

COMPLAINTS REPORT 2022/231. Purpose of Report

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

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail

This report outlines the performance of the Council in dealing with complaints, including: at stage one those managed by the service areas, at stage two, managed by the Complaints and Compliments Officer and at stage three passed to the Local Government Ombudsman (LGO) or Housing Ombudsman (HO).

- Appendix 1 provides a summary of the Council's internal complaints 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 Ombudsman.

Of the 302 stage one complaints received overall, 72 were investigated under the stage 2 complaints procedure and 13 were investigated by the LGO. Under the stage 2 complaints procedure, 44 complaints (61%) were not upheld and 28 complaints (39%) were upheld. Further details can be found in appendix 2. The Ombudsman investigated 13 complaints made against the Council. 9 complaints were recorded as not upheld, resulting in no further action being required by the Council and 4 complaints were upheld. Further details can be found in appendix 3.

4. Financial Implications

Head of Finance Services were as follows:

The cost of compensation is charged either directly to the service or recognised in a central corporate budget. There are no additional financial implications associated with this report. Any significant additional budgets required, above virement limits, would require approval by Cabinet.

5. Legal Implications

Whilst there are no direct legal implications arising from this report, it is important to note that the Council's approach to handling complaints is within the parameters of the following key pieces of legislation: Part III of the Local Government Act 1974 and Chapter 6 of the Localism Act 2011 (for Housing Services complaints).

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments.

7. Union Comments

The Union comments were as follows:

No comments.

8. Climate Change Implications

N/A

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil

REFERENCE

APPENDIX 1

Complaints received

The table below shows the figures for the overall complaints received in 2022/23 and the previous 2021/22 figures are shown in brackets for comparison.

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure Ltd
Number of Stage 1 complaints	302 (244)	226	43	31	2	-
No. of complaints investigated under Stage 2	72 (41)	54	10	6	2	-
No. of complaints determined by the Ombudsman	13 (10)	9	1	3	-	-

The Council has registered a total of 302 stage 1 complaints in the year 1 April 2022 to 31 March 2023, compared to 244 in the year 2021/22. The number of complaints concluded under stage 2 of the complaints procedure is 72, compared to 41 in 2021/22, and 13 complaints, compared to 10 in 2021/23 have been determined by the Local Government Ombudsman and the Housing Ombudsman Service.

Time taken to acknowledge receipt of stage one complaints (5 working day target)

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure Ltd
Number of complaints acknowledged within 5 working days	302	226	43	31	2	-
Number of complaints acknowledged over 5 working days	0	0	0	0	0	-

302 stage 1 complaints (100%) were acknowledged within the 5-day deadline.

The Council has seen an improvement in the time taken to acknowledge complaints, through continued use of electronic facilities in order to keep complainants updated as to the progress of their complaint.

Time taken to respond to stage 1 Complaints (10 working day target)

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure Ltd
Less than 10 working days	213	139	42	30	2	-
Over 10 working days	89	87	1	1	0	-

213 stage 1 complaints (71%) were responded to in 10 working days. 89 (29%) took longer than 10 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 to provide the complainant with an estimated timescale for completion.

Reasons for delays could include:

- Further information being required from the complainant.
- Complexity of the complaint including in-depth research required.
- Resource issues.

There has been a significant rise in damp and mould complaints being received following increased media coverage. The Housing Repairs Team report that this increase in complaints has had a significant impact on the service being able to respond to complaints within the 10 working days.

Furthermore, it has been reported that this problem has further been increased due to the current staffing and re-structure of the Housing Department. This has resulted in a backlog of complaints within the Housing Repairs Team.

The current backlog of complaints, their acknowledgement and extension, is currently being addressed. Due to the lack of resources within the Housing Repairs Team, the priority has been given to the inspection and repair of the issues raised in the complaint over providing the formal stage 1 complaint response.

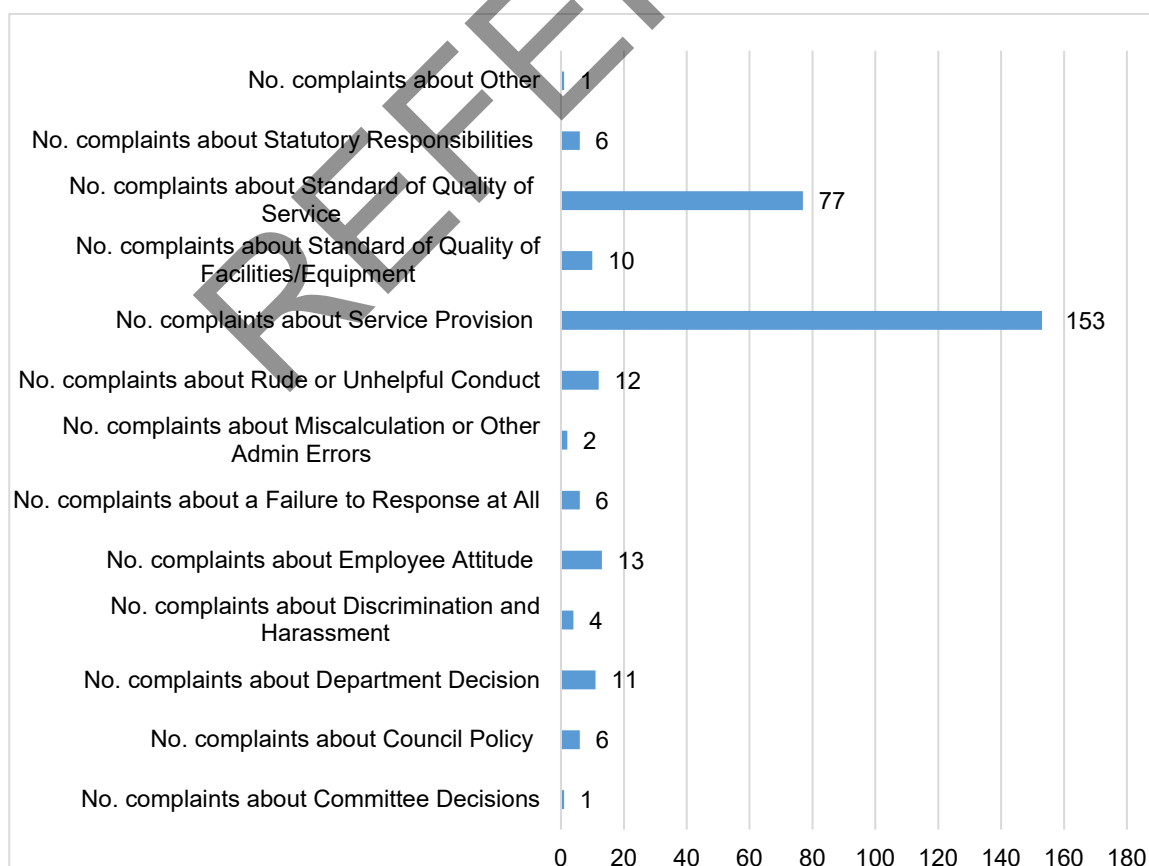
A new team took over the handling of Housing Repair complaints in May 2023. It is anticipated that this will improve the responsiveness of the stage 1 complaints. This new team’s priority will be engaging and responding to individuals and their complaints.

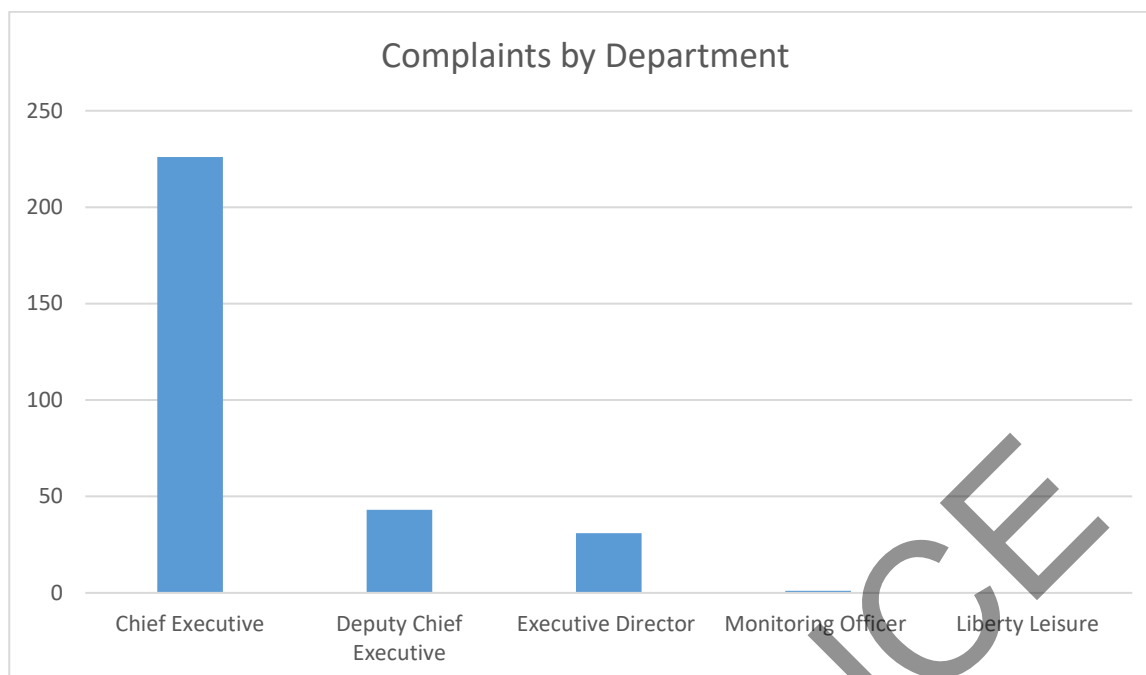
The Housing Repairs Team has been reminded by the Complaints Team of the need to contact complainants where the initial deadlines cannot be met. Furthermore, the Housing Repairs Team is provided a reminder to respond to the complainant with the full response or an extension by the Complaints Team when the 10 working day deadline is triggered.

