

## Report of the Interim Strategic Director

**COMPLAINTS REPORT 2017/2018**1. Purpose of report

To provide members with a summary of complaints made against the Council.

2. Detail

This report outlines the performance of the Council in dealing with complaints against it at stage one to service departments, at stage two to the Monitoring Officer and at stage three to the Local Government Ombudsman (LGO).

- Appendix 1 provides a summary of the Council's internal complaint statistics.
- Appendix 2 provides a summary of the complaints investigated by the Council formally under stage two of the Council's formal complaint procedure.
- Appendix 3 provides a summary of the complaints determined by the LGO.

The Council has seen an overall improvement in the management of the complaints service. Through the enhanced use of digital technology the Council has raised the number of complaints being acknowledged within 3 working days. The number of complaints acknowledged on the same day has risen from 128 in 2016/17 to 160 in 2017/18. The number complaints acknowledged after three working days has been reduced from 46 in 2016/17 to 20 in 2017/18, marking a significant improvement in meeting the 3 working day target and improving communication as a whole for the service.

Of the 276 complaints received overall, 23 were investigated under the stage 2 complaints procedure and 3 were investigated by the LGO.

Under the stage 2 complaints procedure, 18 complaints (79%) were not upheld, 2 complaints (8%) were partially upheld and 3 complaints (13%) were upheld. Further detail can be found in appendix 2.

The LGO investigated 3 complaints made against the Council. These 3 complaints (100%) were recorded as not upheld and no further action was required by the Council.

**Recommendation**

**The Committee is asked to NOTE the report.**

Background papers

Nil

## APPENDIX 1

**Complaints received**

	<b>Total</b>	<b>Chief Execs</b>	<b>Deputy Chief Execs</b>	<b>Housing Leisure &amp; Property</b>	<b>Legal &amp; Planning</b>	<b>Members</b>	<b>Liberty Leisure Ltd</b>
Number of Stage 1 complaints	<b>276</b> (269)	<b>8</b>	<b>84</b>	<b>145</b>	<b>22</b>	<b>10</b>	<b>7</b>
No. of complaints investigated under Stage 2	<b>23</b> (11)	<b>4</b>	<b>1</b>	<b>13</b>	<b>5</b>	-	-
No. of complaints determined by the Ombudsman	<b>3</b> (4)	<b>2</b>	-	<b>1</b>	-	-	-

This table shows the figures for the overall complaints received in 2017/18 and the previous 2016/17 figures are shown in brackets for comparison.

The Council has registered a total of 276 stage 1 complaints in the year 1 April 2017 to 31 March 2018, compared to 269 in the year 2016/17. The number of complaints concluded under stage 2 of the complaints procedure is 23 (compared to 11 in 2016/17), and 3 complaints (compared to 4 in 2016/17) have been determined by the Local Government Ombudsman and the Housing Ombudsman Service.

**Time taken to acknowledge receipt of stage one complaints (3 working day target)**

	<b>Total</b>	<b>Chief Execs</b>	<b>Deputy Chief Execs</b>	<b>Housing Leisure &amp; Property</b>	<b>Legal &amp; Planning</b>	<b>Liberty Leisure Ltd</b>	<b>Members</b>
Number of complaints acknowledged on the same day	<b>160</b> (128)	6	60	77	11	4	2
Number of complaints acknowledged within one to three days	<b>96</b> (73)	2	30	48	7	1	8
Number of complaints acknowledged after three working days	<b>20</b> (46)	1	-	15	3	1	-

160 stage 1 complaints (58%) were acknowledged on the same day. 96 (35%) were acknowledged in one to three days and 20 (7%) took more than three working days to acknowledge.

The Council has seen an improvement in the time taken to acknowledged complaints. The Council has made better use of electronic facilities in order to keep customers updated as to the progression of their complaint.

**Time taken to respond to stage 1 complaints (15 working day target)**

	<b>Total</b>	<b>Chief Execs</b>	<b>Deputy Chief Execs</b>	<b>Housing Leisure &amp; Property</b>	<b>Legal &amp; Planning</b>	<b>Liberty Leisure Ltd</b>	<b>Members</b>
Less than 5 working days	<b>100</b> (117)	4	67	27	2	-	-
5 to 10 working days	<b>40</b> (35)	1	22	15	2	-	-
10 to 15 working days	<b>76</b> (37)	-	3	60	6	7	-
More than 15 working days	<b>60</b> (46)	2	6	47	5	-	-
Carried Forward	- (9)	-	-	-	-	-	-

