

Rother District Council

Report to: Audit and Standards Committee

Date: 21 June 2021

Title: Local Government and Social Care Ombudsman
Complaints Monitoring

Report of: Mark Adams, Customer Services Manager

Purpose of Report: To receive an update on the number of Local Government and Social Care Ombudsman complaints received since the last report in December 2020.

Officer

Recommendation(s): It be **RESOLVED:** That the report be noted.

1. Details of the complaints made to the Local Government and Social Care Ombudsman (LGSCO) are reported to the Committee as and when they are determined throughout the year. Only two cases have been determined since the Committee's last meeting as detailed below:

REFERENCE	DETAILS OF THE ALLEGATION	OUTCOME
19 004 111	<p>Customer complained about the Council's handling of development on a site near their home because it:</p> <ul style="list-style-type: none">• granted planning permission for developments that had unacceptable traffic and visual impacts in an area of outstanding natural beauty;• failed to take enforcement action against unauthorised development on the site; and• was complicit in granting planning permissions and not acting against the unauthorised development on the site. <p>The Complainant stated that the Council had failed to respond to his complaint.</p>	<p>The Ombudsman found fault in how the Council dealt with the Complainant's reports of breaches on planning control on land near his home.</p> <p>To put matters right in a suitable, reasonable way the Council agreed to:</p> <ul style="list-style-type: none">• send a written apology;• pay £300 in recognition of his avoidable frustration and inconvenience caused by its poor communication and delayed complaint response; and• carry out an enforcement investigation into alleged breaches of planning control arising from use of the site. <p>The Ombudsman was made aware that a planning complaint review was already under way and the Council is to send evidence of its review to ensure the failings identified are not repeated.</p>

REFERENCE	DETAILS OF THE ALLEGATION	OUTCOME
19 013 161	<p>The Complainant said the Council did not properly deal with the development near their home because it:</p> <ul style="list-style-type: none"> wrongly accepted and decided an out of time planning application; failed to properly consider the impact of the development on his home; and ignored a breach of planning control. <p>The Complainant was also aggrieved by the Council's delay in responding to his complaint about the development.</p>	<p>The Ombudsman found the Council was not at fault in reaching its planning decisions about development near the Complainant's home.</p> <p>There was however, avoidable delay by the Council in responding to the complaint about the development.</p> <p>To put matters right in a suitable, reasonable, and proportionate manner, the Council agreed to:</p> <ul style="list-style-type: none"> send a written apology; and to pay £150 in compensation for the delayed complaint response. <p>The Ombudsman was made aware that a planning complaint review was already under way and the Council is to send evidence of its review to ensure the failings identified are not repeated.</p>

- A total of two complaints were made to the LGSCO covering the period 14 November 2020 to 28 May 2021 of which:
 - Two have been upheld (Council found to be at fault).
- For the same period the Council received 125 non-ombudsman complaints from 14 November 2020 to 28 May 2021 of which:
 - 76 of these were non-complaints (treated as department service request).
 - 16 were treated as stage 1 complaints.

Row Labels	Closed at initial stage - Resolved	Responded at stage 1- Not Upheld	Responded at stage 1- Partially Upheld	Responded at stage 1- Upheld
Environmental Services, Licensing & Community Safety	1	1	-	-
Housing & Community	10	1	-	-
Resources	-	1	-	-
Strategy and Planning	-	-	1	1

- Eight were treated stage 2 complaint (responded to formally by Head of Service).

Department	Not Upheld	Partially Upheld	Upheld
Environmental Services, Licensing & Community Safety	1	-	-
Strategy and Planning	2	4	1

- 18 complaints are currently are under investigation and seven are awaiting complaint triage assessment.

Department	Number of Complaints under investigation
Environmental Services, Licensing & Community Safety	1
Strategy and Planning	8
Housing & Community	7
Corporate Core	1
Resources	1
Awaiting triage assessment	7

Conclusion

4. The Committee is asked to note the report.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	None.
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.