It should be noted that the current responsiveness for stage 1 complaints within the Housing Repairs Team have improved for 2023/24 with the additional resources and monitoring undertaking by the Complaints Team. Further information will be provided to a future Committee.

The Complaints Team pro-actively monitor the Housing Repairs Team stage 1 complaint responsiveness in order to these deadlines to be met.

What the complaints were about



Complaints by Department**Number of stage 2 complaints**

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure
Number of Stage 2 complaints	72 (41)	50	14	7	1	-

Time taken to acknowledge to stage 2 complaints (5 working day target)

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure
Acknowledged within 5 working days	72	50	14	7	1	-

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

	Total
Responded in 20 working days	57
Responded in more than 20 working days	15

72 complaints were investigated and responded to under stage 2 of the formal complaint procedure. 100% were acknowledged within five working days and 57 (79%) 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 informed of the reason.

Reasons for the delays include:

- Further information being required from the complainant.
- Further information being required from the Department complained about.
- Complexity of the complaint including in-depth research required.
- Resource issues.

(This list is not exhaustive)

Equalities Monitoring

Of the 302 stage 1 complaints recorded, 302 were completed with some the monitoring data partially supplied.

Gender

Male – 120
 Female – 182

Age groups

<17 – 0	45–59 – 69
18–24 – 16	60–64 – 22
25–29 – 33	65+ – 51
30–44 – 87	Not stated – 24

Ethnic Groups

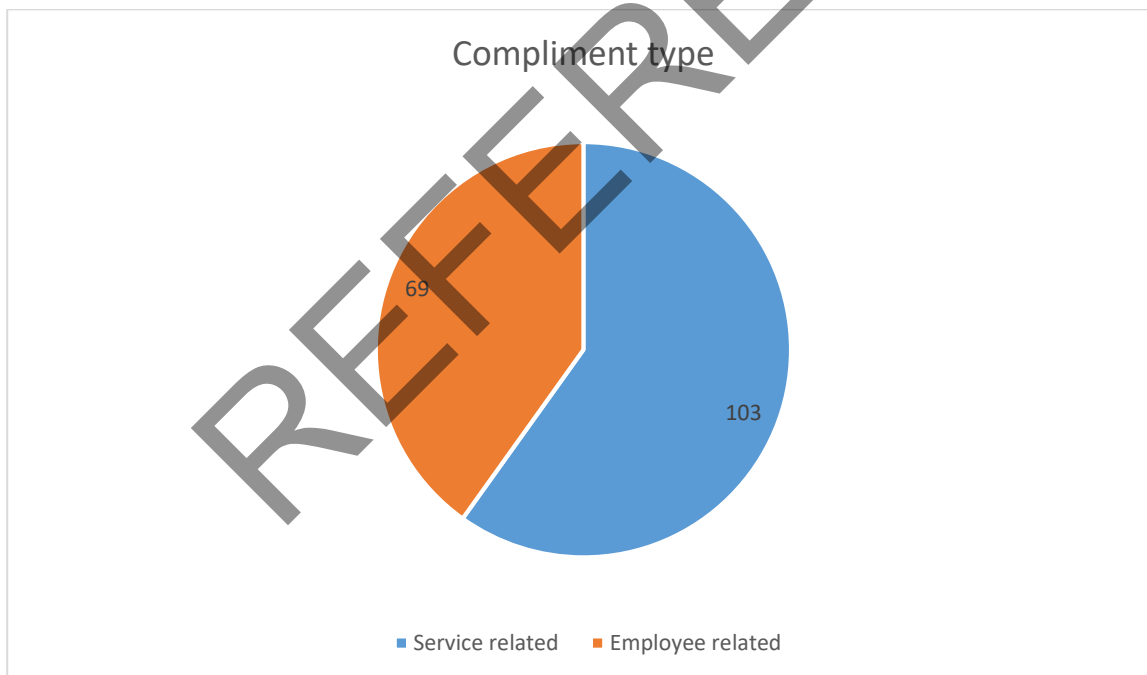
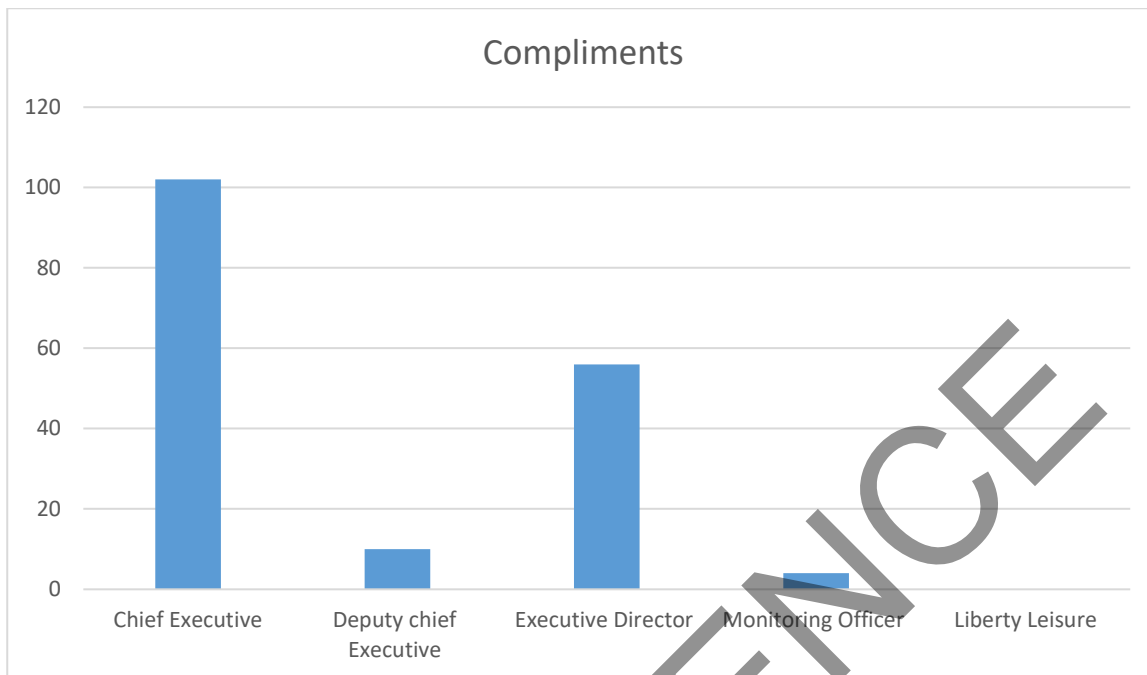
African - 1
 British – 237
 Caribbean - 2
 Chinese - 1
 Gypsy or Irish Traveller - 1
 Indian – 2
 Irish – 2
 Other - 45
 Not stated – 7
 Pakistani - 4

Long term health problem that limits daily activity?

Yes – 104
 No – 151
 Not stated - 47

Compliments

There have been a total of 172 compliments registered in the period, 103 of which were in relation to specific employees and 69 were related to the service received.



Compliments are valuable, welcomed, and important in enabling the Council to understand that the services provided meet customers' satisfaction, provide positive feedback to employees, influence the organisational and service development and inform the Council's quality assurance.

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

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Development Control	43	11	4	5
Environmental Health	8	4	-	4
Housing and Income	15	8	-	38
Housing Operations	38	10	2	48
Housing Repairs	122	21	3	7
Total	226	54	9	102

Deputy Chief Executive's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Capital Works	5	2	-	2
Customer Services	2	-	-	4
Finance Services	1	1	-	1
Revenues	35	7	1	3
Total	43	10	1	10

Executive Director's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Waste and Recycling	26	1	1	33
Communications	1	-	-	3
Administrative Services	-	-	-	4
Bereavement Services	-	-	-	2
Freedom of Information	1	1	1	-
Parks and Environment	1	3	1	14
Data Protection	1	1	-	-
Health and Safety	1	-	-	-
Total	31	6	3	56

Monitoring Officer's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Complaints	1	1	-	-
Democratic Services	-	-	-	4
Legal Services	1	1	-	-
Total	2	2	-	4

Liberty Leisure Ltd

Service Area	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Kimberley Leisure Centre	-	-	-	-
Bramcote Leisure Centre	-	-	-	-
Chilwell Leisure Centre	-	-	-	-
Total	-	-	-	-

The Managing Director of Liberty Leisure has confirmed that no formal complaints have been received. After discussion between the Complaints Team and the Director of Liberty Leisure, the Director of Liberty Leisure will raise at their next management meeting whether the complaints process is being correctly followed and will report to the Complaints Team as necessary.