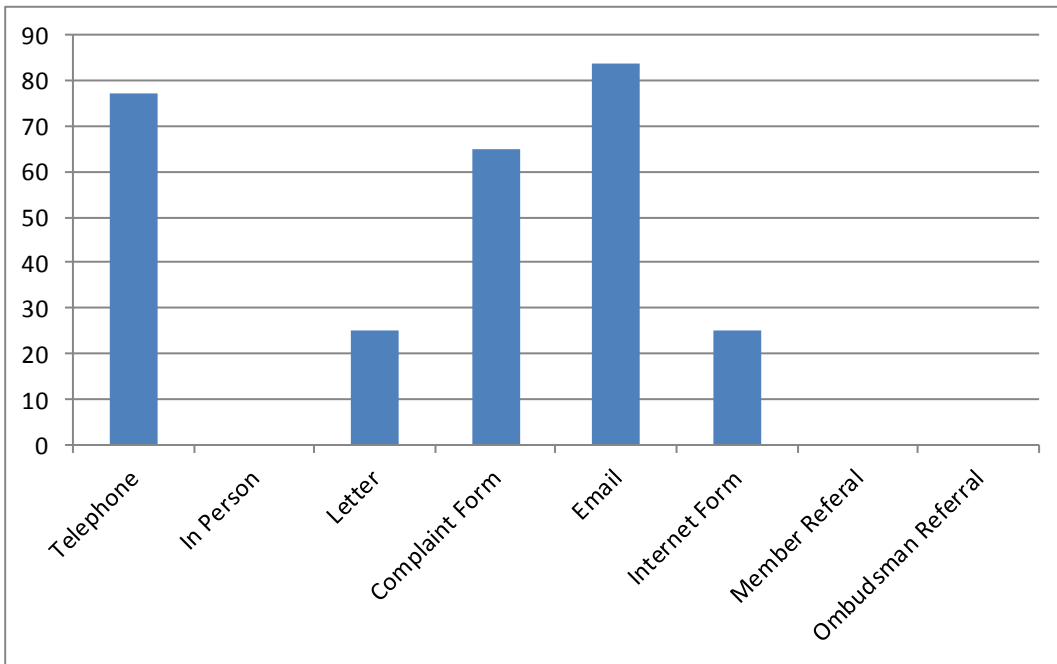
100 stage 1 complaints (36%) were responded to in less than five working days, 40 (14%) within five to ten days, 76 (28%) within ten to fifteen working days. 60 (22%) took longer than fifteen working days to provide a response. In these cases the Heads of Service are asked to write to complainants to advise that a response will take longer and provide the complainant with an estimated timescale for completion.

Reasons for delays could include:

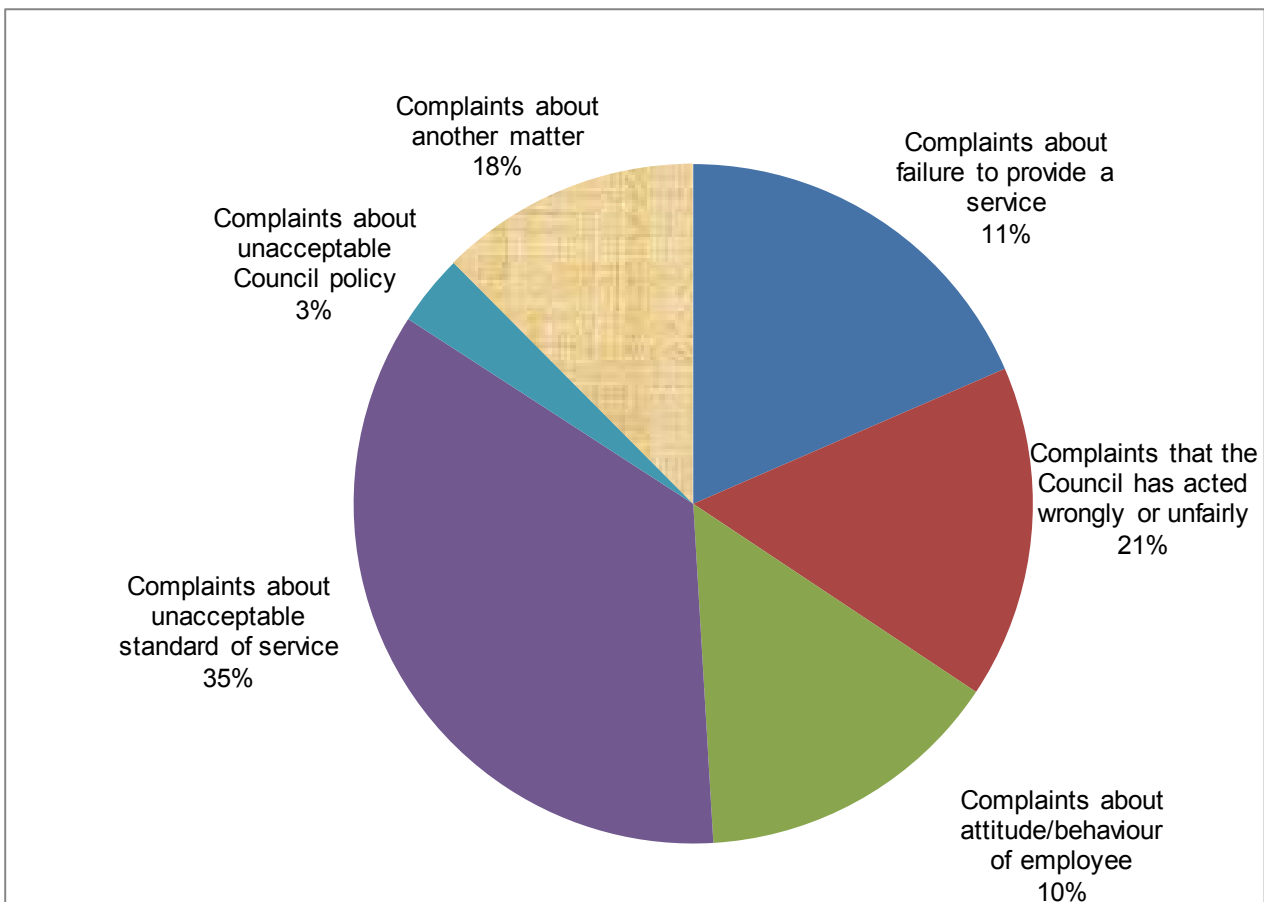
- Further information is required from the complainant
- Complexity of the complaint
- Key officers being unavailable (out of office)

