the Council assessed the homeless application or dealt with the housing benefit claim. With regard to the complaint about the Council's actions in 2008 this was not investigated as the complaint could have been made sooner but, from evidence seen by the Ombudsman, there was no fault by the Council.

2.2 **DEV146** – The complainant complained to the LGO that the Council had not taken account of their representations against the Council's Land Allocations Pre-submission Local Plan and amended the Plan. The Ombudsman advised that because the Council has not amended its plans as the complainant would like did not mean that the Council had not taken account of their representations. It is now for the Planning Inspectorate to take a view on the merits of the Council's proposals and the complainant will be appearing to give evidence. The Ombudsman has no locus in the matter.

2.3 **DEV153** – The complainant referred this complaint to the Ombudsman stating that the Council had not taken enforcement action against breaches of planning conditions on a site close to their home. The Ombudsman explained to the complainant that enforcement action on a breach of planning condition is discretionary and any action taken must be proportionate and defensible if challenged. The Ombudsman advised that as the Council had considered the

complainant's concerns and taken a decision the Ombudsman could not question the merits of that decision.

- 2.4 **PSH016** – This complaint related to a Disabled Facilities Grant and the complainant claimed that the Council did not tell them the value of the Grant. The complainant believed that the Council was asking them to repay too much if the property was sold within 10 years of completion of the work. The Ombudsman investigated and found that all information received by the Council was sent to the complainant via the Home Improvement Agency and the cost of the work had not been overstated. The Ombudsman found no evidence of fault by the Council.

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the last two financial years. Appendix B details the compliments received per Section from 21 November 2013 to 31 March 2014. Appendix C details the complaints received by the District Council and EK Services per Ward and Section from 21 November 2013 to 31 March 2014. Appendix D sets out the trends for complaints for each service and Appendix E lists the complaints received by East Kent Housing for the 2013-14 financial year.

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:

Attachments

Appendix A – Ward Statistics
Appendix B – Breakdown of compliments by Section
Appendix C – Breakdown of complaints by Ward and Section
Appendix D – Annual trends per Service
Appendix E – Complaints received by East Kent Housing for 2013-14 financial year

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 31.3.14
Aylesham	11	3
Buckland	7	5
Capel-le-Ferne	2	2
Castle	11	7
Eastry	8	7
Eythorne & Shepherdswell	6	11
Little Stour & Ashstone	3	6
Lydden & Temple Ewell	1	5
Maxton, Elms Vale & Priory	9	9
Middle Deal & Sholden	2	13
Mill Hill	4	6
North Deal	11	8
Outside District or N/A	14	7
Ringwould	2	6
River	5	1
Sandwich	6	10
St Margaret's-at-Cliffe	2	3
St Radigunds	5	2
Tower Hamlets	10	3
Town & Pier	1	5
Unknown	6	11
Walmer	13	6
Whitfield	2	2
Total	141	138

Details of Compliments Received Per Section From 21 November – 31 March 2014

Section	Compliment
Building Control & Development Control	Thank you for dealing with query brilliantly and efficiently. "You made me feel that nothing was too much trouble for you, and believe me it is rare these days to receive such excellent customer care".
Building Control	Thanks to all at Building Control for the efficiency & speed in dealing with this matter.
Building Control	Thanks for a speedy response
Building Control	At last, a year after moving back into our house, we have the necessary certification. We can't thank you enough for your endeavours in helping to bring this to a conclusion.
Building Control	DDC responded quickly and efficiently to a request of Building Regulations. In what can be a stressful situation, they were helpful and pleasant. It was overall a good experience and they are to be congratulated."
Building Control	The Building Control service has been second to none, prompt courteous but mostly helpful, something I can't say about other building control teams. I have dealt with most building control teams in Kent and they don't come anywhere close.
Community Team	To the lovely person who replies on the social media sites on behalf of Dover District Council. I'm sorry as you really don't deserve the bashing that you get sometimes from the local people.
Community Team	Well done to the Community Engagement Officer for their work on the Fields in Trust success.
Community Team	Congratulations from Save the Children for being the fastest delivering area for Grants. DDC has supported 47 families in Dover in less than a month so the team need to be thanked for their speed in identifying families that meet the ESLP eligibility criteria.
Community Team	A heart felt thank you from all on our committee for your assistance with our Henry Smith funding bid. It will make a huge difference to our organisation.
Media	Great updates and information relating to the flooding on the Council's website
Media	Klout score of 60 showing that our social media postings are in the top 5% of all users
Housing Benefits	Thank you for the help and advice resulting in additional benefit.
Council Tax	I would like to say how extremely helpful you have been in relation to my 2013 Council Tax Bill. You have been very accommodating, polite and your replies to my e-mails have always been very prompt. By allowing me to pay a smaller amount weekly it has really helped with my finances at present. I do hope that other people contact you if they are struggling as your action has taken a lot of weight off my mind.
Leadership Support	Compliments for the design and layout of the Council's website
Waste Services	I am pleased to inform you that the street name signs are been cleaned right now as I write you this email. It is nice to know that my email was taken seriously. It makes it all worthwhile knowing people actually listen and take action.