Reassurance was provided by the Director of Liberty Leisure that only service requests and minor service issues have been identified that did not require escalation to a complaint.

Financial Settlements

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure
Stage 1	1	£980	-	-	-	-
Stage 2	6	£1,810	-	-	-	-
Ombudsman	1	£300	-	-	-	-
TOTAL	8	£3,090	-	-	-	-

APPENDIX 2

Stage 2 – Formal Complaints

The complaints provided below have been summarised in order to prevent identification of individuals.

1. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not allowed the complainant to be entered on to the Council's housing register.

Council's response

During the investigation, it was found that the complainant did not have a local connection to Broxtowe Borough and therefore was ineligible to be considered for a Council property. The local connection is a criterion that is required for an individual to be eligible for a Council Property. It was concluded that the Housing Team had correctly applied the Allocations Policy to the complainant.

Head of Service Comments

The Housing Team correctly followed the Council's Allocations Policy. Consistent use of the policy ensures that the housing register is fairly administered.

2. Complaint against Capital Works

Response – 25 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had commenced building works at the Council property next door to the complainant's. The Complainant stated that the building works are invading their privacy and a mess is being left in their garden.

Council's response

During the investigation, it was found that the complainant, as a leaseholder, had a legal requirement to allow the Council access to their property to allow for building works. The Council, as such erected scaffolding at the neighbouring property which slightly overhung the complainants garden.

As part of the leaseholder contract, the complainant was required to allow the Council access to their property and air space to allow of works to be completed. Furthermore, the Council contractors were regularly cleaning the complainant's property.

It was concluded that the Council had acted appropriately when undertaking the necessary works.

Head of Service Comments

The Capital Works Team attempt to work with leaseholders where possible. Furthermore, the Capital Works Team work within the confines of the contracts of both leaseholders and Council tenants.

3. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had not correctly actioned the removal of the complainant's name from a Council tenancy and that they were being chased for the outstanding arrears on the tenancy.

Council's response

During the investigation, it was found that the complainant, was a joint tenant of a Council property.

The Council contacted the complainant to pursue the arrears that had accrued. As a joint tenant, the complainant remains responsible for any arrears accrued during their time as a tenant.

After the arrears were pursued, the tenant requested that their name be removed from the tenancy as they were no longer living at the property. There was no record of the complainant requesting that their name be removed from the tenancy before the arrears were chased.

It was concluded that the Council has acted appropriately when chasing the arrears.

Head of Service Comments

The tenant was contacted regarding arrears in line with agreed procedures and policy. As the tenant had not requested that their name was removed from the tenancy, it was appropriate for contact to be made.

4. Complaint against Planning

Response – 30 working days
Complaint not upheld

Complaint

The complaint stated that the Council had acted inappropriately when issuing an enforcement notice regarding overgrown trees/hedges.

Council's response

During the investigation, it was found that the complainant had been issued with an enforcement notice for overgrown trees/hedges. The Council, due to the complainant's personal circumstances, had allowed for extended time periods to comply with the notice.

When the works were not undertaken, the complainant was contacted and asked if they would allow the Council to undertake the works on their behalf.

The complainant agreed to this and the Council's Planning Committee further agreed to undertake the works at no cost to the complainant.

It was concluded that the Council had appropriately undertaken and communicated with the complainant regarding these works.

Head of Service Comments

The Planning Team attempted to assist the complainant with the works required to maintain the hedges. The complainant's needs were thoroughly considered thought this process.

5. Complaint against Planning

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had not appropriately dealt with a neighbouring planning application.

Council's response

During the investigation, it was found that the Planning department had considered the planning application in line with the necessary legislation and internal policies. Furthermore, the complainant's specific objections were considered and referenced by the Planning Department before the decision to approve the application was considered.

It was concluded that the Council had acted appropriately when determining the planning application.

Head of Service Comments

The Planning Department consider all objections and application in line with national legislation.

6. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had inappropriately removed the complainant's single person discount from their Council Tax account.

Council's response

During the investigation, it was found that the Council Tax Team received information from a neighbouring Council in 2013 to indicate that the complainant was no longer a single occupier. Revised bills were sent from 2013 to the date of the complaint to highlight that the single person discount had been removed.

The complainant was able to demonstrate that they were eligible from 2013 for the single person discount and the Council Tax Team issued a rebate for the overspend.

It was concluded that the Council Tax Team had correctly administered the complainant's Council Tax and issued the subsequent bills correctly. It was responsibility of the complainant to check the accuracy of the bills issued.

Head of Service Comments

The Council Tax Team act upon information from neighbouring authorities where appropriate. Any change to an individual's Council Tax account is highlighted in a timely manner.

7. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not appropriately considered their request to move to a higher banding on the housing register. Additionally, the complainant complained that they were unable to bid on three bedroom properties.

Council's response

During the investigation, it was found that the information provided by the complaint was correctly assessed by the Housing Operations Team. The complainant was a band 2 (high priority) to move property but the information supplied as part of their banding review was not sufficient enough to move to band 1.

Furthermore, it was found that the complainant was bidding on three bedroom properties.

It was concluded that the Housing Operations had correctly administered the complainant's housing application.

Head of Service Comments

The Allocations Policy was correctly applied. The recent amendments to the policy, approved at Cabinet in November, will help to provide clarity to applicants regarding the banding awarded.

8. Complaint against Environment

Response – 15 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had incorrectly terminated their use of an allotment.

Council's response

During the investigation, it was found that the allotment had transferred management from the Council to an allotment association in 2018. The allotment association terminated the complainant's contract based on the complainant's behaviour toward other members.

The complainant was informed to appeal against the decision with the allotment association or the Council could look to provide another allotment on site managed by the Council.

It was concluded that the decision to terminate the allotment contract was not the responsibility of the Council.

Head of Service Comments

The Environment Team attempted to assist the complainant in directing their complaint to the correct authority.

9. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that there were delays in Council undertaking repairs to a front door that had gaps in it.

Council's response

During the investigation, it was found that there had been delays in the Council undertaking works to the front door.

Furthermore, during the course of the investigation, it was found that while damp issues had been reported, there had been significant delays in the Housing Repairs Team issuing works to repair these.

The complainant was offered £300 compensation and the necessary works were undertaken.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

10. Complaint against Housing Operations

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the complainant had received poor service when contacting the Council using the "tell us once" service.

Council's response

During the investigation, it was found that the complainant had contacted the Council to report the death of their mother. However, following an internal error, a letter was issued to the complainant's deceased mother.

An apology was offered and the additional safeguards were put in place to ensure that the issue did not arise again.

Head of Service Comments

Following the complaint, further checks and audit measures were introduced to ensure that a similar issue would not occur again. This complaint was also upheld at stage 1.

11. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had not adequately managed the complainant's Council Tax account. Specifically, the complainant did not believe they owed the amount of arrears the Council Tax Team were chasing.

Council's response

During the investigation, it was found that the Council Tax Team had calculated the arrears owed correctly. The evidence provided by the complainant highlighted that the arrears owed and calculated by the Council Tax Team was correct.

As the complainant did not pay the exact amount of Council Tax each month, the Council Tax Team offered additional support to consolidate the debt and new payments into a manageable sum.

It was concluded that the Council Tax Team had correctly administered the complainant's Council Tax Account.

Head of Service Comments

The Council Tax Team are obligated to contact individuals whom are in arrears.

12. Complaint against Planning

Response – 30 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not taken into account the construction of a dwelling at a neighbouring plot. The complaint stated that the new dwelling would block their solar panels.

Council's response

During the investigation, it was found that the Planning Team had taken into account the complainant's objections. These objections were detailed in the Case Officer's report.

It was found that the position of the proposed dwelling would not affect the complainant's solar panels.

It was concluded that the Planning Department had correctly assessed the neighbouring planning application.

Head of Service Comments

The Planning Department consider all objections and application in line with national legislation.

13. Complaint against Governance

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not correctly applied the Council's Dealing with Unreasonable Complainant Behaviour Policy against them.

Council's response

During the investigation, it was found that due to the complainant's behaviour and the nature of their correspondence with the Council that their contact should be limited.

The complainant did not agree that the Policy should be applied to them. An example of the form was sent to the complainant upon their request and they subsequently complained that a blank form was used as consideration when the Policy was applied against them.

The form used to consider the application was not blank and provided the Council's General Management Team with the necessary details to make a decision.

It was concluded that the Policy had been correctly applied.

Head of Service Comments

The Complaints Team attempted to work with the complainant to modify their behaviour before the Policy was applied. The form was correctly completed and approved by the Council's General Management Team.

14. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was charging a service charge for their Independent Living accommodation.

Council's response

During the investigation, it was found that all Independent Living properties are charged a service charge for a contribution toward property maintenance.

The complaint was given the opportunity to move property to another general needs property when theirs was re-designated. However, this offer was refused. Therefore, it was concluded that the service charge had been correctly applied.

Head of Service Comments

The level of rent and service charge can change between occupants. The charges were clearly explained to the tenant when they signed for the property, which they did not dispute.