(This list is not exhaustive)

**How the complaints were made**



**What the complaints were about**



**Number of stage 2 complaints**

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Number of Stage 2 complaints	23 (11)	4	1	13	5	-

**Time taken to acknowledge to stage 2 complaints (3 working day target)**

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Acknowledged within 3 working days	23	4	1	13	5	-

**Time taken to respond to stage 2 complaints (20 working day target)**

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Responded in less than 10 working days	-	-	-	-	-	-
Responded in 11 to 20 working days	15	4	1	5	5	
Responded in more than 20 working days	8	1	-	7	-	-

23 complaints were investigated and responded to under stage 2 of the formal complaint procedure. 100% were acknowledged within three working days and 15 (65%) were responded to within the 20 working day timescale. All the complainants who received their responses after 20 working days were informed that there would be a delay and were told the reason. The main factors in delays being involved in complaint response are, further information being required from the complainant or officers, the complexity of the complaint and key officers not being available to interview.

Of the 276 stage 1 complaints recorded, 126 were completed with the monitoring data.

**Equalities Monitoring**

Gender

Male – 48  
 Female – 61  
 Not stated - 17

Age groups

<17 - 0  
 18–24 – 6  
 25–29 – 10  
 30–44 – 32  
 45–59 – 39  
 60–64 – 3  
 65+ – 16  
 Not stated – 20

Ethnic Groups

British – 99  
 White & Black Caribbean – 1  
 African - 1  
 Not stated – 25

Long term health problem that limits daily activity?

Yes – 30  
 No – 96

**Compliments**

There have been a total of 97 compliments registered in the period. 47 of which were in relation to specific employees and 50 were related to the service received.

**Financial Settlements**

	<b>Total</b>	<b>Chief Execs</b>	<b>Deputy Chief Execs</b>	<b>Housing Leisure &amp; Property</b>	<b>Legal &amp; Planning</b>
Stage 1	-	-	-	-	-
Stage 2	-	-	-	<b>£357.90</b>	-
Stage 3	-	-	-	-	-
<b>TOTAL</b>	-	-	-	<b>£357.90</b>	-

This financial settlement was offered due to a housing repair issue and equates to half of the tenants rent while these issue were occurring. Please see appendix 2, item 19 for further information.

**Breakdown of complaints and compliments by department and section****Chief Executive's department**

<b>Section</b>	<b>Stage 1 Complaints</b>	<b>Stage 2 Complaints</b>	<b>Ombudsman Complaints</b>	<b>Compliments</b>
Communities	4	3	2	-
Corporate Communications	1	-	-	-
Environmental Health	1	-	-	-
Human Resources	1	-	-	-
ICT	-	1	-	-
Private Sector Housing	1	-	-	-

**Deputy Chief Executive's department**

<b>Section</b>	<b>Stage 1 Complaints</b>	<b>Stage 2 Complaints</b>	<b>Ombudsman Complaints</b>	<b>Compliments</b>
Benefits	8	-	-	-
Customer Services	5	-	-	3
Data Protection	1	1	-	-
Finance Services	-	-	-	-
Parks & Environment	1	-	-	-
Revenues	12	-	-	-
Waste & Recycling	57	-	-	4

**Legal & Planning Services**

<b>Section</b>	<b>Stage 1 Complaints</b>	<b>Stage 2 Complaints</b>	<b>Ombudsman Complaints</b>	<b>Compliments</b>
Administration	-	-	-	-
Democratic Services	2	-	-	-
Development Control	16	4	-	-
Economic Development	-	-	-	1
Elections	-	-	-	1
Freedom of Information	2	-	-	-
Legal Services	1	-	-	-
Town Centre Management	1	1	-	-

