

## **BABERGH DISTRICT COUNCIL**

**FROM: Corporate Support Manager**

**REPORT NUMBER E214**

**TO: OVERVIEW AND SCRUTINY  
(COMMUNITY SERVICES) COMMITTEE**

**DATE OF MEETING 29 November 2005**

### **ANNUAL MONITORING OF COMPLAINTS**

#### **1. SUMMARY**

- 1.1 The Overview and Scrutiny (Stewardship) Committee received a report (Report E159) detailing the annual letter from the Local Government Ombudsman, and information on all the formal complaints made to the Council, whether or not referred to the Ombudsman.
- 1.2 The Committee resolved that the Overview and Scrutiny (Community Services) Committee should receive an updated copy of report E159 and be asked whether it wished to examine any service issues and any possible improvements.

#### **2. RECOMMENDATION**

- 2.1 That Appendix 1 be scrutinised to determine whether there are any service issues or possible improvements arising from the formal complaints made.

The Committee is able to resolve this matter.

#### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications.

#### **4. KEY INFORMATION**

- 4.1 The Ombudsman's annual letter reported that in 2004/05 he received 21 complaints against the Council. In 2003/04 there had been 12, and 25 in 2002/03. The Ombudsman would expect to see some fluctuation in the number of complaints from year to year.
- 4.2 No maladministration decisions had been made by the Ombudsman against the Council, and no local settlements had been made.
- 4.3 The number of complaints was relatively small in view of the considerable number of decisions the Council takes on behalf of its citizens each year. Much of the increase was in planning complaints, up from four to 11, and planning was a service area involving half of all complaints. However, the 2003/04 figure for planning complaints would seem to have been abnormally low.

- 4.4 Appendix 1 sets out the complaints received by the services that are the responsibility of this committee, irrespective of whether or not they were referred to the Ombudsman.
- 4.5 Members are asked to examine this appendix to determine whether there are any service issues or possible improvements arising from the formal complaints made.

5. **APPENDICES**

- (a) Appendix 1 – Complaints received by the services that are the responsibility of the O&S (Community Services) Committee.

6. **BACKGROUND PAPERS REFERRED TO**

None.

**CONTACT:** Andrew Hunkin

**DIRECT LINE:** 01473 825820

**Complaints received by the services that are the responsibility of the O&S (Community Services) Committee.**

Update on complaints received during period April 2003 to March 2004 (updated information in bold)

<b>Date Received</b>	<b>Summary of Complaint</b>	<b>Outcome of Complaint</b>
<b>PLANNING (CONTROL)</b>		
4 November 2003	Planning conditions being flouted – no action by officers. <b>Subsequent complaint to Ombudsman.</b>	Extensive explanation of how compliance with planning conditions is monitored and breaches dealt with. <b>Full investigation by Ombudsman, who recommended payment of £150 as local settlement to compensate for inconvenience due to delays in enforcing planning conditions. Monitoring procedures now in place to avoid recurrence of similar situation.</b>

Complaints received during the period April 2004 to March 2005

<b>Date Received</b>	<b>Summary of Complaint</b>	<b>Outcome of Complaint</b>
<b>ENVIRONMENTAL SERVICES</b>		
26 April 2004	Pest infestation caused by her tenant – claims Council advised her incorrectly causing her stress and wasted time, for which she seeks compensation.	Council followed correct procedures and full explanation provided to complainant. Compensation not considered appropriate.
6 May 2004	Request for additional bin refused without any logical reason given. Confidential information divulged.	Complainant provided with full explanation as to why an additional bin cannot be provided. Council refutes suggestion that confidential information passed to a third party.
5 July 2004	Time taken to process request for larger bin. Dissatisfied with fortnightly collection.	Apology for inconvenience caused and explanation as to why larger bin cannot be supplied.
3 August 2004	Noise nuisance from neighbours.	Explanation of steps taken by BDC to mediate. Diary sent for completion.
11 October 2004	Complaint direct from Ombudsman – brown bin scheme.	Ombudsman declined to pursue – outside jurisdiction.
26 October 2004	Refuse not collected from his property. Correspondence not answered.	Apology for poor service on both counts. Situation now rectified.