15. Complaint against Private Sector Housing

Response – 30 working days
Complaint not upheld

Complaint

The complaint raised was that the Council did not adequately investigate their private rented landlord and the condition of the property.

Council's response

During the investigation, it was found that the complainant had contacted the Council to state that their property was in a state of disrepair and that their private landlord was not undertaking the necessary repairs.

The Private Sector Housing Team, following the registration of these concerns made regular contact with the landlord to ensure that the repairs were undertaken. The Private Sector Housing Team had provided regular reminders to the landlord to complete the work.

It was concluded that the Private Sector Housing Team had correctly investigated the landlord and the disrepair within the property.

Head of Service Comments

The Private Sector Housing treat all complaints of housing disrepair seriously. Furthermore, regular contact was established with the landlord to ensure the correct support was given to the complainant.

16. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Council had not adequately undertaken repairs to the complainant's garage.

Council's response

During the investigation, it was found that there were delays in the Council undertaking an assessment to the garage to determine the repairs needed. It was found that the roof was damaged beyond economical repair which was causing a leak.

As the roof was damaged beyond economical repair, the complainant was offered three options. These were, continue to rent the garage knowing it would not be repaired, terminate the tenancy or swap garage to another within the local area. The complainant was also offered £75 compensation.

The complainant did not accept the offers provided.

Head of Service Comments

The Housing Repairs Team was reminded of the necessity to investigate repair issues in a timely manner. However, the appropriate remedies had been given to the complainant.

17. Complaint against Independent Living

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was incorrectly administering their tenancy. The complainant was unhappy that they lived in an Independent Living property and the Council was undertaking the services relating to Independent Living. Particularly, visiting the property to ensure that the life line service worked as intended.

Council's response

During the investigation, it was found that the Council had explained to the tenant the services undertaken as part of the Independent Living service during their tenancy sign up. The complainant signed the tenancy agreement and moved into the property.

As part of this service, the Council are required to visit the property to ensure that life line pull cord is working. The Council undertake these checks quarterly and an appointment is made beforehand.

It was concluded that the Council was correctly undertaking the service relating to its Independent Living property.

Head of Service Comments

The Independent Living team attempted to assist the complainant with the issue they had with their tenancy, prior to the complaint being made. However, the tenant remained dissatisfied with the service.

18. Complaint against Independent Living

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was incorrectly administering their tenancy. The complainant stated that they did not want to receive the service relating to Independent Living and that the Housing Officers had been rude.

Council's response

During the investigation, it was found that the complainant had moved into an independent living property in 2018. As of 2022 the property was re-designated as general needs and all services relating to Independent Living were ceased. The complainant was notified of this re-designation accordingly before it happened.

Furthermore, all correspondence with the complainant was polite and factual.

It was concluded that the Housing Team had correctly administered the complainant's tenancy and there was no evidence of inappropriate behaviour.

Head of Service Comments

The Independent Living team attempted to assist the complainant with the issue they had with their tenancy, prior to the complaint being made. However, the tenant remained dissatisfied with the service.

19. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that there had been significant delays in the Council undertaking works to rectify an issue of damp within the complainant's property.

Council's response

During the investigation, it was found that while the Council had logged the damp works required, there had been significant delays in the repairs being undertaken.

The Council provided an apology and offered £450 compensation. The Housing Repairs Team were reminded of the need to undertake repairs in a timely manner. The Housing Repairs Team were further reminded of the need to effectively communicate with tenants to inform them of any delays.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

20. Complaint against Planning

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council's Planning Enforcement Officer entered their property, an MOT garage, without permission and did not follow health and safety rules. Furthermore, the complainant believed that the Council should not be pursuing the enforcement case.

Council's response

During the investigation, it was found that the Planning Enforcement Officer visited the property and met with the owner's colleagues. The owner's colleagues gave the Planning Enforcement Officer permission to enter the property to undertake the necessary measurements. The Planning Enforcement Officer did not enter the garage itself but took measurements from the outside. Furthermore, Planning Legislation states that the Planning Enforcement Officers do not need permission to enter properties for enforcement purposes.

The Planning Team was undertaking this enforcement case as the owner of the garage had constructed the garage roof higher than the specified plans and was refusing to submit a new planning application to regularise the application. The initial application was approved by the Planning Inspectorate following an appeal of the owner. However, as the owner had constructed the garage outside of the plans approved by the Planning Inspectorate the Planning Team was required to open an enforcement case.

The owner of the garage was notified of the need to submit a new application on several occasions.

It was concluded that the Planning Team had appropriately opened an enforcement case against the complainant.

Head of Service Comments

The Planning Enforcement Team are required to undertake investigations into developments that are not in line with the approved plans. These investigations are carried out in line with national legislation.

21. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was excessively chasing the complainant to pay their rent arrears.

Council's response

During the investigation, it was found that the complainant was being contacted when they had accrued arrears and only when they had accrued arrears. The correspondence between the complainant and the Housing Income Officer was polite and factual.

It was explained that the Council is required to contact the complainant when they had accrued arrears.

It was concluded that the Council had acted appropriately when contacting the complainant regarding their arrears.

Head of Service Comments

The Housing Team are required to contact tenants whom have arrears on their account. Agreed processes were correctly followed.

22. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that Council Tax records were not kept correctly as their account was solely in their name when it should have been a joint account. Furthermore, the complainant believed that another adult living at the property should not affect their Council Tax Discount.

Council's response

During the investigation, it was found that the complainant jointly owned the complainant and their son, who also lived at the property. The complainant had not notified the Council of the joint ownership of the property when the purchase was completed. The records were updated to reflect the ownership.

As a taxable individual also lived at the property, the correct discounts had been applied to their account.

It was concluded that the Council had correctly administered the complainant's Council Tax account.

Head of Service Comments

The Council Tax Team act upon information provided individuals when a change of circumstance occurs. Once receiving the appropriate information, the complainant's Council Tax account was correctly updated.

23. Complaint against Planning

Response – 30 working days
Complaint upheld

Complaint

The complaint raised was that there had been delays in their planning application being considered.

Council's response

During the investigation, it was found that there had been delays in the application due to Nottinghamshire Wildlife Trust requesting amendments to the complainant's application and due to the planning application backlog caused by the COVID-19 pandemic.

An apology was offered to the complainant for any distress caused by the delay.

Head of Service Comments

Delays had occurred in the application being processed due to the COVID-19 pandemic causing a backlog in applications.

24. Complaint against Planning Enforcement

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Planning Enforcement Team had not taken the appropriate action to enforce and individual dismantling cars at their property and disposing of hazardous waste down a drain.

Council's response

During the investigation, it was found that the Planning Enforcement Team had conducted several visits and written several letters to the individual regarding the dismantling of cars at their property. The issue of hazardous waste being emptied into a drain was reported to Severn Trent to investigate as the appropriate authority.

However, there was not enough evidence for the Council to take action upon.

It was concluded that the Planning Enforcement Team had appropriately investigated the enforcement issue.

Head of Service Comments

The Planning Enforcement Team investigate and enforce against issue were sufficient evidence has been obtained. As no evidence could be obtained in relation to this complaint no action could be taken.

25. Complaint against Environmental Health

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Environmental Health Tam had not taken the appropriate action to investigate an issue of noise nuisance.

Council's response

During the investigation, it was found that the Environmental Health Officer had installed monitoring equipment in the complainant's property. It was noted that there was a low frequency noise that was registered. However, as the noise was a low frequency the source could not be identified.

The complainant was notified this and the Environmental Health Officer undertook several visits in an attempt to locate the noise. As the noise could not be located, no further action could be undertaken.

It was concluded that the Environmental Health had correctly assessed the noise nuisance.

Head of Service Comments

The Environmental Health Team investigate and enforce against issues were sufficient evidence has been obtained. As no evidence could be obtained in relation to this complaint, no action could be taken.

26. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Housing Repairs Team had not undertaken repairs to their garage.

Council's response

During the investigation, it was found that the complainant's garage door had become damaged and was difficult to use. The Housing Repairs Team inspected the garage door but there was a delay in the repair being undertaken. During this period the complainant had ceased paying rent toward the garage.

Due to the delay in the repair being undertaken, the Council offered the complainant a credit payment toward the garage arrears of £196.08.

It was concluded that the Housing Repairs Team had not provided an appropriate level of service.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. However, the appropriate remedy had been given to the complainant.

27. Complaint against Data Protection

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Council had not released a copy of the form used to determine their Dealing with Unreasonable Complainant Behaviour policy when requested as part of a Subject Access Request.

Council's response

During the investigation, it was found that the form was originally refused as it was not considered to be the complainant's data and therefore was not required to be released. However, upon further inspection of the GDPR guidance it was determined that it was the complainant's data and required release.

An apology was offered and the data was released.

Head of Service Comments

The Data Protection Team updated its processes to factor in guidance provided by the Information Commissioner's Office

28. Complaint against Planning

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not adequately notified them of a major development at neighbouring site.

Council's response

During the investigation, it was found that the Planning Team had undertaken all the statutory responsibilities to notify the complainant of the development. This included, site notices being erected and letter being issued to the complainant. All the Council's records indicated that these actions had been performed correctly.

It was concluded that the Planning Team had appropriately notified the complainant of the development.