**Housing, Leisure & Property Services**

<b>Section</b>	<b>Stage 1 Complaints</b>	<b>Stage 2 Complaints</b>	<b>Ombudsman Complaints</b>	<b>Compliments</b>
Capital Works	11	1	-	3
Estates	4	-	-	-
Garage Services	1	-	-	-
Housing Options	26	1	-	31
Housing Repairs	53	3	-	23
Leaseholder Services	1	1	-	-
Neighbourhood Services	46	7	1	13

Parking	<b>2</b>	-	-	-
Strategy & Performance	<b>1</b>	-	-	<b>1</b>

**Liberty Leisure Ltd**

<b>Section</b>	<b>Stage 1 Complaints</b>	<b>Stage 2 Complaints</b>	<b>Ombudsman Complaints</b>	<b>Compliments</b>
Bramcote Leisure Centre	<b>1</b>			
Kimberley Leisure Centre	<b>4</b>			
Leisure	<b>2</b>			

**Standards**

<b>Section</b>	<b>Stage 1 Complaints</b>	<b>Stage 2 Complaints</b>	<b>Ombudsman Complaints</b>	<b>Compliments</b>
Community Trigger	-	-	-	-
Members	<b>10</b>	-	-	-



## APPENDIX 2

Stage 2 – Formal Complaints1. Complaint against Neighbourhood Services

Acknowledgement – 3 working day  
Response – 31 working days  
Advised that an extension was required  
**Complaint not upheld**

Complaint

The complainant complained that during a clean and clear of their home, items were disposed of that they wanted to keep.

Council's response

The Council undertook the clean and clear of the complainant's home at their request. The Council undertook this process as the property had been allowed to enter a state of disrepair by the complainant and they could not be discharged from hospital until the property was brought to a reasonable standard. The Complainant and their social worker produced a list of items that were required to be kept. This list of items was signed by the complainant and they informed the Council that all their belongings not on the list could be disposed of.

After this process had been undertaken the complainant raised the issue that the some items were disposed of that they wanted to keep. However, these items were not included on the signed list provided by the complainant and were disposed of accordingly. The Council acted under instruction of the tenant to clear the property and all items requested on the sign list were kept. Therefore the complaint was not upheld.

2. Complaint against Neighbourhood Services

Acknowledgement – 1 working day  
Response – 20 working days  
**Complaint not upheld**

Complaint

The complainants complained that through various correspondence with the Housing Department, over a number years, their issues in relation to neighbour harassment, Anti-Social Behaviour, delays in information being provided when requested, not being supported by the Housing Department when an anonymous Christmas card was received had not been effectively dealt with. Additionally, the complainants stated they had been victimised by the Housing Department because of a previous upheld complaint determined by the Ombudsman.

Council's response

The Housing Department were informed by the complainants that they were experiencing issues with their neighbours in relation to parking matters and that an altercation that had taken place between the complainants and their neighbours. The Housing Department

contacted the complainant to arrange a meeting to discuss the incident and attempt to provide a solution. This invitation was declined by the complainant and they stated that they believed the matter rested within the police's authority. As no further incidents were reported to the Council no further action was taken.

The complainants stated that the Housing Department had routinely delayed providing information to them when they requested it. Council records showed that the Housing Department responded to these enquiries promptly and these records showed that complainant had acknowledged receiving the responses to these enquires promptly.

The Council acted promptly and courteously in all correspondence with the complainants and there was no evidence to suggest that they had been victimised by the Housing Department. Therefore, the complaint was not upheld.

### **3. Complaint against Capital Works**

Acknowledgement – 3 working day  
Response – 28 working days  
Advised that an extension was required  
**Complaint not upheld**

#### Complaint

The complainants complained that following an assessment for adaptations at their property they were advised that their property was unsuitable and they were required to move to a new property to suit their needs. The complainant further complained that they had not received any communication in regards to this process.

#### Council's response

An assessment to the complainants' property was carried on 9 October and it was deemed that the adaptations required for the property to be suitable for the complainants' needs could not be carried out. The Council wrote to the complainant on 9 November 2017 to confirm these findings. However, there was a delay in providing this assessment outcome. An apology was provided to the complainants for the delay in providing a response.

### **4. Complaint against Development Control**

Acknowledgement – 3 working days  
Response – 20 working days  
**Complaint not upheld**

#### Complaint

The complainant contacted the Council to complain that there was a lack of consultation in regards to a development taking place near their property. The complainant further complained that the development would lead to a loss of privacy.

#### Council's response

The complainant stated that they and several neighbours had not received notification and were not consulted on a nearby development.

