

Report of the Strategic Director

COMPLAINTS REPORT 2019/201. Purpose of report

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

2. Detail

This report outlines the performance of the Council in dealing with complaints, including at stage one, 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).

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

The Council has seen an overall improvement in the management of the complaints service. Through the enhanced use of digital technology, the Council has raised the number of complaints being acknowledged within 3 working days. The number of complaints acknowledged within 3 working days has risen from 325 (90.1%) in 2018/19 to 431 (94.5%) in 2019/20. The number of complaints acknowledged after three working days has been reduced from 18 in 2018/19 (9.9%) to 16 in 2019/20 (5.5%).

It should be noted that there has been an increase of complaints in relation to Housing repairs following extreme weather conditions and the COVID-19 pandemic.

Of the 449 complaints received overall, 41 were investigated under the stage 2 complaints procedure and 9 were investigated by the LGO. Under the stage 2 complaints procedure, 26 complaints (63%) were not upheld, 3 complaints (7%) were partially upheld and 12 complaints (30%) were upheld. Further detail can be found in appendix 2. The LGO investigated 9 complaints made against the Council. 8 complaints (89%) were recorded as not upheld, resulting in no further action being required by the Council and 1 complaint was upheld. Further details can be found in appendix 3.

Recommendation

The Committee is asked to NOTE the report.

Background papers

Nil

APPENDIX 1

Complaints received

This table shows the figures for the overall complaints received in 2019/20 and the previous 2018/19 figures are shown in brackets for comparison

	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure Ltd	Members
Number of Stage 1 complaints	449 (344)	211	50	170	5	13
No. of complaints investigated under Stage 2	41 (30)	35	3	3	-	-
No. of complaints determined by the Ombudsman	9 (4)	8	1	-	-	-

The Council has registered a total of 449 stage 1 complaints in the year 1 April 2019 to 31 March 2020, compared to 344 in the year 2018/19. The number of complaints concluded under stage 2 of the complaints procedure is 41, compared to 30 in 2018/19, and 5 complaints, compared to 4 in 2018/19 have been determined by the Local Government Ombudsman and the Housing Ombudsman Service.

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

	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure Ltd	Members
Number of complaints acknowledged on the same day	291 (182)	156	21	99	2	13
Number of complaints acknowledged within one to three days	142 (143)	52	27	61	2	-
Number of complaints acknowledged after three working days	16 (19)	3	1	11	1	-

291 stage 1 complaints (65%) were acknowledged on the same day. 142 (32%) were acknowledged in one to three days and 16 (3%) took more than three working days to acknowledge.