Head of Service Comments

The Planning Team are required to undertake notification of neighbours in line with national legislation. The Planning Team keep audit records to ensure that this is done correctly.

29. Complaint against Planning Enforcement

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not adequately dealt with an issue of planning enforcement at a neighbouring property.

Council's response

During the investigation, it was found that the issue of planning enforcement at the neighbouring had been investigated by the Planning Inspectorate and the development was deemed acceptable. Therefore, there was no further action that the Council could undertake.

It was concluded that the Planning Enforcement Team had appropriately investigated the enforcement issue.

Head of Service Comments

The Planning Enforcement Team investigate and enforce against issue were sufficient evidence has been obtained. As no evidence could be obtained in relation to this complaint no action could be taken.

30. Complaint against Freedom of Information

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had withheld data requested under the Freedom of Information Act.

Council's response

During the investigation, it was found that the complainant had requested information relating to individuals and their Council Tax accounts. As this information was personal information of the individuals it was withheld due to GDPR.

It was concluded that the Freedom of Information Team had correctly withheld the information.

Head of Service Comments

The Freedom of Information Team is required to ensure that GDPR are complied with. All data released is review to ensure that it is correct to do so.

31. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not adequately considered their request for a council housing banding review.

Council's response

During the investigation, it was found that while the complainant had submitted information to support their banding review, the information submitted was not by medical professionals and therefore was not sufficient for the Council to consider.

It was concluded that the Housing Operations Team had correctly assessed the banding review.

Head of Service Comments

Policies and procedures were correctly followed, however, the team was reminded to ensure that applicants were aware that not all letters received from medical professionals will be sufficient for banding to be increased.

32. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

This complaint relates to complaint number 11 summarised above. The complainant contacted the Local Government Ombudsman whom requested that the Council re-investigate the stage 2 complaint as they were unable to find an issue of fault within their initial investigation. They believe the complainant may have been confused by the correspondence sent by the Council.

Council's response

The outcome of the stage 2 complaint did not alter following investigation.

Head of Service Comments

No further comments can be provided.

33. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Council had not undertaken repairs to rectify a damp issue.

Council's response

During the investigation, it was found that while the Council had visited the property and scheduled the necessary works, an issue with the Council's repairs system booked these works in twice. Upon deleting the duplicate entry, both entries were deleted by the system.

An apology was offered and the works were re-booked.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

34. Complaint against Housing Income

Response – 30 working days
Complaint not upheld

Complaint

The Council was not correctly applying the assisted living service charge to their independent living property as the complainant's garden maintenance had been missed.

Council's response

During the investigation, it was found that the complainant, as an independent living tenant, should have been receiving regular garden maintenance. However, due to an administrative error, the property had been missed off the maintenance list. The garden was maintained when the complainant contacted the Council to enquire when the service would be undertaken.

The service charge in which the complainant raised a complaint covers garden maintenance, scheme cleaning and the use of the life line service. This charge is applied to all independent living properties irrespective of whether the property does not receive a certain service.

An apology was provided and the Council updated its procedures to ensure that all properties that require garden maintenance are included on the list.

Head of Service Comments

The Council is required to apply a charge to all Independent Living tenants to ensure that the tenancy was administered in a fair and consistent manner.

35. Complaint against Housing Income

Response – 30 working days
Complaint not upheld

Complaint

The Council was not correctly managing the parking spaces at a block of flats.

Council's response

During the investigation, it was found that the car park did not require the use of a parking permit. The vehicles parked there operate on a first come first served basis. However, the Council wrote to all residents to remind them that the car park was for residents only and visitors were not to park there.

Head of Service Comments

The Council do not monitor or enforce the car park attached to flat complexes. However, residents are reminded that these car parks are for residents only.

36. Complaint against Planning

Response – 20 working days
Complaint upheld

Complaint

There had been significant delays in the Council dealing with a planning application and that the complainant had not been treated fairly by the Planning team.

Council's response

During the investigation, it was found that there had been delays in the planning application being processed. The delays occurred due to the complainant's agent making multiple revisions to the application. The Council complied with the time extension requests of the agent resulting in a delay in the application being determined.

Furthermore, there was no evidence of the complainant being treated unfairly. However, there were delays in communication being issued from the case officer to the complainant.

Head of Service Comments

The Planning Team endeavours to assist applicants with their applications. On this occasion, communication could have been improved in order to assist the applicant with the delays requested by their agent.

37. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The temporary accommodation provided to the complainant as part of homelessness service was not suitable.

Council's response

During the investigation, it was found that the complainant contacted the Council due to being homeless. The Council initially placed the complainant into a hotel as a Council

temporary accommodation unit was not available. Upon one becoming available the complainant was moved in to a Council unit.

The temporary accommodation unit was cleaned before the complainant moved and the unit was capable of housing their family.

There was no evidence to suggest that the temporary accommodation unit was not fit for purpose.

Head of Service Comments

The Council ensure that its temporary accommodation units are fit for purpose in order to assist with individuals whom present themselves as homeless.

38. Complaint against Revenues, Benefits and Customers Services

Response – 20 working days
Complaint not upheld

Complaint

The Council had incorrectly administered the complainant's benefit account.

Council's response

During the investigation, it was found that the complainant's benefit entitlement had changed. The Council had re-assessed the complainant's benefit entitlement based on the change which resulted in a reduction of the entitlement.

The Council were required to re-assess the complainant's benefits based on the new information received.

Head of Service Comments

The Council are required to acted upon changes in circumstance when they are presented.

39. Complaint against Planning

Response – 20 working days
Complaint upheld

Complaint

The Council had not taken into account the complainant's objections in relation to a neighbouring planning application and had not provided the complainant with information requested about the planning application.

Council's response

During the investigation, it was found that the complainant's objections were received by the Council. However, due to an administrative error, these objections were not included in the case officers report and therefore were not considered.

Upon being alerted to the complainant's objections not being included, the Council with permission of the applicant, re-submitted the application and it was re-assessed with all objections being considered.

The complainant had further requested officer comments on the application from the planning department on several occasions. However, these had not been provided.

The comments were provided once the Democratic Services Team, whom were responsible for Freedom of Information Requests at that time, became involved and released the requested information.

An apology was provided and the Planning Team were reminded of the need to comply with request for information in a timely manner and to correctly record information.

Head of Service Comments

It is recognised that the error occurred had caused distress to the complainant. The Planning Team has been reminded of the importance to correctly record information.

40. Complaint against Housing Operations

Response – 20 working days
Complaint upheld

Complaint

Non-residents were using a car park within a block of flats.

Council's response

During the investigation, it was found that the car park the complainant was referencing did not have signs up to state that the car park was for residents only. The Council's records indicated that signs had been displayed at some point. However, these were no longer displayed.

The Council provided an apology and new signs were erected.

Head of Service Comments

The signs to car park should have been displayed correctly. As this was not the case, new signs have been erected.

41. Complaint against Insurance Services/Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The Council had not adequately dealt with an issue of invasive ivy growing on the complainant's property.

Council's response

During the investigation, it was found that the complainant was a private resident living next to a Council property. The complainant's property had extensive ivy growth which the complainant stated that originated from the Council property and had now caused damage to their windows.

The complainant claimed for the damage to the window through the Council's insurance Team. It was found that as the ivy was extensive, it was the complainant's responsibility to cut back any plants within their boundary. Furthermore, after additional investigation, it was determined that the ivy had originated from the complainant's property.

Head of Service Comments

The Council attempted to assist the complainant with the insurance claim and ivy issue. Ultimately, it is the responsibility of the complainant to maintain foliage on their boundary.

42. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The Council was chasing the complainant's parents to pay their rent arrears and the officer chasing the arrears was rude.

Council's response

During the investigation, it was found that the complainant's parents had fallen into significant rent arrears. As no consistent payments had been made toward the rent the Council were obligated to contact the complainant's parents to obtain payment toward the rent.

There was no evidence of the Income Team being rude to the complainant or their parents.

Head of Service Comments

The Council is obligated to contact individual's when they fall into rent arrears.

43. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

There had been significant delays in the Council repairing a faulty boiler and that the complainant's carbon monoxide detectors were faulty.

Council's response

During the investigation, it was found that the following the completion of external wall insulation in July at the complainant's property, the boiler was tested to ensure it was not blocked following the works. The contractor's carbon monoxide detector indicated that there

was fault with the boiler and it was switched off and capped, leaving the complainant without hot water. The carbon monoxide detectors installed by the Council did not sound during these works or before. While an issue had been detected, the levels of the carbon monoxide were not life threatening.

The boiler issue was passed to a contractor to attempt to repair the boiler on the same day. However, one of the numbers provided by the Council to the contractor was provided incorrectly. Over several days the contractor attempted to contact the complainant to book the repair. After these attempts the contractor did not make any more attempts to book the works in.

The Council requested an updated from the contractor in August as to the repair. The contractor alerted the Council to the contact issue and a repair was scheduled for September. The repair was undertaken but it was determined that the boiler could not be repaired and needed to be replaced.

A new boiler was installed in October. It was found that the Council should have been more proactive to ensure that the regular communication through different channels was issued to the complainant to ensure that the necessary works were booked in.

