

## Rother District Council

**Report to:** Audit and Standards Committee

**Date:** 5 December 2022

**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 June 2022.

**Officer**

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

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1. Details of the complaints made to the Local Government and Social Care Ombudsman (LGSCO) are reported to the Committee in June and December each year. Five cases have been determined since the Committee last considered these complaints in June as detailed below:

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS		
REFERENCE	DETAILS OF THE ALLEGATION	OUTCOME
21 014 237	Customer raised grievance regarding planning permission for a site close to their homes. They alleged the Council ignored the comments and objections made by residents.	The Ombudsman will not investigate this complaint because they are unlikely to find fault in how the Council made its decisions.
22 007 602	Customer alleges a Councillor breached the Council's code of conduct in relation to a disclosable interest in a planning application.	The Ombudsman will not investigate this complaint as they were satisfied how the Council's Monitoring Officer dealt with this complaint and are unlikely to find fault.
22 007 974	Customer alleges the Council failed to fully investigate and take action against a Councillor who allegedly broke the Code of Conduct.	The Ombudsman will not investigate this complaint about the Council's decision on a complaint that a Councillor breached the Code of Conduct. There has been no evidence of fault in the way the Council made its decision.

<b>LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS</b>		
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>
22 009 056	Customer alleges the Council failed to comply with the terms of a Section 106 planning obligation agreed with a Parish Council, landowners and a developer. They are aggrieved that both the Council and the Parish Council have spent money seeking legal advice on the issue.	The Ombudsman will not investigate the complaint about the Council's refusal to ensure compliance with the terms of a Section 106 planning obligation. This is because the Council's actions have not caused significant injustice. The Ombudsman cannot consider the impact of its actions on the Parish Council- a signatory to the Section 106 agreement. The law does not allow the Ombudsman to investigate the Council's use of public money to fund legal advice relating to the issue.
22 007 738	The Customer complains the Council: a) allowed smaller separation distances between the new house and the boundary with their property than was shown on the planning permission; and b) delayed in dealing with their complaint.	The Ombudsman will not investigate the complaint as there is not enough evidence of fault in the Council's planning enforcement process to warrant investigation. They do not investigate councils' internal complaints processes where they are not investigating the core issue giving rise to the complaint.
22 002 814	Customer complained about the way the Council considered and approved a planning application.	The Ombudsman found some fault about the way the Council considered and approved a planning application for a development on recreation ground. The planning officer's report failed to refer to the total number of parking spaces applied for, but this caused no injustice. The Council failed to follow its own complaints

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS		
REFERENCE	DETAILS OF THE ALLEGATION	OUTCOME
		procedure. The agreed action remedies the injustice caused.

2. A Total of six complaints were made to the LGSCO covering the period 28 May 2022 to 10 November 2022, of which:

- one was upheld (Council's actions were at fault)
- 0 were not upheld (No fault found in the Council's actions)
- five cannot be investigated

Details of some of these complaints have been published on the local government and social care ombudsman's website:

<https://www.lgo.org.uk/decisions>

The learning outcome for Complaint 22 002 814 has been put in place to make the officer aware of the correct procedure to follow when responding to a formal complaint.

3. Rother received 73 non-ombudsman complaints from 28 May 2022 to 10 November 2022, of which:

- 38 of these were non-complaints (treated as department service request)
- one was treated as vexatious
- 10 were resolved at initial stage (non-formal complaint resolution)
- nine were stage 1 Complaint
- six were stage 2 Complaints
- nine are pending investigation/response

NON-OMBUDSMAN COMPLAINTS			
REFERENCE	DETAILS OF THE ALLEGATION	OUTCOME	DEPARTMENT
Stage 1-5158	Customer alleges waste contractor is using their port-a-loo in the front garden.	Resolved at initial stage	Waste and Recycling
Stage 1-6024	Customer alleges that their letters asking for an update have been unanswered since October 2021.	Resolved at initial stage	Planning
Stage 1-5409	Customer alleges they have had two repeated missed recycling collections and there has been no action from the Council to address these.	Resolved at initial stage	Waste and Recycling