Complaints: Year to end March 2005

<b>Date Received</b>	<b>Summary of Complaint</b>	<b>Outcome of Complaint</b>
1 November 2004	Unhappy that disabled facilities grant not awarded.	Explanation as to why grant not forthcoming in these particular circumstances.
<b>HOUSING</b>		
21 May 2004	Problems of neighbour nuisance and harassment – alleged lack of support from Council.	Full explanation of housing allocations policy. Confirm that support given whenever problem brought to Council's attention.
21 June 2005	Complaint referred by Ombudsman for local settlement – continuing homelessness of daughter – BDC's failure to provide her with permanent accommodation.	Thorough investigation of complaint. All procedures correctly followed. Subsequently complained again to the Ombudsman who, following full investigation, declined to pursue the complaint – Ombudsman's discretion.
29 June 2004	Claim that member of staff was rude and unhelpful in dealing with housing application. General concerns about delays in rehousing.	No evidence to support the claim. Delays in rehousing due to construction problems on new build and beyond the Council's control.
9 July 2004	Smoke from neighbour's wood burning stove causing nuisance and is a health hazard.	Complainant advised that there is no health hazard associated with smoke from wood burner – it complies with Building Regulations and no other complaints have been received.
16 July 2004	Neighbour nuisance/harassment.	Complainant has refused mediation service and recording equipment. Without evidence and co-operation from complainant, no easy solution. Complainant is on transfer register.
21 October 2004	Complainant claims he was forced to leave his private tenancy because the Council carried out repairs to next door property without due regard to his amenities. He also felt he should have been given tenancy of the refurbished property.	Works to next door property carried out during day and with minimum disruption. Lettings policy strictly adhered to when property was re-let.
<b>PLANNING (CONTROL)</b>		
14 April 2004	Planning permission granted for development with unsafe vehicular access. Subsequent complaint to the Ombudsman.	Both SCC and the independent highway engineer commissioned by BDC advised there were no sustainable reasons to refuse planning permission. Ombudsman declined to pursue – no or insufficient evidence of maladministration.
21 April 2004	Council failed to enforce conditions attached to planning permission.	Apologised for not taking action sooner. Legal process underway to seek compliance with conditions.
23 April 2004	Allege various incidents of mishandling application for planning permission.	Investigation reveals that procedures for dealing with this application were fully complied with.

<b>Date Received</b>	<b>Summary of Complaint</b>	<b>Outcome of Complaint</b>
11 June 2004	Complaint referred by Ombudsman for local settlement – alleges fault in the way the Council dealt with planning application, including giving misleading advice to Members about Government guidance and local planning policies.	Full explanation on how decision was arrived at quite properly by Members. Complainant subsequently wrote again to the Ombudsman who declined to pursue – no or insufficient evidence of maladministration.
15 June 2004	Exhaust vent and fumes from adjoining property causing problems – Council appear unable to offer constructive solutions.	Council powerless to help unless there is a public health hazard.
Undated	S106 Agreement covering use of garage.	Explanation given for action taken by Council.
23 June 2004	Alleges that planning application was mishandled and that new building not in accordance with approved plans.	Apology offered for any shortcomings in service provided and extensive explanation of Council's position in relation to this application.
19 July 2004	Referred by Ombudsman for local settlement –allege unauthorised development at Old Joe's Driving Range.	Full explanation concerning development on this site. Subsequently referred again to the Ombudsman, who, after full investigation, declined to pursue – no or insufficient evidence of maladministration.
20 July 2004	Neighbour operating limousine service and creating nuisance.	Enforcement proceedings underway, although hopeful that business will be removed shortly.
23 July 2004	Handling of application – in particular his objections not taken into account and lack of communication.	No evidence to support either complaint.
27 October 2004	Allege incorrect advice from planning officers led to making an application which had no chance of success.	Full explanation of procedures given – refute any irregularities. Subsequent complaint to Ombudsman, who declined to pursue – his discretion.
29 October 2004	Discrepancy in height of building.	Slight variation in ridge height from approved plan deemed to be acceptable.
11 November 2004	Complaint referred by Ombudsman for local settlement – extension to next door property has reduced light and privacy.	Complainant did not raise any objections when notified of planning application – too late now to rescind or modify the planning permission.
10 December 2004	Lack of action over alleged breach of planning condition at local airfield.	Council doing all it reasonably can to ensure planning conditions are complied with.
4 January 2005	Mishandling of application – no agricultural need for dwelling; occupier has no agricultural need and design of house unsuitable.	Full investigation reveals application dealt with appropriately – allegations unsubstantiated.
18 January 2005	Contravention of planning conditions.	Explanation of process and commitment to liaise with developers to ensure compliance.

