

Report to	-	Audit and Standards Committee
Date	-	11 December 2017
Report of the	-	Executive Director of Resources
Subject	-	Local Government Ombudsman Complaints Monitoring and Annual Review 2016-2017

Recommendation: It be **RESOLVED:** That the report be noted.

Ombudsman Complaints Monitoring

1. Details of the complaints made to the Local Government Ombudsman are reported to the Committee as and when they are determined throughout the year. A number of cases have been determined since the Committee's last meeting as detailed below:

Reference	Details of the Allegation	Outcome
16 011 157	Complainant alleges the Council: i) Delayed in offering her assistance as a homeless person; ii) Placed her in unsuitable interim and/or temporary accommodation; iii) Erroneously cancelled a housing benefit claim on the basis of incorrect information.	Draft decision received awaiting final decision.
16 018 265	Regarding a neighbouring planning application, the complainant alleges the Council: <ul style="list-style-type: none"> • did not follow its own and national policy; • failed to adequately validate, evaluate or scrutinise the application; • did not properly advertise the application; • presented misleading information. <p>Also, the complainant says for the Council to consider a complaint made against it is against the rules of natural justice.</p>	No fault found. The ombudsman sees no evidence of fault on the part of the Council.

17 000 009	<p>Complainant alleges that the Council is guilty of:</p> <ul style="list-style-type: none"> • Continuous defamation of character. • A Council officer making jokes about homeless applicants at an appeal hearing • Slander in most recent correspondence. Improper practices, untrue statements, biased misleading investigatory actions and unjust treatment • Lies and fabrications despite the complainant's legal representations' submission. • Malice and discrimination this local authority has given. 	<p>Ombudsman will not investigate.</p> <p>The complainant has been referred to the Council's Complaints procedure.</p>
17 000 421	<p>The complainant alleges that Rother District Council's investigation process is flawed and questions the Council's ability to make fair non-political planning decisions.</p>	<p>No fault found.</p> <p>The Ombudsman found no fault in the way that the Council investigated the complainant's complaint about its code of conduct.</p>
17 002 452	<p>The complainant alleges that the Council have sent her threatening letters and are sending forms for her son to complete as he is resident there, when he is only using her address as a postal address.</p>	<p>Ombudsman will not investigate.</p> <p>The complainant has been referred to the Council's Complaints procedure.</p>
17 002 515	<p>The complainant alleges that:</p> <ul style="list-style-type: none"> • The planning decision made by officers should have been put to the Council's planning committee. • The Council previously refused planning permission for a similar development on the same site. • The Council ignored advice from the local highways authority. The complainant's advice from the highways authority was not made publically available until after the deadline for public comments had closed. 	<p>Fault found on part of Council but no injustice caused to complainant.</p> <p>There was fault in the way the Council considered a planning application. The Council failed to consider conditions recommended by its highways department and mislabelled plans relating to tree protection in its decision. However, this has not caused the</p>

	<ul style="list-style-type: none"> • There is a risk of anthrax spores being released when a barn on the site is demolished. • The Council referenced the wrong Tree Protection Plan in its decision notice. • There was no Refuse Disposal Strategy included with the planning application as required by the Council's planning policies. • The Council failed to carry out an annual review of planning decisions by Council officers. <p>The complainant also alleges that the Council did not properly investigate his complaints or respond within the timescales set out in its policies.</p>	complainant injustice.
17 003 002	The complainant advises that the loss of amenity and privacy at their address caused by the installation of a replacement window in the upper-storey bathroom extension at a neighbouring property was due to and continues to be perpetuated by the Council's subsequent maladministration and unprofessionalism in dealing with his objections.	Investigation on-going.
17 004 096	The complainant complains that the Council will not investigate his complaint about several parish councillors who have not declared their interests.	<p>Ombudsman will not investigate.</p> <p>The Ombudsman cannot investigate as no specific injustice has been caused to the complainant. The complaint affects all or most people in the Council's area.</p>
17 005 436	The complainant complains about the Council's grant of planning permission for a neighbour's planning application.	<p>Ombudsman will not investigate.</p> <p>The complaint has been submitted out of time.</p>

17 008 417	<p>The complainant alleges that the byelaw restricting dogs at Camber Sands is highly invasive and he is therefore unable to go to Camber Sands during the summer months. The complainant believes the law impedes on his civil liberties and restricts his ability to enjoy facilities other people can. He wants the Council to show how the byelaw is legal.</p>	<p>Ombudsman cannot investigate.</p> <p>The making of the byelaw is a legislative, rather than administrative action by the Council. The Ombudsman has no power to investigate.</p>
17 008 669	<p>Complaint is regarding:</p> <ul style="list-style-type: none"> • Customer service issues (including complainants' access to the Town Hall) and response to letters; the Council's decisions regarding his housing situation (both regarding homelessness legislation and his priority on the housing register). • The location of his current temporary accommodation and confusion over his entitlement to housing benefit or universal credit. 	<p>Ombudsman will not investigate.</p> <p>This has been passed back to the Council for investigation through its formal complaints procedure.</p>
170 008 999	<p>The complainant alleges that:</p> <ul style="list-style-type: none"> • The Council has failed to respond to his complaint that it intends to stop accepting cash or cheques for its garden waste service in 2018. • The Council has failed to explain why it does not provide receipts for payments for its garden waste service. • The Council has put in place a policy which does not allow its Help Desk officers to deal with direct enquiries, instead expecting residents to 'phone in with any enquiries. • The Council has failed to meet its complaints procedure time frame. 	<p>Investigation on-going.</p>
17 009 002	<p>The complainant alleges the Council has hampered the process and put obstructions in the way of residents during a current public consultation reviewing of the future governance of the town where he resides.</p>	<p>Ombudsman will not investigate.</p> <p>This is because the Ombudsman finds no evidence of any specific,</p>

		significant personal injustice to the complainant and does not consider that there is a public interest issue that would warrant their involvement at this time.
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Annual Review 2016/17

2. There were a total of 15 decisions made against the Council recorded for the year 2016/2017.

None were: Upheld

One was: Partially Upheld

Two were: Not Upheld

Twelve were: Closed after initial enquiries

3. This total is higher than last year's figure of 14 complaints.

Malcolm Johnston

Executive Director of Resources

Risk Assessment Statement

There are no risks attributed to this report.