

## Rother District Council

Report to: Audit and Standards Committee

Date: 19 June 2023

Title: Local Government and Social Care Ombudsman  
Complaints Monitoring

Report of: Mark Adams, Head of Digital and Customer Services

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 2022.

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 in June and December each year. Five cases have been determined since the Committee last considered these complaints in December as detailed below:

LGSCO COMPLAINTS		
REFERENCE	DETAILS OF THE ALLEGATION	OUTCOME
22 014 409	Customer alleges the Council has failed to find accommodation for their family despite their imminent eviction	Ombudsman will not investigate – Customer has been offered suitable housing
22 014 387	Customer aggrieved that their collection point for their bins was changed to a location 400m away from their property	Ombudsman will not investigate as there is insufficient evidence of fault
22 015 942	Customer complained on behalf of a Parish Council about the actions of a Councillor during a Planning Committee meeting	Ombudsman will not investigate a complaint about a Councillor
22 014 179	Landlord aggrieved the Council failed to rehouse their tenants after issuing a Section 21 notice and advising the tenant not to leave the property, forcing the landlord to go to court to procure a possession order	Ombudsman will not investigate as unlikely to find fault with the Council's actions
22 015 729	Customer complained the Council failed to enforce a planning legal Section 106 agreement	Ombudsman will not investigate this complaint as there is no evidence of fault

2. A total of five complaints were made to the LGSCO covering the period 11 November 2022 to 24 May 2023:
  - 0 was upheld (Councils actions were at fault).

- 0 were not upheld (No fault found in the Councils actions).
- 5 cannot be investigated.

Details of these complaints have been published on the LGSCO's website:  
<https://www.lgo.org.uk/decisions>

3. Rother received 69 non-ombudsman complaints from 11 November 2022 to 24 May 2023 of which:
- 25 of these were non-complaints (treated as department service request)
  - 17 were resolved at initial stage (non-formal complaint resolution)
  - 23 were Stage 1 complaints
  - 4 were Stage 2 complaints
  - 0 were treated as vexatious

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
STAGE 1-5478	Customer unhappy with the issue of a fixed penalty notice (FPN) for littering	Closed at initial stage – Resolved FPN issued incorrectly and revoked	Environmental Services, Licensing & Community Safety
STAGE 1-0395	Customer unhappy with remedy to issues raised to their Housing Association (HA) regarding mould and water ingress	Closed at initial stage – Resolved. Previously investigated in 2020 remedy action taken by HA with housing ombudsman involvement	Environmental Services, Licensing & Community Safety
STAGE 1-5908	Bin not emptied	Closed at initial stage - Resolved	Waste
STAGE 1-5502	Bin not returned to safe location as placed in dangerous position obstructing pathway	Closed at initial stage - Resolved	Waste
STAGE 1-3039	Bin not emptied as marked as contaminated with DIY /building waste	Closed at initial stage - Resolved	Waste
STAGE 1-8400	Customer unhappy with how a customer services officer dealt with their enquiry	Closed at initial stage – Resolved Customer spoken to and management addressed with officer	Customer Services
STAGE 1-1831	Complaint regarding Housing Register Banding	Closed at initial stage – Resolved – customer advised of banding review process rather than complaint and	Housing

