

**COMPLAINTS**  
(Report by the Head of Legal and Democratic Services)

**1. INTRODUCTION**

- 1.1 This report provides Members with information on internal complaints and complaints referred to the Local Government Ombudsman.

**2. COMPLAINTS OUTCOMES AND TRENDS***Internal Complaints*

- 2.1 The Council encourages employees who receive complaints initially to make every effort to resolve the problem straight away. If a complainant remains dissatisfied, or feels that his/her problem has not been looked at properly, or not been fully understood, they have the option to request someone else to investigate it at a more senior level. In this situation, a complaint is referred to the relevant Head of Service. It is at this stage that the matter is deemed to be a formal complaint. The table below shows the total number of formal complaints received over the last four years.

<b>Year</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Number of Complaints</b>	<b>67</b>	<b>58</b>	<b>40</b>	<b>43</b>

- 2.2 The table attached as Appendix A lists the formal complaints received in the last year where a lesson has been learned and / or a complaint has been referred to the Ombudsman. The chart at Appendix B shows trends in complaints levels by service.

*Complaints to the Call Centre*

- 2.3 The majority of complaints to the Call Centre relate to the Operations Division. For the 2012/13 financial year, 363 (284) complaints were received out of 26,678 (42,630) service requests, which represents a complaint rate of 1.4% (0.7%). The figures in parenthesis are for 2011/12. The significant drop in the number of service requests is the result of payments being transferred to the new automated system. This means the figures should be treated with some caution. It will be possible to make more meaningful comparisons next year.

*Complaints to the Local Government Ombudsman*

- 2.4 The Local Government Ombudsman Service has in the past produced an Annual Report on each local authority. The Report contained information on the number of enquires received and how each of those enquiries was treated. The Ombudsman has stopped producing these reports. The Council now will not necessarily know if a complainant has contacted the Ombudsman because it may be decided that a matter does not warrant an investigation. The table in the Appendix identifies those complaints that have been investigated by the Ombudsman and, where a decision has been reached, the Ombudsman's findings. The trend in total complaint numbers is as follows:

<b>Ombudsman Decisions</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Total</b>	<b>7</b>	<b>18</b>	<b>7</b>	<b>9</b>

2.5 Members will recall that one matter dealt with by the Ombudsman was settled locally (Minute No. 8 of the meeting held on 22nd May 2013 refers). The remaining investigations similarly revealed no evidence of maladministration.

### **3. CONCLUSION**

3.1 The decision last year to incorporate lessons learned into the annual report to the Panel on complaints and the withdrawal of the Ombudsman's Annual Report have meant that the format of this report has changed. Members are invited to comment on the new format and consider whether any other information should be included in future reports.

### **BACKGROUND PAPERS**

Complaints Management System

Local Government Ombudsman Decision Notices

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<b>REF NO</b>	<b>REASON</b>	<b>DIVISION</b>	<b>SUBJECT</b>	<b>ACTION</b>	<b>LESSONS LEARNED</b>	<b>OMBUDSMAN DECISION</b>
1098	Council Procedures	Operations	Council waste collection arrangements were causing a nuisance	Staff Instruction		Yes. The Council's refuse collection arrangements for neighbouring properties and its reference to those arrangements in an earlier planning approval did not cause serious injustice so it was decided not to pursue the complaint.
1101	Council Procedures	Development Management	Complainant's residential amenity was adversely affected by grant of planning permission for development on neighbouring land	Planning considerations explained No Action Taken	This case reinforced the need for effective review of subsequent proposals for amendments to schemes	No
1104	Service Delivery	Development Management	Complainant's residential amenity was adversely affected by grant of planning permission for an extension to a neighbouring property	Planning considerations explained No Action Taken		Yes. No maladministration found.
1109	Council Procedures	Development Management	Complainant not notified of planning application and extension not being in keeping and	Planning procedure and considerations explained	This case reiterated the need for appropriate widespread neighbour consultation.	No

			results in overlooking	No Action Taken		
1111	Service Delivery	Development Management	The Council failed properly to consider a planning application, which the complainants felt adversely affected their homes.	Detailed analysis of planning process provided  No Action Taken		Yes. No maladministration found.
1112	Action of Employee	Environmental Health	An Enforcement Officer had exceeded her remit.	Officer's role explained  No Action Taken	Dog warden investigation procedures reviewed to ensure a dog-owner has understood that where they are the subject of an investigation one outcome may be Court-action (civil or criminal).	No
1114	Council Procedures	Benefits	Benefit stopped whilst under investigation for fraud. Following decision Benefit not reinstated.	Separate benefit appeals procedure used.  No Action Taken		No
1116	Action of Employee	Estates	Questioning an 'order' given in letter.	Purpose of letter clarified.  Change in Procedures	Future letters to be reviewed prior to their despatch.	No
1119	Service Delivery	Development Management	The Council's approach to development of the complainant's land has been inconsistent and its	Clarification provided of why the Council acted in the way it has how the Development	This case reinforced the need for reasons to be given for the decision made.	No