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

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

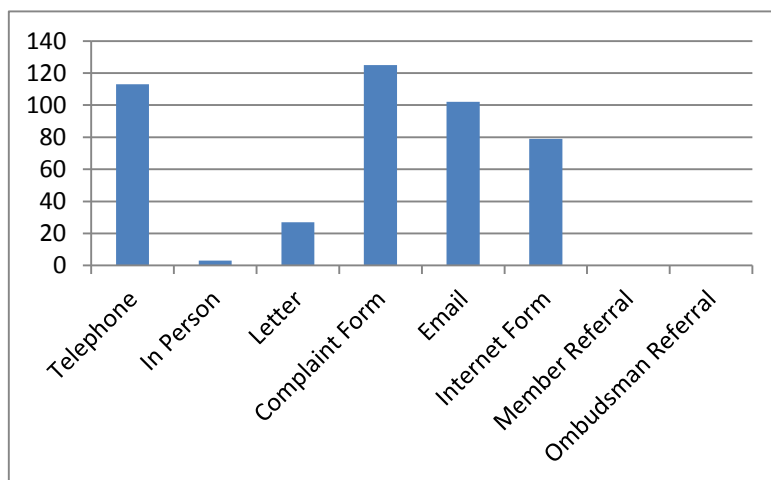
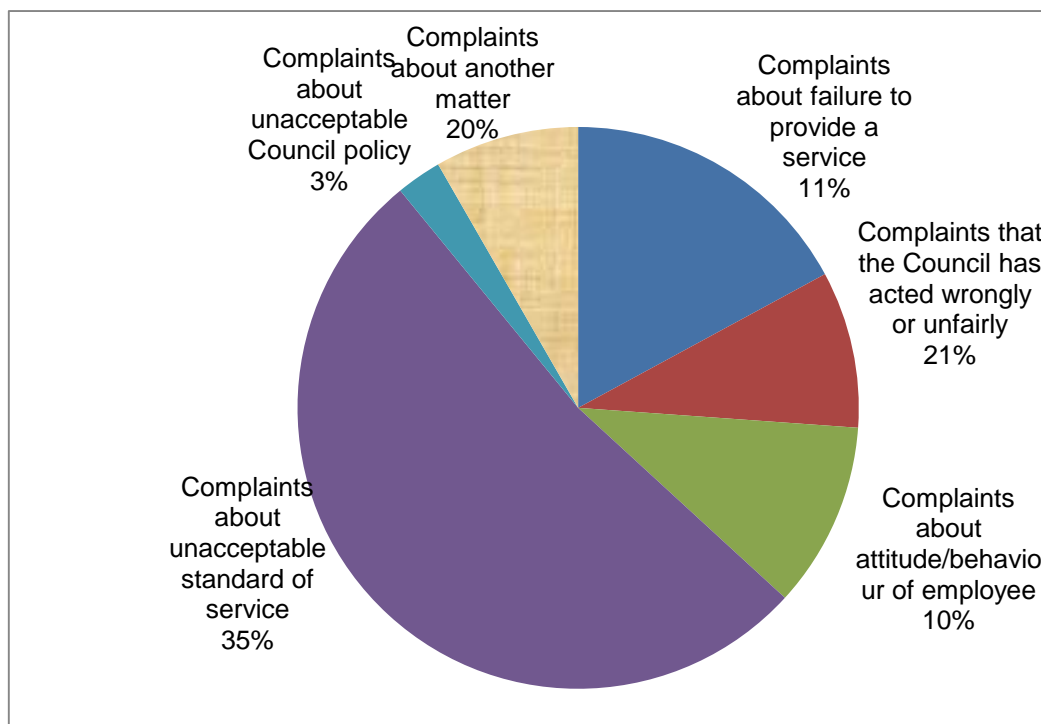
	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure Ltd	Members
Less than 5 working days	121 (134)	16	19	85	1	-
5 to 10 working days	56 (82)	35	10	10	1	-
10 to 15 working days	247 (85)	131	13	100	3	-
More than 15 working days	25 (43)	25	-	-	-	-

121 stage 1 complaints (27%) were responded to in less than five working days, 56 (12%) within five to ten days, 247 (55%) within ten to fifteen working days. 25 (6%) took longer than fifteen working days to provide a response. In these cases, the Heads of Service are asked to write to complainants to advise that a response will take longer and provide the complainant with an estimated timescale for completion.

Reasons for delays could include:

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

(This list is not exhaustive)

How the complaints were made**What the complaints were about**

Number of stage 2 complaints

	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure	Members
Number of Stage 2 complaints	41 (30)	35	3	3	-	-

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

	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure	Members
Acknowledged within 3 working days	41	35	3	3	-	-

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

	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure	Members
Responded in less than 10 working days	-	-	-	-	-	-
Responded in 11 to 20 working days	30	25	2	3	-	-
Responded in more than 20 working days	11	10	1	-	-	-

41 complaints were investigated and responded to under stage 2 of the formal complaint procedure. 100% were acknowledged within three working days and 30 (73%) were responded to within the 20 working day timescale. All the complainants who received their responses after 20 working days were informed that there would be a delay and were told the reason.

Reason for the delay include

- Further information being required from the complainant or officers,
- Complexity of the complaint
- Key officers not being available to interview.

Equalities Monitoring

Of the 449 stage 1 complaints recorded, 173 were completed with the monitoring data.

Gender

Male – 52
Female – 77
Not stated - 44

Age groups

<17 - 1 45–59 – 32
18–24 – 3 60–64 – 3
25–29 – 9 65+ – 17
30–44 – 35 Not stated – 73

Ethnic Groups

British – 96
Indian – 3
Caribbean -1
Not stated – 68
Any other White – 5

Long term health problem that limits daily activity?