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
		customer band amended to B	
STAGE 1-8565	Customer aggrieved that second bin has been removed by Biffa when it has previously been authorised	Closed at initial stage – Resolved – Contractor made an error to remove. Second bin reinstated	Waste
STAGE 1-1467	Complaint regarding the location of the Temporary Accommodation (TA) being too far away from their children’s school	Closed at initial stage – Resolved – alternative TA secured closer to school as soon as it became available	Housing
STAGE 1-8665	Recycling Bin not emptied	Closed at initial stage - Resolved	Waste
STAGE 1-3744	Delays in provision of a large communal Bin	Closed at initial stage – Resolved – supplier delay caused long wait times (replacement took 3 weeks vs 2 week lead time)	Waste
STAGE 1-6000	Bin lid not closed following emptying allowing rainwater to collect inside the bin	Closed at initial stage – Resolved – addressed with Biffa supervisor	Waste
STAGE 1-4491	Customer has an assisted waste and recycling collection and their waste bin keeps not being returned to the agreed location on their property. Recycling and Garden Waste assisted collections working as expected.	Closed at initial stage – Resolved - addressed with Biffa supervisor to monitor crew behaviour on waste collections.	Waste
STAGE 1-8372	Customer aggrieved following RDC ending its homelessness duty.	Closed at initial stage – Resolved - Customer advised of statutory review process to challenge a housing decision	Housing
STAGE 1-1280	Customer aggrieved regarding not being entitled to Council Tax Reduction following retrospective changes by Universal Credit (UC)	Closed at initial stage – Resolved – Explained process of income and assessment is based on UC entitlement	Council Tax Reduction

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
STAGE 1-8079	Customer unhappy with the email response time following the submission of a contact us web enquiry form with the open/closed status displayed on the customers MyRother account not reflecting progress or act as a tracker	Closed at initial stage – Resolved Explained to customer the status of a contact us request does not act as a progress tracker. Response delay apologised for	Planning
STAGE 1-6005	Customer aggrieved with delay in planning decision which was refused	Closed at initial stage – Resolved – planning application process explained and advised of appeal rights. Application was determined in two months	Planning
STAGE 1-2003	Bin not being returned by crew – ongoing issue since October 2022	Upheld – addressed with Supervisor at Biffa regarding crew behaviour. Situation resolved and being monitored	Waste
STAGE 1-7129	Customer aggrieved with the way their Housing Officer spoke to them	Upheld – Management addressed this with Housing Team	Housing
STAGE 1-6924	Private Sector Housing complaint regarding issue with property that caused injury to their son as their Landlord refused to take action to remedy alleged safety issue	Not Upheld – Property assessed to contain a category 2 hazard and Landlord agreed to take remedy measures	Environmental Services, Licensing & Community Safety
STAGE 1-7846	Customer aggrieved at the waiting time to be placed in social housing – waited 18 months	Not Upheld – Allocations process explained, and timeframe based on banding with alternatives offered including rent in advance /deposit to secure private rental sector property	Housing
STAGE 1-7131	Customer aggrieved with the alleged poor quality of works undertaken following the award of a	Not Upheld – work inspected and tested by engineer and	Housing

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
	Disabled Facilities Grant (DFG)	signed off with no defects	
STAGE 1-4813	Customer aggrieved with their housing banding and consequence of not accepting the housing offer	Not Upheld – Housing duty explained to customer following refusal of suitable housing offer	Housing
STAGE 1-3194	Planning enforcement delay and alleged lack of action	Not Upheld – formal planning enforcement not undertaken as justified under paragraph 59 of the National Planning Policy Framework	Planning
STAGE 1-8324	Customer aggrieved with the granting of a planning application that will directly impact them	Not Upheld - explained planning decision process	Planning
STAGE 1-7805	Customer aggrieved that a planning application was given delegated officer status rather than being called into committee for determination	Not Upheld- explained process of how planning decision are determined and confirmed this application was not called in by Members	Planning
STAGE 1-2471	Customer aggrieved with the non-granting of a planning application and delayed appeal hearing	Not Upheld – Explained the timeframe for an appeal is outside the Council's control	Planning
STAGE 1-2616	Customer aggrieved with the granting of a planning application	Not Upheld – confirmed decision based on national and local planning policy	Planning
STAGE 1-8854	Customer aggrieved with the granting of a planning application and the impact this will have on them	Not Upheld - confirmed decision based on national and local planning policy	Planning
STAGE 1-3135	Customer aggrieved with the planning refusal decision and not to revoke a Tree Preservation Order on their land	Not Upheld - confirmed decision based on national and local planning policy and outlined appeal rights in relation to the decision	Planning