Council records show that the complainant and their neighbour's property were not adjoining the development and were not required to be consulted. Additionally, the case officer assessed the site for additional neighbours to consult. However, the case officer's assessment was that the complainant's property was not adversely affected due the distance, angle and not immediately adjoining the site. Additionally, as the development was at an oblique angle and a sufficient distance from the complainant's property it was noted that there would be little impact on their privacy.

## **5. Complaint against Neighbourhood Services**

Acknowledgement – 1 working day

Response – 30 working days

**Complaint not upheld**

### Complaint

The primary complaint to the Council was that the complainant's mother lived in a retirement living scheme and the Council had refused to install an additional external flood light to the property.

### Council's response

The complainant was advised that the Council could not undertake these works as requested. However, the Council could grant permission for the works to be undertaken by the tenant at their expense. It was stated that in order for these works to be carried out the Council required a formal written request to be submitted by the tenant for such works. As the Council had not received a formal written request from the tenant, permission was not granted for the works to be undertaken. The Council officers acted in line with appropriate policy and therefore the complaint was not upheld.

## **6. Complaint against Development Control**

Acknowledgement – Same working day

Response – 20 working days

**Complaint not upheld**

### Complaint

The complainant contacted the Council in order to complain about a piece of untidy land. The complainant stated that the land was in a state of disrepair and the Council had not taken any action to remedy this issue.

### Council's response

The complainant was informed that the land in question was an unregistered piece of land, and enquiries had been made with the Land Registry, the Broxtowe Borough Council Tax section and neighbours to determine ownership. The Council had been unable to determine ownership of the land but had taken steps to ensure that the land was cleared and sealed. The Council repaired the fencing surrounding the site and a contractor was hired to clear and weed the site. The Council was in the process of completing these

works when the complaint was submitted. The complainant was satisfied with the work that had been undertaken by officers.

**7. Complaint against Communities**

Acknowledgement – same working day  
Response – 13 working days  
**Complaint not upheld**

Complaint

The complainant submitted a complaint in relation to the Council not enforcing a Public Space Protection Order (PSPO).

Council's response

The complainant was informed that the Council was responsible for the creation of this particular PSPO. However, as the PSPO related to vehicle offences, the Council did not have the authority to enforce any reported breaches of the PSPO. This was the responsibility of Nottinghamshire Police to enforce. The complainant had been informed of the correct authority to complain to and this was further reinforced in the stage 2 complaint response.

**8. C/7/2310 Complaint against Neighbourhood Services**

Acknowledgement – 3 working day  
Response – 19 working days  
**Complaint partially upheld**  
**Apology provided**

Complaint

The Council received a complaint from a resident who stated that they had been allocated a parking space outside their property and this was subsequently rescinded by the Housing Department.

Council's response

The complainant undertook a mutual exchange and stated that a Housing officer informed them that this property had an allocated parking space outside the property. The parking space was attached to a retirement living complex and an out-dated sign was visible indicating that the parking space was reserved for the Retirement Living Warden who once occupied the complainant's property. However, this was a role that was no longer applicable to the Council and the property was reintroduced into general housing. When the complainant raised this issue with the Council the Housing Department identified that the sign was out-dated and had it replaced.

The complainant was informed that the Council does not allocate parking spaces in communal parking areas and an apology was offered for an out-dated sign being in place for an extended period of time. Additionally, information was provided to the complainant on how to apply for a dropped curb and on-street parking was an option available for the complainant.

As an outcome of this complaint it was requested that the Council's Tenancy Agreement be updated to provide greater clarity on the Council's position of not allocating parking spaces.

### **9. Complaint against Housing Options**

Acknowledgement – 2 working day  
Response – 29 working days  
Advised that an extension was required  
**Complaint not upheld**

#### Complaint

The complainant contacted the Council to complain that they had not been allocated a property despite being in the highest bidding position on the Council's Home Search website. The complainant suggested that this is because the Council was victimising them because of their sexual orientation.

#### Council's response

The property for which the complainant was bidding was advertised as preference being given to a non-transfer applicant. The complainant was already housed by the Council and as such was not considered a non-transfer applicant. The property was let to a non-transfer applicant in line with the Council's Allocations Policy and as it had been advertised on the Council's website. There was no evidence to suggest that the property had not been allocated to the complainant due to their sexual orientation. Officer within the Housing Department acted appropriately and in line with the Council's policies.

As part of this complaint it was highlighted that there had been a delay in information being processed by the Housing Department and being sent by them to other departments within the Council. The Housing Department was reminded of the need to process information in a timely manner and an apology was provided to the complainant.

### **10. Complaint against Communities**

Acknowledgement – 3 working day  
Response – 35 working days  
Advised that an extension was required  
**Complaint not upheld**

#### Complaint

The primary complaint received was that the Council refused to review the issuing of the Community Protection Warning (CPW) and the Head of Service refused to confirm this position in writing.