Yes – 14
No – 80
Not stated - 79

Compliments

There have been a total of 57 compliments registered in the period. 39 of which were in relation to specific employees and 18 were related to the service received.

Financial Settlements

	Total	Chief Execs	Deputy Chief Execs	Strategic Director	Liberty Leisure
Stage 1	1	-	-	-	-
Stage 2	2	£800	-	-	-
Ombudsman	1	£150	-	-	-
TOTAL	4	£950	-	-	-

An offer of £600 had been offered to a complainant in relation to damaged items caused by mould issues in their property. However, the complainant did not contact the Council to decline or accept this payment.

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

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Communities	3	-	-	-
Civic	4	-	-	-
Development Control	25	9	7	-
Environmental Health	2	-	-	-
Garage Service	4	2	-	-
Housing Options	36	3	1	11
Housing Repairs	89	16	-	10
Leaseholder Services	5	2	-	1
Neighbourhood Services	38	2	-	22
Private Sector Housing	1	-	-	-
Strategy and Performance	1	-	-	1
Licensing	1	-	-	-
Legal Services	1	1	-	1
Town Centre Management	1	-	-	-

Deputy Chief Executive's department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Benefits	2	-	-	-
Capital Works	5	1	-	-
Customer Services	3	-	-	-
Estates	1	-	-	-
Rents	2	-	-	-
Revenues	35	2	1	-
Parking Services	2	-	-	-

Strategic Director's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Waste and Recycling	137	1	-	8
Parks and Environment	12	1	-	
Democratic Services	10	-	-	2
Elections	2	1	-	
Administrative Services	9	-	-	1

Liberty Leisure Ltd

Service Area	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Kimberley Leisure Centre	5	-	-	-

Standards

Area	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Community Trigger	-	-	-	-
Members	13	-	-	-

APPENDIX 2

Stage 2 – Formal Complaints

1. Complaint against Homelessness Services

Acknowledgement – 1 working day
Response – 23 working days
Advised that extension was required
Complaint not upheld

Complaint

The concern raised was that the complainant had been mistreated by the Homelessness Team and their complaints had not been dealt with objectively. Additionally, concern was raised around the documentation requested by the Homelessness Team.

Response

It was found that the Homelessness Team had acted appropriately when determining the complainant's homelessness situation and had acted in accordance with statutory guidelines. The complainant's complaint had been reviewed by senior officers not initially involved in their homelessness application.

2. Complaint against Homelessness Services

Acknowledgement – 1 working day
Response – 25 working days
Advised that extension was required
Complaint not upheld

Complaint

The concern raised was that the Homelessness Prevention Officer had been rude, had deliberately hindered their homelessness application and provided incorrect advice.

Additionally, the Homelessness Prevention Officer had mistakenly sent an internal e-mail regarding the complainant, to the complainant, that was derogatory.

Response

The Council had issued advice to the complainant in line with its statutory duty under the Homelessness Act. The Homelessness Prevention Officer had been polite and prompt in all correspondence.

The e-mail mistakenly sent to the complainant was factual and contained no derogatory comments. An apology was offered for this error.

3. Complaint against Waste and Recycling

Acknowledgement – 1 working day

Response – 19 working days

Complaint not upheld

Complaint

The concern raised was that the complainant's son was struck by a reversing refuse lorry causing bruising and the Council had not accepted responsibility of the incident.

Response

It was found that the no impact had taken place between the complainant's son and the refuse lorry. The complainant's son had step out behind a reversing refuse lorry but the banksman had spotted the child and ordered the lorry to stop.

The complainant was invited to submit any evidence to the contrary but did not do so.

4. Complaint against Housing Repairs

Acknowledgement – 1 working day

Response – 15 working days

Complaint upheld

Complaint

The concerns raised were that the complainant's property was experiencing issues with damp/mould and that the response to this issue by the Repairs Team was inadequate.

Response

It was found that the Housing Repairs team had identified the source of the damp but there were significant delays in attending to this repair. The repair was rescheduled and rectified with all remedial repair issues also being scheduled.