An apology was offered along with £350 compensation. Furthermore, the carbon monoxide detectors were to be inspected to ensure their effectiveness.

The appropriate teams were reminded of their responsibility to ensure that works are undertaken in a timely manner.

Head of Service Comments

The Housing Repairs Team was reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

44. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

An independent living complex was not being regularly cleaned and that a tenant was putting soiled bedding within the communal washing machines.

Council's response

During the investigation, it was found that the complex was cleaned on regular basis and was at an acceptable standard. The complex was regularly inspected by several senior officers to ensure that its cleanliness was maintained.

The Council had written to all residents to remind them not to put soiled bedding within the washing machines.

Head of Service Comments

The Council regularly inspect the cleanliness of its schemes.

45. Complaint against Housing Income/Housing Repairs

Response – 30 working days
Complaint not upheld

Complaint

The property they had signed up for was not at an acceptable standard. This was due to the kitchen counter tops being at a low height due to a partial adaptation that was undertaken for the previous tenant.

The complainant did not believe they should pay their rent toward the property because of this.

Council's response

During the investigation, it was found that the property was cleaned by an external contractor during the void process and was subsequently inspected by the Housing Repairs Team. It was determined that the property was in a fit and habitable state.

The complainant visited the property before signing the tenancy and did not raise any issues.

Once the tenancy commenced the complainant stated they were unable to reside in the property due to the counter tops and subsequently stopped paying their rent. The complainant had not moved into the property.

The Council replaced the kitchen counter tops in a timely manner.

The Income Team were obligated to chase the rent arrears accrued by the complainant.

The complainant subsequently terminated the tenancy without moving into the property.

Head of Service Comments

There was no evidence to suggest that the property was in an inhabitable state.

46. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately dealt with a damp issue within the property.

Council's response

During the investigation, it was found that the complainant contacted the Council to report an issue with damp and mould at their property in May 2022. An inspection was undertaken the following week. It was noted that there was an issue with the complainant ventilating

their property which was causing excessive condensation. The complainant was advised to ventilate the property to assist with damp issues.

The Council booked additional works to ensure that there were no initial issues with the property. This included checking for grounded plaster. This work was undertaken in August 2022. There were no structural issues with the property that was causing any damp issues.

An apology was offered and £310 was offered as a gesture of goodwill to the complainant.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

47. Complaint against Complaints

Response – 20 working days
Complaint not upheld

Complaint

The Council was restricting the complaint from Council services by placing them on the Dealing with Unreasonable Complainant Behaviour Policy.

Council's response

During the investigation, it was found that the complainant had been subject to the Dealing Unreasonable Complainant Behaviour Policy for several years. This Policy was applied to the complainant due to the excess and unacceptable behaviour they had demonstrated toward the Council. While the complainant was subject to this Policy, all services could still be accessed through their designated single point of contact.

Head of Service Comments

The Council only apply the Dealing with unreasonable Complainant Behaviour Policy when absolutely necessary. The complainant is aware of the adjustments required to have the Policy rescinded.

48. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately dealt with a damp issue within the property.

Council's response

During the investigation, it was found that the complainant contacted the Council to report an issue with damp and mould at their property in June 2022. The works were passed to an external damp specialist contractor to complete. However, due to the increased need for

these works there is backlog which has resulted in the complainant's works not being completed.

An apology and £150 compensation was offered. The contractor was reminded of the need to attend the property and Housing Teams was reminded of the necessity to effectively communicate with residents.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

49. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately dealt with a damp issue within the property.

Council's response

During the investigation, it was found that the complainant contacted the Council in April 2022 to report that leak from the flat above there's had caused damp issues within their property. The works were booked for June 2022 and completed in July 2022.

An apology for the delay and £200 compensation was offered.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

50. Complaint against Environment

Response – 30 working days
Complaint not upheld

Complaint

The Council had not adequately cut back a large hedge that resulted in significant gap appearing in the hedge. The complainant wished the Council to install a fence within this section.

Council's response

During the investigation, it was found that the complainant contacted the Council in order for an overgrown hedge to be cut back.

Upon cutting the hedge back, a section was revealed that was not part of the hedge but was several different overgrown hedges growing into one section. This section of hedge could not successfully cut back due to the competing foliage. While a gap had appeared, the boundary was still clearly defined and the property was secure.

The Council is only responsible for marking the boundary, the hedge with the gap, served the purpose of establishing a boundary. The complainant was able to install a fence but this would require permission from the Council.

Head of Service Comments

The Council had correctly undertaken works to assist with the overgrown hedges.

51. Complaint against Revenues, Benefits and Customer Services

Response – 30 working days
Complaint not upheld

Complaint

The Council had issued a summons to the complainant's employer for the non-payment of Council Tax. The complainant stated that the Council had not applied the student discount to the property.

Council's response

During the investigation, it was found that the complainant had contacted the Council in June 2021 to state that six students were moving into a property they manage. The information provided by the complainant only showed four students. The Council requested that student certificates be provided in order for the discount to be correctly applied. This was not provided by the complainant and as such a Council Tax bill was issued for two people residing at the property. The certificates were provided in April 2022 and the Council subsequently applied the discount and cleared the arrears.

Following the completion of the students courses, several individuals remained in the property. A new bill was issued for the residents as they were now eligible to pay Council Tax. A charge was applied from June 2022 and payment was not made toward this new bill. A reminder was issued and a subsequent summons when payments were not made.

Head of Service Comments

The Council has attempted to work the complainant and their employer with the management of the properties and the tenants. Ultimately, the Council are required to collect Council Tax charges from eligible individuals.

52. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The Council's Income Team were threatening the complainant with eviction if they did not pay toward their rent arrears.

Council's response

During the investigation, it was found that the complainant had fallen into significant rent arrears and the Council were required to obtain a court order to assist with the rent collection. The complainant had stopped paying their rent despite the court order and they were advised that by not paying, they were at risk of the Council ending their tenancy.

Head of Service Comments

The Council is obligated to contact individual's when they fall into rent arrears.

53. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The Council had not adequately dealt with and issue of Anti-Social Behaviour (ASB) and drug related activity within the area.

Council's response

During the investigation, it was found that the Council had opened an ASB when the complainant registered a noise issue with the block of flats. The Council monitored the issue but as no further noise related issues were registered, the Council closed the case.

The Council was made of potential drug related activity by the complainant. This was referred to the Police as the appropriate authority. The Police informed the Council that no evidence had been obtain in relation to drug activity.

Head of Service Comments

The Council appropriately monitored the ASB issues raised.

54. Complaint against Waste Services

Response – 20 working days
Complaint upheld

Complaint

The Council had frequently missed the complainant's bin collection.

Council's response

It was concluded that the Council had repeatedly missed the complainant's bin collection, particular the garden waste bin. The collection was repeatedly missed due to construction traffic and works taking place at the new build estate where the complainant lived.

In recognition of the inconvenience caused by the repeated missed collection, the Council apologised and refunded the subscription to the garden waste service and put additional

checks and return checks in place to ensure that the bins are collected on the scheduled day. There have been no further reports of a collection being missed.

Head of Service Comments

The Waste Team were reminded of the necessity to attempt collections where feasible. The appropriate actions have been put in place to rectify the issue raised by the complainant.

55. Complaint against Environmental Health

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately investigated an issue regarding noise nuisance.

Council's response

It was concluded that while the Environmental Health Team had taken steps to mitigate and investigate the noise nuisance, there had been a lack of communication with the complainant to provide updates on the status of the noise issue.

It was further found that while communication had not been to a satisfactory standard, the Council's Business Support Team had provided incorrect advice regarding the registration and investigation of noise nuisance complaints.

An apology was provided and the Environmental Health Team was reminded of its obligation to contact complainants in a timely manner. Furthermore, it was recommended that a fresher training session be provided to the Council's Business Support Team.

Head of Service Comments

The Environmental Health Team were reminded of the necessity to communicate with complainants in a timely manner.

56. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had locked away the complainant's utility meters which resulted in their utility bill being higher than expected.

Council's response

It was concluded that the Council had not locked away the complainant's utility meters. The lock to the meters are suited with the lock to the communal entrance. The complainant had access to the meters since the commencement of their tenancy and they were reminded that any discrepancy with their utility bills was the responsibility of their energy provider and themselves.

However, it was found that there had been delays in the Council confirming the suited locks with the complainant. This resulted in the complainant having to chase the Housing Repairs Team on multiple occasions for a response. An apology was provided for any inconvenience caused.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to communicate with tenants in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

57. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complainant's property was in a state of disrepair on commencement of their tenancy.

Council's response

It was concluded that the Council had cleaned the property before commencement of the complainant taking up residence. However, during the cleaning process several repair issues were found and attended to. Following the additional repairs there was no record of an additional clean having taken place.

An apology was offered and the complainant was offered £150 compensation.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to book any additionally cleaning services where necessary following any works to a void property. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

58. Complaint against Revenues and Benefits

Response – 20 working days
Complaint not upheld

Complaint

The Council uses Royal Mail for the delivery of Council Tax bills and benefit change notifications. The complainant believed this to be inappropriate for important documents and often delivery does not take place.

Council's response

It was concluded that the Council had correctly generated and posted the complainant's Council Tax and benefit letters. The responsibility for their delivery was with Royal Mail.