#### Council's response

The complainant was issued a CPW by the Communities Department after an incident involving their dogs in which a cat died. The Council explained to the complainant that the CPW was only a warning and could not be appealed at this stage. The complainant was offered a further meeting with the Head of Service and appropriate officers to discuss the

CPW issued to them. It was found that the officers involved had dealt with the complainant in an efficient manner and had issued advice when requested by the complainant.

**11. Complaint against Communities**

Acknowledgement – 3 working day  
Response – 35 working days  
Advised that an extension was required  
**Complaint not upheld**

Complaint

The complainant complained that, following the incident reported above at complaint 10, the Neighbourhood Wardens had not issued any advice to the complainant nor had they called them back as had been requested.

Council's response

Following the incident involving the complainant's dogs and a cat, the complainant contacted the Council to report the incident. The complainant was issued advice over the telephone by the Neighbourhood Wardens team and the complainant was informed that a follow up phone call would only be appropriate should further complaints or incidents were received in relation to the complainant's dogs. Additionally, the incident had been referred to Nottinghamshire Police and therefore the Council was unable to take further action.

**12. Complaint against Neighbourhood Services**

Acknowledgement – 1 working day  
Response – 15 working days  
**Complaint not upheld**

Complaint

The complainant contacted the Council to complain that proper legal process was not followed when garage rents were increased in 2017/18.

Council's response

The complainant stated that the Council had not followed due legal process by giving 28 days' notice before increasing the garage rent charges. However, as stated in the garage tenancy agreement, the Council is not required to provide 28 days' notice to increase garage rents, only confirmation in writing that the charges are to be increased. A copy of the garage tenancy agreement was provided to the complainant for further information.

Additionally, it was noted that the purpose of the letter sent to inform residents of the increase in rent was not clear. An apology was provided to the complainant for any confusion caused.

**13. Complaint against Town Centre Management**

Acknowledgement – 1 working day  
Response – 20 working days  
**Complaint upheld**

### Complaint

The complainant complained to the Council that their trial period to trade in a town centre had been cancelled without proper notice and without explanation.

### Council's response

The Council set up a trial with the complainant to trade within a town centre in the Borough. As part of the Council's 'Use of Town Squares Conditions of Use' it states that the Council reserves the right to cancel any booking at short notice. However, the complainant was informed by an officer that the booking could only be cancelled with one weeks' notice. The trial was cancelled a day before the complainant was due to trade on the town centre. Therefore, the complainant received incorrect information and the correct procedure was not followed.

When the trial was cancelled a day before the complainant was due to trade, an explanation was not provided, only that the trial had been cancelled. An explanation was later provided a week later after the complainant contacted the Council to enquire after this explanation.

The Council did not follow the correct procedure and there was a delay in providing an explanation into why the trial had been cancelled. Therefore, the complaint was upheld.

The complainant was refunded the payments made to rent the town centre as part of the cancellation. Additionally, further compensation was offered as part of the stage 2 complaint but this was refused by the complainant as being too low.

## **14. Complaint against Data Protection**

Acknowledgement – 1 working day

Response – 19 working days

**Complaint upheld**

### Complaint

The complainant contacted the Council to complain that they had not received an apology in relation to a data breach.

### Council's response

The Council was made aware of a potential data breach made by the Planning Department. The Council investigated this complaint and determined that a breach had occurred as the Planning Department was unaware of a property being occupied by two people with the same name. The Council issued an apology to the individual who raised the data protection breach. However, this complainant had not originally complained about this issue and had not received an apology. As the Council had formally received a complaint from this individual an apology was issued.

## **15. Complaint against Neighbourhood Services**

Acknowledgement – 1 working day

Response – 29 working days

**Complaint not upheld**

### Complaint

The Council received a complaint from a Council tenant who stated that the Housing Department had not dealt with their claims of a neighbour not clearing their dog fouling from their garden. Additionally, they complained that the Housing Department have raised issues with the condition of their own garden. The complainant believed that the Housing Department were investigating the condition of their garden because they had complained about the dog fouling issue and of their racial background.

### Council's response

The complainant contacted the Council to complain that their neighbour was not cleaning their dog fouling in a timely manner. As a response the Housing Officer contacted the complainant to further discuss the matter and a site visit was conducted by the Area Housing Officer. The site visit concluded that their neighbour was cleaning the dog fouling in a timely manner and no further action was necessary. The complainant was subsequently written to to conclude this matter.

Upon inspecting the neighbour's garden, the Area Housing Officer identified that the complainant's garden was in breach of the Tenancy Agreement. The complainant was written to to explain that items within their garden were causing a breach of their tenancy and would need to be disposed of or tidied.

The complainant was informed that the Area Housing Officer was acting in line with the Tenancy Agreement in asking the complainant to comply with their tenancy. There was no evidence to suggest that these actions were racial motivated. The officers involved acted in line with Council policy.