5. Complaint against Allocations

Acknowledgement – 1 working day

Response – 15 working days

Complaint upheld

Complaint

The concerns raised was that the Allocations Team had offered a property to the complainant but later withdrew this offer as it did not suit their medical needs.

Response

It was found that the Council had provisionally offered the complainant a property that was not suitable for their medical needs. The property was withdrawn using the correct Occupational Health information. However, the complainant should not have been eligible to bid on the property in the first instance. This was due to a system error.

An apology was offered and the complainant reinstated as a band 1 on the housing register.

6. Complaint against Planning

Acknowledgement – 1 working day
Response – 25 working days
Advised that extension was required
Complaint not upheld

Complaint

The concerns raised were that the Council had not given the complainant an appropriate timeframe in which to express their concerns against a planning application and that their objections were not taken into account.

Response

The Council's records showed that the complainant had been issued a consultation letter within the statutory deadlines and a substantial response to the planning application had been received from the complainant. Additionally, the complainant's objections had been included in the appropriate Planning Committee report to be reviewed by the Planning Committee.

7. Complaint against Garage Services

Acknowledgement – 1 working day
Response – 30 working days
Advised that extension was required
Complaint upheld

Complaint

The concern raised was that the Council had victimised the complainant in relation to their garage tenancy.

Response

The Council had terminated the complainant's garage tenancies due to the rent arrears on their residential property. In the absence of a formal policy or wording in either tenancy agreements, the Council were unable to terminate the garage tenancies due to the rent arrears on the complainant's residential property.

The complainant's garage tenancies were reinstated with the rent arrears cleared and an offer of £150 compensation was made.

The complainant did not contact the Council to accept or reject the £150 compensation.

8. Complaint against Planning

Acknowledgement – 1 working day
Response – 24 working days
Advised that extension was required
Complaint not upheld

Complaint

The concerns raised was that the Council's Planning Service had failed to undertake its enforcement responsibilities relating to a breach of planning regulation.

Response

The Council's records showed that the Planning team had acted appropriately when dealing with the enforcement issue. The Planning team had been in regular contact with the complainant and undertaken the necessary investigations when determining this breach of planning control.

9. Complaint against Planning

Acknowledgement – 1 working day
Response – 14 working days
Complaint not upheld

Complaint

The concerns raised were that the Council's Planning Service had failed to adhere to planning policy when determining a planning application, the site visits undertaken were not satisfactory and the plans appended to the Planning Committee report were not accurate.

Response

The Council had determined the application in line with the relevant policies. The complainant was referring to a policy that was dated 1992. The Council are required to determine planning applications on the most recent policies, in this case the National Planning Policy Framework.

The Council's Planning Officer had visited the complainant's property to assess the impact of the development. Site photographs were taken and included in the PowerPoint presentation given to Planning Committee. Additionally, the plan appended to the Planning Committee report was to highlight the location of the site. The detailed plans for the application were included in the PowerPoint presentation.

10. Complaint against Garage Services

Acknowledgement – 2 working day

Response – 18 working days

Complaint upheld

Complaint

The concerns raised were that there was pooling water outside of the complainant's garage and there was an inadequate response from Housing Repairs to rectify the issue.

Council's response

The Council had attempted to rectify the issue by having a road sweeper remove the water. However, the road was not adopted and Nottinghamshire County Council would not undertake the work.

The Council agreed to jet wash the drainage, yet there was a delay in this being undertaken.

11. Complaint against Elections

Acknowledgement – 1 working day

Response – 32 working days

Advised that extension was required

Complaint not upheld

Complaint

The concern raised that the complainant did not received their postal vote despite filling necessary forms being filled out.

Council's response

It was found that the postal vote packs were undelivered and returned to the Council by Royal Mail. Royal Mail did not indicate that these packs were undelivered and they were processed as being correctly returned.

12. Complaint against the Planning

Acknowledgement – 1 working day

Response – 43 working days

Complaint not upheld

Complaint

The concern raised was that the Planning Service had been biased and not performed any due diligence when determining a planning application.

Council's response

The Council had taken the appropriate steps to determine the planning application. There was no evidence of the Planning Service being bias.