Head of Service Comments

The use of Royal Mail as a postage service is standard practice.

59. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The Council did not allow the complainant to keep and charge a mobility scooter at their property. Additionally, the Council did not correctly take into account their medical needs and have not changed their housing band accordingly.

Council's response

It was concluded that at the time of the complaint, the complainant resided in a ground floor flat. As part of the Council's Mobility Scooter Policy, the Council require mobility scooters to be kept out of communal areas and charged in a safe manner so not to cause a fire risk. In this case, it was not possible to satisfy these requirements and as such the permission to keep a mobility scooter at the property was refused.

Furthermore, the Council had taken into account the complainant's medical needs when the appropriate information was provided. This resulted in the complainant being awarded a band one and an offer of a new property that was more suitable.

Head of Service Comments

The Council are required to consider all medical information, when provided by a professional, to ensure that all tenancies are managed fairly. Furthermore, the Council correctly applied the conditions of the Mobility Scooter Policy.

60. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not undertaken remedial works to the complainant's flat following a leak from the flat above.

Council's response

It was concluded that while inspections had taken place to the complainant's flat, follow up works had not been appropriately logged in order to repair the damage caused by the leak. This resulted in significant delays in the repairs being undertaken.

An apology and £200 compensation was offered to the complainant. Furthermore, the repairs were scheduled following the conclusion of the complaint.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to communicate with tenants in a timely manner and to book works in a timely manner. Furthermore, work had commenced

on reviewing the services as a whole to determine where significant improvements could be made.

61. Complaint against Planning Services

Response – 20 working days
Complaint upheld

Complaint

The Council had not correctly taken a planning application to the Council's Planning Committee despite a request from the complainant's local Councillor for it to be considered. This resulted in the application being determined using delegated powers. The complainant requested that planning approval be revoked for the application.

Council's response

It was concluded that the complainant's local Councillor had requested that a specific planning application be considered at a meeting of the Council's Planning Committee. It was found that the Head of Planning and Economic Development had correctly passed the request to the case officer to start the process of taking the application to the Planning Committee. However, the case officer had missed this request.

An apology was offered to the complainant. Furthermore, it was explained that planning permission cannot be revoked due to an administrative error. The permission could only be revoked if a material planning consideration had not been taken into account.

The case officer's report detailed the complainant's objections to the application thoroughly. These objections were not material planning considerations and the professional opinion of the Planning Team was that the application was acceptable.

The Planning Team are reviewing their practises regarding Councillor call-ins in order to formalise the process.

Head of Service Comments

It was regrettable that the application was not heard at the Planning Committee as had been requested. It was not the intention to cause the complainant any distress or to disenfranchise them. The Planning Team had correctly considered the complainant's objections and ultimately the application was acceptable for the area.

62. Complaint against Housing Repairs

Response – 20 working days
Complaint withdrawn

Complaint

The complainant's property was in a state of disrepair on commencement of their tenancy.

Council's response

During the course of the investigation, the works required to the complainant's property were undertaken. As the outcome that the complainant desired had been achieved, they requested that the complaint be closed without further investigation.

Head of Service Comments

The Housing Repairs Team will continue to monitor and book any works that are required to the property.

63. Complaint against Legal Services

Response – 30 working days
Complaint upheld

Complaint

The Council had delayed the complainant's Right to Buy application.

Council's response

It was concluded that while the Council had commenced the Right to Buy application appropriately, there were several months in which the Council and the complainant's solicitor did not communicate with each other despite the application still being processed.

The complainant's solicitor had provided the complainant with information to suggest that they had chased the Council during the months in which no communication was taking place. There is no record of these reminders having been received by the Council.

The Council during this time were awaiting additional information from the complainant's solicitor in order to complete the sale. This related to a signed duplicate of the complainant's lease. The information was hand delivered to the Council but not in duplicate. There was a period of delay in the Council attempting to locate the copy of the signed lease to determine if two copies were delivered.

The Council recognises that a more proactive approach could have been undertaken to ensure that the process was concluded in a timely manner.

An apology was offered and the complainant was provided with details on how to complain about the service provided by their solicitor should they wish.

Head of Service Comments

While the process had been undertaken correctly, it was recognised that a more proactive approach could have been undertaken in order to complete the sale in a timely manner and eliminate doubt that the Council had caused the delay.

64. Complaint against Housing Repairs

Response – 30 working days
Complaint upheld

Complaint

The Council had delayed the repair of a leak at the complainant's property.

Council's response

It was found that the leak in which the complainant had reported was an outside tap. The complainant informed the Council of this through the out-of-hours' service over the Christmas period. The leak was classed as a non-emergency and was subsequently capped the following day.

During this time, the complainant had turned off the property's stop-cock resulting in them having no heating or water. There is no evidence to suggest that the Council provided this advice or similarly to turn the stop-cock back on.

Additionally, while the leak had been capped, there was no record of the full repair having been booked.

An apology was offered to the complainant if the advice regarding the stop-cock had not been correctly provided to them. The complainant was advised that the Housing Repairs team would contact them to provide a date for the full repair.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to communicate with tenants in a timely manner and to book works in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

65. Complaint against Housing Repairs

Response – 30 working days
Complaint upheld

Complaint

The complainant's property was in a state of disrepair on commencement of their tenancy. This included damp issues caused by the failing of a damp proof course.

Council's response

It was found that while void works had taken place, there was no record or signs of damp related issues at the property.

As the Council attended the property to replace a kitchen cupboard it was found that the damp course behind the kitchen cupboards had failed and had caused a significant damp issue within the area.

As the works were extensive the complainant was offered a temporary decant or permanent move to a different property. The complainant chose to move to a new property.

Furthermore, the Council offered an apology and £300 compensation.

Head of Service Comments

The Council recognises the inconvenience caused by the damp issues not being correctly identified in the first instance. The appropriate action has been undertaken to remedy this.

66. Complaint against Housing Repairs

Response – 20 working days
Complaint - upheld

Complaint

The Council had not adequately dealt with an issue of damp and mould at their property.

Council's response

It was found that damp inspections had taken place and it was identified that the guttering was damaged at the property causing water to pour on to the walls. The Council repaired the guttering on several occasions but this repair failed causing the leak to return. The Council has since repaired the leaking guttering without it further returning.

It was recognised that the work undertaken to repair the guttering was not satisfactory and caused an inconvenience to the complainant.

Furthermore, the Council offered an apology and £200 compensation.

Head of Service Comments

The Council recognised the inconvenience caused by the damp issues not being correctly identified in the first instance. The appropriate action has been undertaken to remedy this.

67. Complaint against Planning Service

Response – 20 working days
Complaint not upheld

Complaint

The Council had approved an application for planning permission for gate that was built on the complainant's property without their permission.

Council's response

It was found that the applicant for the gate had submitted the appropriate plans and notices for the erection of the gate.

The notices show that the appropriate land owner was notified of the application to install the gate, in this case, the land owner was not the complainant. Furthermore, the Case Officer

had appropriately considered the complainant's objections and determined that the application was appropriate for the area.

Issues of land ownership are not a material planning consideration and the complainant was advised to seek independent legal advice.

Head of Service Comments

The Council had correctly assessed and determined the application.

68. Complaint against Capital Works/Housing Repairs

Response – 20 working days
Complaint – upheld

Complaint

The Council's contractor had damaged the complainant's flooring during works to the damp proof course. Additionally, there were outstanding works that required attention at the property.

Council's response

It was found that the floor had become dirtied and damaged during the works to the damp proof course by the external contractor undertaking the works on behalf of the Council.

Furthermore, the Council has not correctly managed the expectations of the complainant in relation to the repairs that were required at property by misinforming the complainant of what works were due to take place and due to the lack of communication relating to the outstanding works.

An apology and £300 compensation was offered. The offer of compensation was not accepted.

Head of Service Comments

The Council recognises the inconvenience caused by the damage to flooring. The Council offered an appropriate action to remedy this.

69. Complaint against Housing Repairs

Response – 20 working days
Complaint not upheld

Complaint

An Officer of the Housing Repairs department trapped the complainant's leg in a door while they attempted to leave the property.

Council's response

It was found that while the Housing Repairs Officer was at the property to discuss repair issues, the complainant became aggressive and the Officer left the property due to their conduct.

While the Officer was leaving the property the complainant placed their foot in the door prevent the Officer from closing the door.

The complainant contacted the Police regarding this issue. The Police in turn closed the investigation as no evidence could be provided by the complainant.

Head of Service Comments

The Council was unable to locate any information to suggest that the Officer had deliberately shut the door on the complainant's leg. Due to the aggressive nature of the complainant, the Officer left the property but the complainant attempted to prevent this from being undertaken in a safe manner.

70. Complaint against Environmental Health

Response – 20 working days
Complaint – upheld

Complaint

The Council had provided incorrect advice regarding turning a former Council flat into a House in Multiple Occupation (HMO) which had negatively affected the complainant.

Council's response

It was found that while the Environment Health Team had correctly informed the complainant of the works required to bring the property into a lettable standard, it was determined the property was not suitable to become a HMO and that the complainant should seek independent legal advice regarding the property.

The complainant disputed this conclusion and the Environmental Health maintained its position.