## **16. Complaint against Housing Repairs**

Acknowledgement – 1 working day

Response – 30 working days

Advised that an extension was required

**Complaint not upheld**

### Complaint

The complainant contacted the Council to state that a property they were shown for a potential let was in a state of disrepair and was not suitable for their needs.



Council's response

The complainant stated that there was a smell upon entering the property, wall paper was hanging off the walls, the kitchen and bathroom were dated and that the storage heaters were not suitable for their medical needs.

It was explained to the complainant that the property had stood empty for an extended period of time with no heating or ventilation causing a smell. The property had been cleaned by the Council's cleaning contractor during the void process and met the Council's re-lettable standard. Additionally, Council records showed that the kitchen and bathroom were modernised in 2005 and were due for refurbishment in 2025. The Council expects these modernisation have a 20 year usable period.

The Council were unaware of the effect storage heaters would have on the complainant's wellbeing. As a result their file was updated to not show them properties with storage heaters. The property met Council's re-let standard but did not meet the complainant's expectations.

**17. Complaint against ICT**

Acknowledgement – Same working day  
Response – 14 working days  
**Complaint not upheld**

Complaint

A complaint was raised in relation to the complainant's auto-forwarding rule to a personal e-mail account being deactivated from their official Broxtowe e-mail account.

Council response

The complainant was informed that during a Council meeting in 2012 it was resolved that all auto-forwarding rules to personal e-mails were to be deactivated. However, due to an oversight the auto-forwarding rule had not been deactivated in 2012 and remained active until 2017 when an audit of the Council's servers had taken place and identified it as still being active. The auto-forwarding rule had been deactivated following the audit. However, the individual was not informed that this had taken place. An apology was offered to the complainant for this deactivation not being communicated to them.

The complainant was advised that the auto-forwarding rule had been deactivated to make the Council compliant with the data protection principles.

**18. Complaint against Housing Repairs**

Acknowledgement – Same working day  
Response – 18 working days  
**Complaint not upheld**

### Complaint

The Council were contacted by the complainant who wished to raise a complaint against the state of disrepair of their property.

### Council's response

Council records showed that the property was cleaned by the Council's cleaning contractor and they had identified remedial works that needed to be undertaken. These works were undertaken before the complainant moved into the property. Additionally, further works were identified by the complainant and these were carried out by the Housing Repairs team within the time frames given to the complainant. The complainant's primary complaint to the Council was that the property was not decorated to their standard.

The complainant was awarded a £50 decoration voucher before they moved into the property. It was explained that the property satisfied the re-lettable standard but the Council do not redecorate properties. This remained the responsibility of the tenant.

### **19. Complaint against Housing Repairs**

Acknowledgement – 3 working day

Response – 20 working days

**Complaint upheld**

### Complaint

The Council received a complaint about the state of disrepair of a tenant's property. In particular, there were weeds growing behind the wall paper and up the tenant's walls and the level of compensation offered as part of the stage 1 complaint was not acceptable.

### Council's response

The Council recognised that mistakes had been made and the tenant's property had not been thoroughly inspected during the void process. This meant that there was an extensive weed growth behind the complainant's wall paper and floorboards. The Council offered a total of £357.90, 50% of the rent payable from when the complainant occupied the property while they experienced these issues.

However, the complainant stated that their solicitor recommended a compensation fee of £11,750. The complainant was invited to submit the evidence provided by their solicitor as how this their compensation figure had been calculated. No evidence was submitted and the complainant accepted the offer originally extended to them.

### **20. Complaint against Development Control**

Acknowledgement – 2 working day

Response – 35 working days

Advised that an extension was required

**Complaint not upheld**

Complaint

The primary complaint received was that a description on a neighbouring planning application was not accurate. Additionally, it was raised that the applicant had written comments in the application that the complainant believed to be inaccurate and slanderous against them and should be removed from the website.

Council's response

The Council informed the complainant that the description that was placed on the website was examined by a team leader within the Planning Department and deemed appropriate. While the complainant may have requested that the description be expanded upon, it was sufficient to provide a basis of understanding for the application.

The complainant was further informed that the Council was unable to remove the application from the website as these comments formed supporting evidence of the applicant. The Planning Department would only remove applications from the website in exceptional circumstances, such as where extremist language had been used. However, this was not the case for this application.

The complainant was advised to contact the Council's Mediation Service as this presented an opportunity for them to talk to their neighbour.

**21. Complainant against Neighbourhood Services**

Acknowledgement – 2 working day  
Response – 41 working days  
Advised that an extension was required  
**Complaint partially upheld**

Complaint

The complainant contacted the Council to raise concern that during a Keep in Touch visit Housing officers were recording the conversation, had shown a poor attitude toward the complainant and had made derogatory comments when leaving the property.