13. Complaint against Neighbourhood Services

Acknowledgement – 1 working day
Response – 17 working days
Complaint not upheld

Complaint

The concern raised was that the Council would not allow the tenant to store a mobility scooter within their property.

Council's response

The Council had advised the tenant that the storing of mobility scooters is not permitted within Council properties due to fire risks. The complainant had been advised of this as per the Council's Mobility Scooter policy.

14. Complaint against Planning Enforcement

Acknowledgement – 1 working day
Response – 17 working days
Complaint not upheld

Complaint

The concern raised was that the Council had not taken action against an alleged planning enforcement issue.

Council's response

The Council had thoroughly investigated the alleged breach of planning conditions. It was determined that the alleged development was immune to planning law as it was over 4 years old.

15. Complaint against Planning

Acknowledgement – 1 working day
Response – 17 working days
Complaint not upheld

Complaint

The concern raised was that the Council had not taken into account the complainants objections to a planning application and that the site visit performed by the Planning Committee was not adequate.

Council's response

The Council had included the complainant's objection into the appropriate Planning Committee report and further objections were provided to the Committee verbally at the meeting.

The Planning Committee attended the site on two occasions and from neighbouring properties.

16. Complaint against Housing Repairs

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

Complaint

The complaints raised were that there were delays in undertaking various repairs to the complainant's roof, sink and utility cupboard doors. Additionally, the complainant complained that there had been an insufficient response from the Housing Repairs teams to repair an issue of water pressure.

Council's Response

It was found that the Housing Repairs team were due to replace the utility cupboard doors, however as these were not standard size, the doors had to be made to order. However, there were significant delays in the ordering and replacement of the doors.

The repair to the roof was undertaken within the Council's standard repair time for a non-emergency. Additionally, the sink had become damaged due to the complainant removing the tiling around the sink area. Therefore, the repair of the sink remained the complainant's responsibility.

17. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint upheld

Complaint

The complaints raised were that the complainant's property was let to them while in a state of disrepair. Additionally, the decorations vouchers issued to them were not valid and caused them distress when they attempted to use them.

Council's Response

It was found that the complainant's property was let to them while in a substandard condition. Repairs to the property had been scheduled to be undertaken before the complainant moved in. However, there were delays in these repairs being undertaken.

The decoration vouchers were not correctly activated when issued due to an administrative error.

The complainant was offered £500 compensation in settlement of the distress caused and due to the extended delays in repairs being undertaken.

18. Complaint against Planning

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaints raised were that the Planning Service had not adequately dealt with a Planning Inspectors report or the Green Infrastructure Strategy when determining a planning application

Council's Response

It was found that the Planning Service had given considerable consideration to the Planning Inspectors report and Green Infrastructure Strategy. This information was detailed in the appropriate Planning Committee Report and was reviewed by members at the appropriate Planning Committee meeting.

20. Complaint against Parks Department

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Tree Officer had not acted professionally when determining the protection of trees for a planning application.

Council's Response

It was found that the Tree Officer had acted professionally when determining the protection of the trees. The Tree Officer had considered the trees in conjunction with a professional tree surveyor's report. The Tree Officer recommended that the removal of some trees was appropriate as they had become unsafe. Additionally, the trees were owned by a private land owner and therefore their removal remained the responsibility of land owner.

21. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaints raised were that there had been extended delays in repairing a bowed ceiling and damp issues.

Council's Response

It was found that the Housing Repairs Service had attempted to repair the ceiling but due to the complainant not clearing a sufficient space for the repair to be undertaken, the repair had to be rescheduled. The complainant cancelled the rescheduled repair as they were due to be away from the property.

The damp issues had been caused by a block drain which had caused damage to the complainant's belongings. The Council's contractor attended the property promptly to rectify the issue. However, a dehumidifier that was issued was faulty required replacement.

The complainant requested compensation for the damaged belongings but did not provided an itemised list of damaged items when requested to consider this.

22. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaints raised were that the complainant's granddaughter was not allocated a property in their desired area and that they could not bid on three bedroom properties.