<b>Date Received</b>	<b>Summary of Complaint</b>	<b>Outcome of Complaint</b>
25 January 2005	Aggrieved at decision to grant permission for erection of double garage opposite his house. Subsequent complaint to the Ombudsman.	Full investigation by Ombudsman, who declined to pursue complaint on the grounds of no or insufficient evidence of maladministration.
4 February 2005	Window on new building opposite her property affects her privacy and light.	New building acceptable when judged against guidelines on light. Loss of privacy not a planning consideration. Overhanging trees to be pruned.
14 February 2005	Inadequate consultation process and highway issues.	Explained procedures – no evidence of mishandling.
11 February 2005	Council's lack of concern about deteriorating condition of neighbouring property.	Apologised for not keeping complainant informed of position. Explained legal options available to the Council.
4 March 2005	Correct procedures were not followed, and misleading information provided when application was dealt with at Committee. Subsequent complaint to the Ombudsman.	Cannot agree with complainants' contentions – no evidence of misrepresentation. Ombudsman declined to pursue – no or insufficient evidence of maladministration (without report).
31 March 2005	New development inappropriate; views of local residents not taken into account.	Permission granted on appeal; however, confirm that development is not in accordance with approved plan – enforcement investigation underway.
<b>TECHNICAL SERVICES</b>		
21 May 2004	Dampness and mould in house – Council has been unable to rectify problems.	Arrangements made for joint inspection by Environmental and Technical Services in order to agree appropriate way forward.
4 August 2004)	Flood damage to flat – seeking compensation.	Council cannot accept liability for flood damage caused by obstruction placed in a ditch by a third party.
13 August 2004	Took possession of Council house in January 2004 but essential repairs not completed until July 2004. Unhappy with standard of service.	Apology offered for poor service – new procedures in place to prevent reoccurrence. Compensation of £100 offered for inconvenience caused.
16 February 2005	Complaint referred by Ombudsman for local settlement – repairs to roof not carried out satisfactorily.	Property was subject to a “Right to Buy” application so only minor roof repairs initially carried out, although more extensive repairs subsequently done.
12 March 2005	Complaint to Ombudsman – work undertaken by Council to alleviate surface water drainage problem unsuccessful, so charge levied on them is unwarranted.	Two separate, unconnected, flooding incidents occurred, but Council correctly sought to recover costs for work to soakaway, unrelated to second flooding incident. Ombudsman declined to pursue the complaint – his discretion.

Division	Number of Complaints				
	2000/2001 <sup>+</sup>	2001/2002	2002/2003	2003/04	2004/05
Environmental Services	1	4	3	6	7
Housing	5	7	9	9	6
Leisure & Community Services	0	1	0	2	0
Planning (Control)	8	16	15	17	22
Planning (Policy & Economic Development)	1	3	1	1	0
Technical Services	2	2	3	0	5
<b>Total Number of Complaints</b>	<b>17</b>	<b>34</b>	<b>32</b>	<b>35</b>	<b>40</b>

+ = only covers 5 month period from November 2000 to March 2001 (start of PA's taking responsibility for formal complaints)

H:\DOCS\Committee\REPORTS\Overview&Scrutiny\Community\2005\291105-Updated Complaints Report-App1.doc