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
STAGE 1-8868	Customer aggrieved with the granting of a planning application	Not Upheld – confirmed decision based on national and local planning policy	Planning
STAGE 1-5388	Customer aggrieved with the planning enforcement action	Not Upheld - formal planning enforcement not undertaken as justified under paragraph 59 of the National Planning Policy Framework	Planning
STAGE 1-3585	Customer unhappy with the delay in processing rent in advance and deposit which resulted in the loss of securing a private rental property	Partially Upheld – the affordability checks prevented the deposit and rent in advance from being granted however there was a delay in communicating this	Housing
STAGE 1-4165	Customer notified change of use for agricultural property which they alleged was not handled correctly which caused delays and planning notices incorrectly displayed	Partially Upheld – customer should not have been charged £96 for change of use. Alleged incorrect handling of application was caused by customer's planning agent	Planning
STAGE 1-5646	Customer unhappy with enforcement action for an outbuilding they felt complied with permitted development	Partially Upheld – planning enforcement actions were correct however the wording in enforcement letter was very heavy handed. Customer has since applied for change of use	Planning
STAGE 1-5791	Customer unhappy with the delay in pre-payment advice as response not received within 20 working days	Partially Upheld – customer's expectations were not managed correctly and should have explained there would be a slight delay in response. Pre-application advice missed deadline by 10 days	Planning

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
STAGE 1-0953	Customer aggrieved with lack of planning enforcement action	Partially Upheld – formal planning enforcement not undertaken as justified under paragraph 59 of the National Planning Policy Framework. A more in-depth explanation was required to help the customer understand the decision	Planning
STAGE 1-1132	Customer unhappy with the way planning enforcement dealt with their report for an alleged breach in planning control	Partially Upheld – formal planning enforcement not undertaken as justified under paragraph 59 of the National Planning Policy Framework. The officer did use incorrect reference to the category of enforcement and relevant case law	Planning
STAGE 1-8415	Customer alleges they were incorrectly advised there was no pre-application service following the submission of two different types of application to which both were refused and wasted their time and expense	Partially Upheld – Communication opportunities missed should have advised customer of pre-application advice	Planning
STAGE 2-58835	Customer aggrieved following refusal of a lawful development certificate followed by a full planning application	Partially Upheld – Communication opportunities missed. Customer to be offered use of pre-application service	Planning
STAGE 2-4160	Customer aggrieved with the handling of their pollution complaint (noise and environmental)	Partially Upheld – pollution complaint was fully investigated but communication improvements needed to update and manage expectation	Environmental Services, Licensing & Community Safety

<b>NON-OMBUDSMAN COMPLAINTS</b>			
<b>REFERENCE</b>	<b>DETAILS OF THE ALLEGATION</b>	<b>OUTCOME</b>	<b>DEPARTMENT</b>
STAGE 2-2506	Customer aggrieved regarding the outcome of a planning enforcement complaint	Not Upheld – enforcement not undertaken as justified under paragraph 59 of the National Planning Policy Framework	Planning
STAGE 2-5016	Customer aggrieved regarding the outcome the planning enforcement of a Section 106 legal agreement	Not Upheld – enforcement not undertaken as justified under paragraph 59 of the National Planning Policy Framework.	Planning

4. A total of 32 Stage 1 Complaints of which:

- 10 were resolved at initial stage
- 2 were upheld
- 13 were not upheld
- 7 were partially upheld

A total of four Stage 2 Complaints of which:

- 0 were upheld
- 2 were not upheld
- 2 were partially upheld

	<b>AVERAGE RESPONSE TIME (DAYS)</b>	<b>MAX TIME (DAYS)</b>
<b>Stage 1</b>	18	97
<b>Stage 2</b>	25	42

## 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

Interim Chief Executive:	Lorna Ford
Report Contact Officer:	Mark Adams, Head of Digital and Customer Services
e-mail address:	<a href="mailto:mark.adams@rother.gov.uk">mark.adams@rother.gov.uk</a>
Appendices:	None



---

Relevant Previous Minutes:	AS22/38
Background Papers:	None
Reference Documents:	None

---