Council's Response

It was found that the Housing Options team had appropriately applied the allocation policy to the complainant's granddaughter, they were not eligible for a three bedroom property due to their family makeup.

Additionally, the complainant's granddaughter was not allocated a property in their desired location as there were no appropriate properties to allocate within this area.

23. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that a Housing Repair Operative damaged the complainant's wardrobe while undertaking a gas service inspection.

Council's Response

It was found that the Housing Repairs Team had requested to book an inspection of the wardrobe to assess the alleged damage caused. The complainant had declined the offer of the inspection and stated they would obtain a quote to repair the wardrobe. However, the complainant did not submit an independent quote for the repair.

24. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the complainant's late father's belongings were removed from their property without permission.

Council's Response

It was found that the Housing Repairs Team had removed items of complainant's late Father without permission. The items were located, returned and an apology was offered. An investigation was undertaken internally as to the circumstance surrounding the removal of the items.

25. Complaint against Leaseholder Services

Acknowledgement – 2 working day
Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the complainant had been charged for the emergency repair of their front door.

Council's Response

It was found that the complainant's front door had been replaced as part of the modernisation process but the door had a faulty locking mechanism. This resulted in the complainant being lock in their property. The door was repaired and the emergency call out charge was removed from the complainant's account.

26. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the complainant's garage roof was in a state of disrepair.

Council's Response

It was found that the Housing Repairs Team had inspected the garage, cleared vegetation from the roof but were unable to find any visible damage to the roof. An inspection of the garage interior was requested to assess any further issues but the complainant did not

make contact with the Council to arrange this. During the course of the complaint investigation the complainant terminated the tenancy.

27. Complaint against Legal Services

Acknowledgement – 2 working day
Response – 30 working days
Advised extension was required
Complaint not upheld

Complaint

The complaint raised was that the Council's Legal Team was pursuing the complainant's mother in relation to a housing repair payment.

Council's Response

It was found that the Council's Legal Team was not actively pursuing payment of a housing repair bill. The bill was being pursued by an external solicitor as this part of a redemption payment associated with the property and they were acting on behalf of the estate holder.

The Council had no responsibility for the actions undertaken by the external solicitor as they were not instructed to act on behalf of the Council.

28. Complaint against Leaseholder Services

Acknowledgement – 2 working day
Response – 30 working days
Advised extension was required
Complaint upheld

Complaint

The complaints raised were that there were extended delays in repairing the complainant's roof and there had been a lack of communication from the Housing Repairs Team as to when the repairs would take place. Additionally, a retainer had been placed on the property by the previous leaseholder to conduct repairs but required a booking of the repairs to be accessed.

Council's Response

It was found that while inspections of the roof had taken place, there had been an extended delay in scheduling the works. It was found that the delay in the repairs had not been adequately communicated and this in turn affected the time sensitive retainer.

An apology was offered and £150 paid in settlement of the complaint.

29. Complaint against Planning

Acknowledgement – 2 working day
Response – 20 working days
Complaint partially upheld

Complaint

The complaint raised was that the planning validation process was not fit for purpose. The complainant was asked to validate their application on multiple occasions

Council's Response

It was found that the planning validation process was undertaken as appropriate. Due to the plans not being clear when submitted by the complainant, the Planning Service were required to issue multiple requests for planning validation. The Council aims to only issue one request to validate an application and recognised that by sending multiple requests it may have caused some inconvenience to the complainant.

30. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that there had been inadequate response from the Housing Repairs Team to rectify an issue of damp.

Council's Response

It was found that the Housing Repairs Team had booked multiple inspections to assess the damp issues but were not able to gain access to the property. The complainant did not contact the Council to state that the prearranged bookings were not convenient and did not rearrange the inspections.

31. Complaint against Capital Works

Acknowledgement – 2 working day
Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that during work being undertaken at the Council property next to complainant's, their garden had been left in a state of disrepair.

Council's Response

It was found that the during scheduled works to a Council property, rendering had splashed on the complainant's walls, garden and window sills. An apology was offered and the contractor was scheduled to undertake remedial works to the complainant's property.