			decision-making procedures flawed.	Management decisions are reached.		
				No Action Taken		
1123	Service Delivery	Development Management	The Council did not take an objection into account when determining a planning application.	The objection was received but through human error, it was not forwarded on to the case officer. All the matters raised had been taken into account so the decision would not have been affected.	This case highlighted the need for effective administrative procedures to be in place	No
				Staff Instruction		
1124	Service Delivery	Development Management	The Council incorrectly evaluated and considered the potential impacts of a proposed development, upon neighbouring residential amenity during the planning process.	Detailed account of the determination process provided.  Case is with the Ombudsman.		Yes – On-going (Ombudsman’s provisional view – Council released covenant and granted planning permission without fault)
1129	Service Delivery	Development Management	The Council had failed to enforce a condition of the planning permission for the building of a house as a result of	Apology issued for failure to ensure a condition was discharged.	This case reinforced the need for all proposed conditions to be considered in relation to the applicable statutory tests	Yes – Planning condition does not meet the applicable tests but no substantive injustice for the Council to

			which difficulties with an immediate neighbour had been exacerbated.	Staff instruction.		remedy.
1130	Council Procedures	Benefits	The council's processes, attitudes and behaviour are set up to create hurdles and are not solutions based.	Formal Training.  To put this in perspective, the team answer around 2000 p/calls each month with very few complaints.	Need for further training identified on customer care. To be carried out in 2013/14 after latest recruitment exercise.	No
1131	Council Procedures	Council Tax	Complainant unhappy with the way his Council Tax account had been handled and with the fact that a summons and liability order were sent to him.	Detailed analysis of a number of points provided.		Yes. No finding of maladministration.
1132	Service Delivery	Development Management	The Council's decision to grant planning permission for a neighbour's extension failed to take proper account of his amenity.	Responses to various matters relating to the application provided.		Yes - On-going
1133	Council Procedures	Benefits	Concerns about procedural issues in relation to Housing Benefit and bed and breakfast accommodation.	Detailed account of complainant's case provided.  Staff Instruction	Joint Housing/Benefits complaint.  Reminder to benefit staff about setting up claims where an existing	No

					customer moves - issue now resolved.	
1135	Failure to Respond	Development Management	The Council took too long to write to residents regarding a planning matter	Complaint upheld and apology issued.  Staff Instruction	This case reinforced the need for timely communications	No
1137	Council Procedures	Finance	The Council had issued an invoice before it was due.	Invoice generated automatically.  Change in Service.	Invoicing system changed.	No.
1141	Failure to Respond	Development Management	The Council failed to take enforcement action against a neighbour carrying out activities for which planning authorisation did not exist.	The results of investigations into the activities provided.  Apology issued for delay in communicating the investigation results to the complainant.  Staff Instruction	This case also reinforced the need for timely responses to complainants	No
1143	Council Procedures	Council Tax	The Complainant received threatening letters/final notices without having had any previous communication.	Council Tax correspondence sent to property rather than the managing agent's address. Apology sent to complainant.  Change in Service	All Local Taxation staff to consider the circumstances when making similar amendments to accounts in the future	No

1144	Service Delivery	Leisure	The Council acted unreasonably by failing to provide alternative arrangements for a club whose facilities were withdrawn.	Decision making process explained.  No Action Taken		Yes. No maladministration found.
1146	Council Policy	Environmental Health	Complainant dissatisfied at the Council's arrangements for the prevention of noise nuisance.	Complainant provided with justification for the policy and with explanation of why the investigations undertaken did not establish a nuisance.  No Action Taken	The demand and cost/benefit of a 24-hr nuisance investigation service was reviewed- and the present arrangements confirmed appropriate.	No
1147	Service Delivery	Environmental Health	The Council did not take adequate enforcement action against a neighbour's activities which were causing a nuisance.	Breakdown of enforcement actions sent to complainant.  No Action Taken	Adherence to our standard investigating procedures was reviewed- the conclusions concur with the Ombudsman's provisional findings (3 June) 'The Council investigated the complaints without fault.	Yes. No maladministration found.
1148	Service Delivery	Benefits	Complainant wanted his Housing Benefit backdated. The Council did not advise him of a time limit and should	Complaint taken to tribunal. No legal power to backdate the claim. Decision confirmed		Yes. Complaint outside Ombudsman' jurisdiction as there was an alternative statutory course of appeal.



			have accepted evidence previously submitted.	through complaints process. No Action Taken		
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**COMPLAINTS TRENDS BY SERVICE**