However, the case officer contacted the complainant to express a personal apology to the complainant should they feel that they had been misinformed. The complainant further contacted the Council to state that the apology they had been offered was an admission of wrongdoing.

As part of the stage 2 complaint, the position of the Council was clarified. An apology was offered for any confusion caused by the case officer and it was identified that this contact was not appropriate.

Head of Service Comments

The Environmental Health Team have been reminded of their responsibility to correctly and appropriately contact complaints to manage their expectations.

71. Complaint against Capital Works

Response – 30 working days
Complaint –not upheld

Complaint

The complainant had been discriminated against by the Council's Aids and Adaptations Team.

Council's response

It was found that the Aids and Adaptations team had correctly assessed the requests for adaptations made by the complainant. This being the installation of driveway at the complainant's property.

It was determined that the driveway was not possible to install due to a large tree at the property and the complainant's Occupational Therapist informing the Council that the driveway was not necessary.

There were no records to indicate that the complainant had been discriminated against.

Head of Service Comments

The Capital Works Team had correctly assess the needs of the complainant in line with the Council procedures and information submitted by a medical professional.

72. Complaint against Housing Operations

Response – 30 working days
Complaint –not upheld

Complaint

The complainant has been placed in the wrong housing band and their medical information was not correctly assessed when placing them in their current banding.

Council's response

It was found that the complainant had contacted the Council in order to increase their banding on the housing allocations list. The Housing Operations Team contacted the complainant to request any medical information that would allow for them to have their banding increase.

The complainant did not supply the requested information and therefore the Housing Operations Team were unable to increase the banding.

Head of Service Comments

The Housing Team correctly followed the Council's Allocations Policy. Consistent use of the Policy ensures that the housing register is fairly administered.

APPENDIX 3

Stage 3 - Ombudsman Complaints**1. Complaint against Freedom of Information (stage 2 no.30)**

The complaint was not upheld.

Complaint

That the Council had withheld data requested under the Freedom of Information Act.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council withholding the information.

2. Complaint against Council Tax (stage 2 no.11 and 32)

The complaint was not upheld.

Complaint

That the Council had not adequately managed their Council Tax account. Specifically, the complainant did not believe they owed the amount of arrears the Council Tax Team were chasing.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council's management of the Council Tax.

The Local Government Ombudsman requested that the Council re-investigate the stage 2 complaint as they were unable to find an issue of fault within their initial investigation. They believe the complainant may have been confused by the correspondence sent by the Council.

3. Complaint against Planning (stage 2 no.5)

The complaint was not upheld.

Complaint

That the Council had not adequately considered their objections into a neighbouring planning application.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making when approving the application. It was found that all the objections submitted were documented and considered before the application was deemed appropriate.

4. Complaint against Housing Repairs (complaint concluded in 2021/22)

The complaint was upheld.

Complaint

That the Council had not rectified an issue of damp within their property.

Ombudsman's conclusion

It was found during the stage 2 complaint process, that the property had been subject to a series of leaks for a number of years due to the failure to install and properly repair a fascia.

During the stage 2 complaint process the Council recognised that the leak had been persistent and that there had been significant delays in the repairs being undertaken. The Council offered the complainant £1,000 compensation in recognition of these delays.

The HO confirmed the fault found by the Council but found further fault in the way the compensation had been calculated. The HO further found fault that the initial stage 1 complaint was not dealt with in a timely manner.

The HO recommended an additional payment of £700 be made in recognition of this delay and inconvenience.

The Council has made the compensation payments to the complainant.

5. Complaint against Housing Operations (stage 2 no.1)

The complaint was not upheld.

Complaint

That the Council had not allowed them to be entered on to the Council register.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making to refused the complainant access to the housing register. The LGO noted that the complainant did not make the criteria as set out by the Allocations Policy and therefore it was appropriate to refuse the application.

6. Complaint against Planning (complaint concluded in 2021/22)

The complaint was not upheld.

Complaint

That the Council had not adequately considered their objections into a neighbouring planning application.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making when approving the application. It was found that all the objections submitted were documented and considered before the application was deemed appropriate.

7. Complaint against Council Tax (stage 2 no.6)

The complaint was not upheld.

Complaint

That the Council had inappropriately removed the complainant's single person discount from their Council Tax.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making when removing the single person discount. It was found that the Council had acted on information provided by another Council appropriately. It was noted that this change was highlighted to the complainant over several years and bills. It was the responsibility of the complainant to check the bills are accurate.

8. Complaint against Housing Repairs (complaint concluded in 2021/22)

The complaint was not upheld.

Complaint

That the Council did not adequately undertake repairs to a noisy boiler.

Ombudsman's conclusion

In summary, the complainant contacted the Council regarding the noise made by their boiler when it was used.

It was found that boiler was inspected on several occasions by several different officers. On each occasion the officer noted that the boiler was in full working order and that the noise was typical of a boiler.

The HO determined that the boiler was correctly working and that the Council had undertaken the appropriate action by inspecting the boiler when it was reported by the complainant.

9. Complaint against Environment (stage 2 no.8)

The complaint was upheld.

Complaint

In summary, the complainant, a member of an allotment association operating on a Council allotment contacted the Council to dispute the termination of their tenancy by the association.

It was found that the complainant was advised that the decision to terminate the tenancy was not undertaken by the Council but by the Allotment Association that had the necessary powers to do so.

The Council attempted to assist the complainant with the termination but ultimately determined that the behaviour of the complainant, the police and involvement and correspondence issued by the Allotment Association was sufficient. It was determined that the Council could not provide any more assistance in the matter. The complaint was subsequently offered use of an alternative plot on another allotment site.

Ombudsman's conclusion

The LGO determined that the Council had not appropriately dealt with the complainant complaint as a significant delay had occurred in the stage 1 complaint being issued. Furthermore, the LGO determined that the Council should have a management procedure in place to deal with issues in which individuals complain about allotment associations on Council owned allotment sites.

The LGO found fault in the Council's in handling of the complainant's stage 1 complaint. Additionally, fault was found in the Council's management of the Allotment Association. It was recommended that the Council review its management procedures of allotments and the Allotment Association, issue an apology and £100 compensation to the complainant.

The Council provided a written apology to the complainant and requested that their required bank details be provided in order to facilitate the payment. However, the complainant has not provided these bank details to date. This payment will remain available to the complainant should they wish to accept it and provide the necessary details.

As recommended, the Environment Team have now reviewed their procedures for the management of allotment sites.

10. Complaint against Housing Operations (complaint concluded in 2021/22)

The complaint was upheld.

Complaint

The concern raised was that the Council did not conduct the consultation in a relation to the demolition of two garage sites correctly. Additionally, the Council had not communicated effectively with the complainant.

Ombudsman's conclusion

The LGO determined that the Council had correctly assessed and consulted with residents regarding the demolition of the garage sites.

The LGO recognised that the complainant submitted lengthy correspondence to the Council, which were responded to fully and in a timely manner. However, an e-mail was not responded to by a former employee of the Council. As part of the stage 1 complaint, a response to this e-mail was provided.

The LGO was satisfied that the e-mail was responded to, albeit delayed, and that this was the appropriate action to take to remedy the issue. However, the LGO recorded this decision as a fault and subsequently upheld the complaint.

It should be noted that despite this information being provided to the LGO on three separate occasions, the initial decision did not include the fact that the Council had responded to the missed e-mail until challenged.

11. Complaint against Waste Services (stage 2 no.54)

The complaint would not be investigated.

Complaint

The Council had frequently missed the complainant's bin collection.

Ombudsman's conclusion

The LGO determined that the Council had correctly put in place the appropriate actions by refunding the garden waste subscription and putting additional checks in place. As the bins had not been reported as missed since the conclusion of the stage 2 complaint an additional investigation by the LGO would not provide a different outcome.

12. Complaint against Building Control (complaint not raised with the Council)

The complaint would not be investigated.

Complaint

The Council had failed to identify Building Control issues with a property before signing it off as compliant with the appropriate regulations.

Ombudsman's conclusion

The LGO determined that the Council was not responsible for the defects with the property and that the responsibility for any warranty on the property lay with the developer and the complainant.

It should be noted that this complaint was not considered at stage 1 or 2 of the Council's complaint procedure. It should be noted that this complaint has not followed the usual LGO process. In that the LGO did not contact the Council to request that the complaint be processed through the Council's complaint procedure.

The LGO determined the complaint without the Council's process being undertaken or consulted with. Furthermore, Building Control functions are undertaken by Erewash Borough Council (EBC) on behalf of the Council and therefore this complaint should have been registered against EBC and not the Council.

There is no evidence to suggest that EBC have been consulted or notified of this decision.

The Council has written the LGO to reconsider the allocation of this complaint to the responsible authority.

13. Complaint against Planning Services (complaint conclude in 2021/22)

The complaint was not upheld.

Complaint

The complaint raised was that the Council had not appropriately dealt with a neighbouring planning application.

Ombudsman's conclusion

The LGO determined that the Planning Department had considered the planning application in line with the necessary legislation and internal policies. Furthermore, the complainant's specific objections were considered and referenced by the Planning Department before the decision to approve the application was considered.

It was concluded that the Council had acted appropriately when determining the planning application.

REFERENCED