Council response

Two Housing Officers visited the complainant to conduct a routine Keep in Touch Visit. During the visit the complainant became agitated and the Housing Officers felt threatened by their behaviour. The Housing Officers activated their loan worker device for an independent person to monitor the situation and provide support should it escalate further. However, the independent person, based with the company Skyguard, asked through the loan worker device if the officers still required the situation to be monitored. This statement was projected from the loud speaker fitted in the loan worker device alerting the complainant to fact that the situation was being monitored. The complainant became more agitated and the officers left the property.

It was explained to complainant as part of the complaint response that the while the situation was being monitored it was not being recorded. The officers felt it necessary to

activate the device during this visit but it was explained that the feeling of being threatened was a matter personal perception.

The officers involved recognised that following the incidents some comments were made. An apology was offered to the complainant and the Housing Department has been reminded that remarks in regards to tenants and properties, no matter the situation or context, are not appropriate in a public area.

As a result of this complaint the Housing Department has been in touch with Skyguard to ensure that this situation is not repeated.

## **22. Complaint against Neighbourhood Services**

Acknowledgement – 1 working day  
Response – 19 working days  
**Complaint not upheld**

### Complaint

The complainant contacted the Council to complain about the management of their mother's Life Line service and, in particular, about a discrepancy as to where letters regarding arrears were being sent.

### Council's response

The Council's records showed that all invoices and reminder letters were being sent to the nominated person, this being the complainant. The Council had received payment for previous outstanding Life Line arrears and therefore there was no evidence to suggest that these letters had not been received or sent to the correct address. The Council had no record from the complainant that sending these letters to this address was no longer appropriate. The complainant was asked, as the nominated person, to pay the remaining outstanding arrears.

## **23. Complaint against Development Control**

Acknowledgement – 1 working day  
Response – 19 working days  
**Complaint not upheld**

### Complaint

The primary concern raised by the complainant was that deliveries were taking place to a takeaway establishment despite planning conditions being in place which restricted such activities.

### Council's response

The complainant was informed that, while the Council had originally determined the conditions on the takeaway, these were later determined by the Planning Inspectorate following an appeal.

The understanding of the Council was that deliveries could take place to and from the premises, more specifically deliveries of ingredients/foodstuff and packaging. Within this understanding of the condition is also the collection of refuse from the premises. The delivery of food, the takeaway's business function, is defined within condition 3 of the Planning Inspectorate approval letter subject to opening hours of the premises. The Council had found no breach in the conditions of this planning approval. The definition of commercial deliveries is not defined and the Council are of the understanding that deliveries can take place to and from the premises.

## APPENDIX 3

**Stage 3 - Ombudsman Complaints****1. Complaint against Chief Executive's Department – Communities**Complaint

The complainant complains about the actions of the Council's dog control officers who issued her with a Community Protection Notice. She disputes the reasons for issuing the warning and complained about the attitude of the officers.

Ombudsman's conclusion

The complainant says the Council's dog control officers issued her with a Community Protection Warning because her dogs were out of control in a public place. The complainant disputes the account of what took place and claims their dogs were attacked by a cat.

The Council served the Warning by hand to her home. The complainant stated that she was under medication at the time and was unable to give a clear account or contest it. The complainant wanted the Council to reconsider the warning because it has damaged their self-esteem and it was unfair. The Council says it will not withdraw the warning and that its officers followed the correct procedure in issuing the warning.

The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it.

The Ombudsman recorded their decision as: '**Closed after initial enquiries - no further action.**'

**2. Complaint against the Chief Executive's Department – Communities**Complaint

The complainant says the Council failed to give adequate advice or assistance about dog control during a telephone call with the Dog Warden, following an incident between the complainant's dogs and a cat.

Ombudsman's conclusion

The complainant's dogs were involved in an incident where they caught and killed a cat. The Police logged the incident as an accident.

The Council's Dog Warden and the complainant spoke for 20 minutes. The complainant was told that they would receive a call back from a manager, and therefore expected some further assistance.

The Council says general advice was offered during the conversation. As this was the first reported incident involving the complainant's dogs, and that the Police were satisfied it was an accident, no follow up action was deemed necessary or agreed by the Warden.

The Ombudsman recorded their decision as: '**Closed after initial enquiries - no further action.**'

**3. Complaint against Housing, Leisure and Property Services – Neighbourhood Services**

Complaint

The complainant complained that the Council gave them incorrect information about allocated parking spaces when they were in the process of exchanging their tenancy with another tenant.

Ombudsman's conclusion

The complainant, until recently stated that they were able to use a parking space in the residents' car park which was suitable. There was a sign next to the space differentiating it from other parking spaces.

The Council has accepted there was an obsolete parking space sign in place for some years. It has apologised for not identifying and putting this right sooner. The Council has explained to the complainant it does not provide parking spaces for its properties which do not have a driveway. It says this is a consistent practice across the borough. The Ombudsman would not criticise the Council for applying its policy on parking spaces consistently.

The Ombudsman recorded their decision as: '**Closed after initial enquiries - no further action.**'