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
Stage 1-8422	Customer alleges poor handling of her housing case and delays in assessment and assessment not based on correct information.	Resolved at initial stage	Housing
Stage 1-5175	Customer alleges poor handling of their housing case and missed scheduled phone appointments from housing officer.	Resolved at initial stage	Housing
Stage 1-1308	Customer alleges the Council are failing to provide them with a domestic waste collection from a mutually agreed location.	Escalated to Stage 2 (ref STAGETWO-4161)	Waste and Recycling
Stage 1-3425	Customer aggrieved with the delay of an overpayment of Council tax following vacation of property.	Resolved at initial stage	Council Tax
Stage 1-5717	Customer aggrieved with the handling of her garden waste refund.	Resolved at initial stage	Waste and Recycling
Stage 1-1217	Customer aggrieved with the banding of their housing register decision.	Resolved at initial stage	Housing
Stage 1-4683	Customer aggrieved with the length of time taken to remove their broken garden waste bin.	Resolved at initial stage	Waste and Recycling
Stage 1-6648	Customer aggrieved their bin is not being returned to a safe place following collection and left in a potentially dangerous position on the highway.	Resolved at initial stage	Waste and Recycling
Stage 1-4910	Customer alleges the Council failed to follow the correct protocol for public consultation in relation to the Bexhill Town Hall Redevelopment Project.	Not upheld	Corporate Services

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
Stage 1-0047	Customer complained regarding the conduct of a Planning Officer.	Partially upheld	Planning
Stage 1-0648	Customer alleges a Councillor breached the Council's Code of Conduct in relation to a disclosable interest in a planning application.	Not upheld	Planning
Stage 1-2625	Customer alleges the Council has a policy requiring tenants to be taken to court by their landlords before they will be helped.	Not upheld	Housing
Stage 1-9768	Customer alleges discrimination in relation to the handling of their planning application to other applications.	Not upheld	Planning
Stage 1-7011	Customer alleges numerous failures when dealing with planning, including delayed response to emails, not undertaking enforcement action and passing on sensitive information.	Partially upheld	Planning
Stage 1-3379	Customer alleges poor customer services following call regarding not returning of bin.	Partially upheld	Customer Services
Stage 1-7085	Customer alleges property placement not in line with planning application and they are suffering from loss of amenity.	Not upheld	Planning
Stage 1-1965	Customer alleges numerous failures in relation to how it has dealt with a planning application and noise complaint.	Partially upheld	Planning / Environmental Health

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
STAGETWO-0961	Customer alleges the Council failed to act on a planning enforcement complaint.	Not upheld	Planning and Environmental Enforcement
STAGETWO-1426	Customer alleges the Council failed to follow the correct protocol for public consultation in relation to the Bexhill Town Hall Redevelopment Project.	Partially upheld	Corporate
STAGETWO-5959	Customer alleges the Council failed to act on a planning enforcement complaint.	Not upheld	Planning and Environmental Enforcement
STAGETWO-2319	Customer alleges a Councillor breached the Council's Code of Conduct in relation to a disclosable interest in a planning application.	Not upheld	Planning
STAGETWO-3807	Customer alleges the Council has a coercive policy toward private tenants requiring them to take their landlords to court before they will be offered alternative housing.	Not upheld	Housing
STAGETWO-4161	Customer alleges the Council are failing to provide them with a domestic waste collection from a mutually agreed location.	Not upheld	Waste & Recycling

4. A total of 19 stage 1 complaints, of which:
- 10 were resolved at initial stage (over telephone)
  - 0 were upheld
  - five were not upheld
  - four were partially upheld

There are currently eight stage 1 complaints pending investigation/response.

A total of six complaints were stage 2 complaints (responded to formally by Head of service), of which:

- 0 were upheld

- 5 were not upheld
- 1 were partially upheld

There is one stage 2 complaint pending a response.

	<b>AVERAGE RESPONSE TIME (DAYS)</b>	<b>MAX TIME (DAYS)</b>
All Complaints	14	96
Stage 1	24	96
Stage 2	33	62

## Conclusion

5. The Committee is asked to note the report.

<b>Other Implications</b>	<b>Applies?</b>	<b>Other Implications</b>	<b>Applies?</b>
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External 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