31. Complaint against Revenues

Acknowledgement – 2 working day
Response – 20 working days
Complaint partially upheld

Complaint

The complaints raised were that a forwarding of address was not correctly processed, a council tax court summons was received without reminders and a Council Tax Officer and Customer Services Officer were rude to the complainant.

Council's Response

It was found that the while a forwarding of address had been requested by the complainant, it was not correctly processed.

The Council's records showed that the Council Tax reminders had been issued to the complainant. While proof of posting can be guaranteed, the Council cannot guarantee the delivery of mail.

The Council does not record telephone conversation other than in the Council's Contact Centre. However, it was noted that during the telephone conversation with the Customer Services Officer the complainant became increasingly agitated and confrontational with the Officer. The telephone call was terminated as appropriate.

32. Complaint against Housing Repair

Acknowledgement – 2 working day
Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that there had been an extended delay in scheduling damp works.

Council's Response

It was found that there had been delays in scheduling damp works to the complainant's property despite inspections being undertaken.

As the damp had caused damage to the complainant's property, £600 compensation was offered but the complainant did not contact the Council to accept or reject this offer.

33. Complaint against Planning

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that a Planning Enforcement Officer entered the complainant's property without permission.

Council's Response

It was found that a complaint had been received of an untidy garden. The Planning Enforcement Officer had visited the property but did not enter the boundary as there was sufficient vantage from the road side. However, an Environmental Health Officer visited the complainant's property as part of the untidy garden complaint and calling card was left.

34. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that there had been insufficient response from the Housing Repairs Team to repair the storage heaters in the complainant's property.

Council's Response

It was found that the Housing Repairs Team inspected the faulty heaters and scheduled them for repair. However, when the operative attended the property to carry out the repair they could not gain access. The complainant did not rearrange the appointment nor notify the Council that this appointment was not convenient.

The complainant subsequently terminated their tenancy during the course of the investigation.

35. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that there had been insufficient response from the Housing Repairs Team to repair the storage heaters in the complainant's property. This was causing damp issues within the property.

Council's Response

It was found that the Housing Repairs Team inspected the faulty heaters and the repairs had been undertaken in a timely manner. Additionally, when an operative went to inspect the damp issues they could not gain access to the pre-arranged appointment.

36. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that there had been insufficient response from the Housing Repairs Team to repair the complainant's garage door following a break in.

Council's Response

It was found that there had been extended delays in repairs being undertaken to the garage door following a break in.

An apology was offered and £150 compensation issued.

37. Complaint against Neighbourhood Services

Acknowledgement – 2 working day
Response – 30 working days
Advised extension was required
Complaint not upheld

Complaint

The complaint raised was that there had been an inconsistent approach in relation to the allocation of a garden space.

Council's Response

It was found that the garden space had been allocated appropriately as the complainant's property did not connect to the garden space they wished to be allocated. Additionally, the Council would allocate garden space to a clear gable end property. However, the complainant's property was not a clear gable end.

38. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 27 working days
Advised extension was required
Complaint not upheld

Complaint

The complaint raised was that a leak emanating in a Council property above the complainant's leased and tenanted property had caused damp issues their property.

Council's Response

It was found that a repairs operative attended the Council property and confirmed that there was no leak. Additionally, the operative attended the complainant's property and recorded that a life style issue was the source of the damp. The complainant was notified that, as private landlord, it remained their responsibility to maintain their property and tenant's behaviour.

39. Complaint against Housing Repairs

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

Complaint

The complaint raised was that their property was in poor condition when the tenancy started.

Council's Response

It was found that the Council's cleaning contractor attended the property before the tenancy began. Additionally, a repairs operative inspected the property to determine any repairs that require attending to before the tenancy began. No issues were found.

An appointment was scheduled with the complainant to discuss any issues they had with the property but the operative could not gain access to property.

40. Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Housing Repair's Service had not adequately dealt with an issue of mould and damp in the complainant's property.

Council's Response

It was found that the Housing Repairs Service had scheduled an appointment to inspect the damp issues. However, the operative could not gain access to the property and no notification was received to indicate that this appointment was not convenient. The appointment was rescheduled but cancelled as it was deemed a non-emergency during the COVID-19 situation.