Appendix C

Complaints by Ward & Section from 21 November 2013 to 31 March 2014

Title	Complaint Type	Ward
Missed collection	Waste Services - DDC	Aylesham
Claim processing	Benefits - EK Services	Buckland
Missed collection	Waste Services - DDC	Castle
Recovery	Council Tax - EK Services	Eastry
Staff action	Parking Services - DDC	Eythorne & Shepherdswell
Recovery	Council Tax - EK Services	Little Stour & Ashstone
Litter penalty	Environmental Protection - DDC	Little Stour & Ashstone
Point allocation scheme	Housing Needs - DDC	Little Stour & Ashstone
Processing of application	Development Control - DDC	Maxton, Elms Vale & Priory
Administration of Registration	Electoral Registration - DDC	Maxton, Elms Vale & Priory
Staff action	Housing Needs - DDC	Maxton, Elms Vale & Priory
Planning decision	Development Control - DDC	Middle Deal & Sholden
Planning decision	Development Control - DDC	Middle Deal & Sholden
Planning enforcement	Development Control - DDC	Middle Deal & Sholden
Missed collection	Waste Services - DDC	Middle Deal & Sholden
Recovery	Council Tax - EK Services	North Deal
Recovery	Council Tax - EK Services	North Deal
Noise Nuisance	Environmental Protection - DDC	North Deal
Licensing Committee	Governance - DDC	North Deal
Re-housing	Housing Needs - DDC	North Deal
Recovery	Council Tax - EK Services	Outside District
Litter penalty	Environmental Protection - DDC	Outside District
Bailiffs actions	NNDR - EK Services	Outside District
Response from staff	Development Control - DDC	Ringwould-with-Kingsdown
Petition	Governance - DDC	River
Dog Warden	Environmental Protection - DDC	Sandwich
Response to flooding	Property Services - DDC	Sandwich
Processing of application	Development Control - DDC	Sandwich
Staff attitude	Customer Services - EK Services	Tower Hamlets
Missed collection	Waste Services - DDC	Tower Hamlets
Planning decision	Development Control - DDC	Town & Pier
Planning decision	Development Control - DDC	Town & Pier
Recovery	Council Tax - EK Services	Unknown
Response from service	Council Tax - EK Services	Unknown
Planning condition	Development Control - DDC	Unknown
Staff action	Parking Services - DDC	Unknown
Dog fouling	Environmental Protection - DDC	Walmer
Re-housing	Housing Needs - DDC	Walmer
Recovery	Council Tax - EK Services	Whitfield

Complaints Showing Trends by Service

Service	No of Complaints	
	1.4.12 to 31.3.13	1.4.13 to 31.3.14
Building Control - DDC	2	1
Community Safety - DDC	2	1
Community Engagement - DDC	2	-
Complaints - DDC	1	-
Council Tax – EK Services	13	33
Customer Services – EK Services	5	5
Democratic Services - DDC	2	4
Development Control - DDC	25	28
Electoral Registration - DDC	-	1
Environmental Health - DDC	5	11
Freedom of Information	-	1
Horticulture - DDC	1	-
Housing Benefits – EK Services	17	14
Housing Needs - DDC	9	8
ICT – EK Services	1	-
Land Charges - DDC	1	-
Leadership Support - DDC	1	-
Licensing - DDC	-	1
NNDR – EK Services	1	1
Parking Services - DDC	13	10
Private Sector Housing - DDC	2	1
Property Services - DDC	3	2
Valuation - DDC	1	1
Waste Services - DDC	34	15
Total	141	138

APPENDIX E

East Kent Housing Complaints Received From 1 April 2013 to 31 March 2014

Service	Complaint Details	Ward
Asset Management	Condition of void property	Aylesham
Asset Management	Concerns regarding damp/condensation	Aylesham
Asset Management	Standard of repairs and response times from asset management	Buckland
Asset Management	Condition of property	Buckland
Asset Management	Length of time taken to carry out repairs	Buckland
Asset Management	Standard of repairs	Buckland
Asset Management	Concerns regarding damp/condensation	Eastry
Asset Management	Poor service regarding appointments from contractor	Eythorne & Shepherdswell
Asset Management	No heating for several months	Eythorne & Shepherdswell
Asset Management	Problems with damp/condensation	Little Stour & Ashstone
Asset Management	Problems with kitchen and bathroom design	Middle Deal & Sholden
Asset Management	Response from contractors	Mill Hill
Asset Management	Length of time taken to carry out repairs	Mill Hill
Asset Management	Problems with damp/condensation and length of time to carry out repairs	Ringwould with Kingsdown
Asset Management	Standard of repairs	Walmer
Housing Management	Unhappy with tone of letter from housing officer	Aylesham
Housing Management	Use of car park for storage of fencing meant that car park spaces could not be used by residents	Buckland
Housing Management	Repairs to garage, being chased for arrears and having to wait in reception	Buckland
Housing Management	Allegation of victimisation	Little Stour & Ashstone
Housing Management	Unhappy at not being able to contact their neighbourhood manager for six months	Mill Hill
Housing Management	Mice infestation and neighbour not helping to resolve the problem	Mill Hill
Housing Management	Termination of tenancy	Outside District
Housing Management	Notice to Quit procedures not followed	Outside District
Housing Management	Management of anti-social behaviour case	Temple Ewell
Income Recovery	Concerns over the way they were treated by the rents team	Buckland
Income Recovery	Allegation of harassment by rent team	Eythorne & Shepherdswell
Income Recovery	Unhappy at being passed from various departments and then to an automated service	Little Stone & Ashstone
Income Recovery	Unhappy with the tone of a recovery letter	Outside District
Income Recovery	Manner spoken to by a member of the rent team	Sandwich
Income Recovery	Manner spoken to by a member of the rents team and they would not let them speak	Town & Pier
Leasehold	Letters of complaint regarding recharges not responded to	Sandwich
Sheltered Housing	Claims of disability discrimination, harassment and intimidation.	Sandwich
Sheltered Housing	Allegation against a member of the housing team	Sandwich