41. Complaint against Revenues

Acknowledgement – 2 working day

Response – 20 working days

Complaint upheld

Complaint

The complaint raised was that the Benefits Service disposed of original supporting documents despite the request to have these returned.

Council's Response

It was found that the documents were disposed of incorrectly despite the request to have them returned. This was due to administration error. However, the documents were destroyed confidentially and scanned copies were provided to the complainant.

APPENDIX 3

Stage 3 - Ombudsman Complaints

Complaint against Planning

Complaint

The complainant complained the Council had refused to take planning enforcement action against their neighbour's new driveway.

Ombudsman's conclusion

The LGO noted that the driveway had been constructed under permitted development rights. When informed of an issue of surface water draining into the complainant's property the Council undertook a visit and reported the findings back to the complainant promptly. It was found that the issue of drainage was not the responsibility of Broxtowe Borough Council and that the complainant would need to contact Erewash Borough Council as the appropriate authority for building control issues.

The complaint was not upheld.

Complaint against Housing

Complaint

The complainant complained the Council had failed to repair their home or offer them suitable alternative accommodation.

Ombudsman's conclusion

The LGO noted that the Council had visited the complainant and assessed that the property was subsiding causing disrepair to the complainant's property. While works could be undertaken, due to the extent and the complainant's circumstances it would require a decant. The complainant had refused a decant and asked to move to a new property. The complainant was placed as a band one, urgent priority, but no timeframe could be provided as to when a property would be allocated due to the complainant needing certain adaptations.

The LGO was satisfied that the Council had followed its Allocations policy correctly.

The complaint was not upheld.

Complaint against Planning

Complaint

The complainant complained the Council had not reached the correct decision when determining their planning application.

Ombudsman's conclusion

The LGO noted that the Planning Inspectorate was the appropriate authority to address this issue. The complaint was closed without investigation.

Complaint against Council Tax**Complaint**

The complainant complained the Council was charging them a greater Council Tax than a neighbouring resident.

Ombudsman's conclusion

The LGO noted that the complainant could have this concern addressed at a Valuation Tribunal. The complaint was closed without investigation.

Complaint against Planning**Complaint**

The complainant complained the Council failed to take planning enforcement action after a developer raised the ground level at a property.

Ombudsman's conclusion

The LGO noted that the complainant's concerns were investigated promptly and that the complainant did not share a boundary with the development. It was concluded that the complainant had not suffered injustice by the planning application being approved.

The complaint was not upheld.

Complaint against Planning**Complaint**

The complainant complained the Council failed to properly consider their objections to a neighbouring planning application for an extension.

Ombudsman's conclusion

The LGO noted that the complainant had objected within the designated timescales and these were included as part of the paperwork that went to a meeting of the Planning Committee.

The complaint was not upheld.

Complaint against Planning**Complaint**

The complainant complained the Council failed to respond properly to their report about an unauthorised veranda at their neighbour's property.

Ombudsman's conclusion

The LGO noted that the complainant's concerns were investigated promptly. The Planning Enforcement team had undertaken site visits to the complainant's property and the neighbour's property. After investigation it was determined that the veranda had been built over 4 years ago making it immune to planning enforcement. The complainant was informed of this promptly.

The complaint was not upheld.

Complaint against Planning**Complaint**

The complainant complained of bias and inefficiency in the Council's handling of their reports of possible breaches of planning control at a neighbouring property.

Ombudsman's conclusion

The LGO noted that the complainant's concerns were investigated promptly. It was noted that the Planning Enforcement Team had undertaken several visits to the complainant to address their concerns. Additionally, the application was considered at a meeting of the Council's Planning Committee, in which the complainant made a representation to the Committee under the Council's public speaking procedures. Additionally, the application was determined in 2016, however the complainant only contacted the LGO in 2019. It was considered that the complaint had lessened due to the time taken to submit the issues.

The complaint was not upheld.

Complaint against Housing Repairs**Complaint**

The complainant complained that there had been delays in repairs being undertaken a flooding garage site.

Ombudsman's conclusion

The LGO noted that while inspection of the garage site had been undertaken, there had been a delay in the repairs of the drainage. An apology was offered and £150 compensation paid.

The complaint was upheld.