

## Rother District Council

**Report to:** Audit and Standards Committee

**Date:** 28 February 2024

**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 June 2023.

**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. This report was moved to February 2024 due to the volume of reports being presented to this Committee in December 2023. 10 cases have been determined since the Committee last considered these complaints on 19 June 2023 and are detailed below:

<b>Local Government and Social Care Ombudsman Complaints</b>		
<b>Reference</b>	<b>Details of the Allegation</b>	<b>Outcome</b>
22 013 422	<b>Planning Enforcement</b> Customer complained about the Council's decision to approve a neighbour's planning application and its failure to take enforcement action about breaches of planning control on the site.	<b>Upheld</b> Fault was only found with the Council's complaint handling and not planning enforcement action. An apology was issued and a compensation payment of £250.
23 000 687	<b>Planning Enforcement</b> Customer complained that the Council failed to enforce planning condition for a neighbouring business next door along with dissatisfaction with how his concerns were dealt with.	<b>Upheld</b> Some fault had been found in the delay in pursuing compliance to one of the conditions. An apology was issued and a compensation payment of £250.
22 018 207	<b>Planning Enforcement</b> Customer alleges the Council failed to take enforcement action relating to alleged planning breaches caused by a neighbouring development.	<b>Not Upheld</b> No evidence of fault was found.

23 005 371	<b>Planning Application</b> Customer alleges the Council failed to approve a planning application for a change of use of land near their home.	<b>Not Upheld</b> No evidence of fault was found in the decision-making process.
23 003 867	<b>Planning</b> The customer alleges the Council failed to follow the Town and Country Planning Act 1990 by allowing neighbours' development to proceed. Customer also alleges the planning officers report contained errors and that there was a breach in copyright by the architect.	<b>Not Investigated</b> No fault found in the Council acceptance of the ownership certificates. Any errors in the officer report were deemed as minor and do not mislead the Council.
23 004 974	<b>Planning</b> The customer complained the Council has refused to take enforcement action against a business premises near their home.	<b>Not investigated</b> Insufficient evidence of fault to justify further investigation.
23 006 057	<b>Planning</b> Customer complained that the Council has not fully explained its decision to grant planning permission for changes to their neighbour's home and that their back garden is now overlooked by new dormer windows.	<b>Not investigated</b> Not enough evidence of fault to justify an investigation.
23 010 063	<b>Planning Enforcement</b> Customer was aggrieved at the Council's decision not to take enforcement action against a neighbour for breaching planning conditions regarding window blinds.	<b>Not Investigated</b> Insufficient evidence of fault in the decision-making process and the outcome does not cause sufficient significant personal injustice to warrant an investigation.
23 013 491	<b>Planning</b> Customer complained about two Councillors who he alleges failed to declare pecuniary interests in relation to an organisation they were connected to receiving public funds.	<b>Not investigated</b> There is insufficient personal injustice caused and the matter is essentially for the police.
22 017 296	<b>Planning</b> Customer alleges that a planning application for upgrading a telephone mast has been improperly considered.	<b>Not investigated</b> There is insufficient injustice to warrant investigation and a legal remedy has been sought.

2. A total of 10 complaints were made to the LGSCO covering the period 24 May 2023 to 12 February 2024. All of the Ombudsman complaints for this period relate to planning and were determined as follows:

- two were upheld (Council's actions were at fault).
- two were not upheld (no fault found in the Council's actions).
- six were not investigated.

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

Learning outcomes as a result of the LGSCO complaints:

- not to delay complaint investigation until planning decision is made;
- implemented improved escalations to managers and senior managers if a complaint investigation is significantly overdue. A global reminder was issued to all levels of management regarding complaint investigation priority; and
- ensure all matters of a complaint are responded to.

3. Rother received 134 non-ombudsman complaints from 24 May 2023 to 12 February 2024, of which:
- 83 of these were non-complaints (treated as department service request).
  - 17 were resolved at initial stage (non-formal complaint resolution).
  - 24 were Stage 1 Complaints.
  - 10 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 - 4712	Customer unhappy with how she has been treated by staff and her temporary accommodation conditions in relation to her disabilities.	Closed at initial stage - Resolved	Housing
STAGE 1 - 8413	Customer aggrieved by the receipt of demands for Council Tax payments stating that the charge is incorrect.	Closed at initial stage - Resolved	Council Tax
STAGE 1 - 3745	Customer unhappy with the delay in processing a request for a refund.	Closed at initial stage - Resolved	Customer Services
STAGE 1 - 1461	Complaints in relation to Travellers setting a temporary encampment in Broad Oak Park and the delay in the Council's response to dealing with alleged anti-social behaviour.	Closed at initial stage - Resolved	Customer Services

STAGE 1 - 7081	Customer complained in relation to how her call was handled by a member of the customer services team and that her bin has not been emptied due to issues around access.	Closed at initial stage - Resolved	Customer Services
STAGE 1 - 7774	Customer aggrieved that we will not supply a recycling bin due to continual attacks by the local wildlife.	Closed at initial stage - Resolved	Neighbourhood Services and Contracts - Waste
STAGE 1 - 8032	Customer unhappy with the long delay in the application of a Tree Preservation Order appearing on the Council's system.	Closed at initial stage - Resolved	Development Management
STAGE 1 - 6666	Customer aggrieved at the loss of their 50% Council Tax deduction following offering temporary / emergency accommodation to Rother. They feel they have not been correctly informed of the consequence of trying to assist the homeless.	Closed at initial stage - Resolved	Council Tax
STAGE 1 - 3582	Customer complained in relation to their planning application and the handling of this.	Closed at initial stage - Resolved	Development Management
STAGE 1 - 6173	Customer complained in relation to the length of time of being placed in temporary accommodation (January 2022) to them being declared homeless and placed in band A for bidding (November 2022).	Closed at initial stage - Resolved	Housing
STAGE 1 - 6429	Customer aggrieved at the advice given to refer them to contact the Valuation Office Agency in relation to their empty property and feels Rother mis-understood their situation.	Closed at initial stage - Resolved	Council Tax

STAGE 1 - 9286	Customer aggrieved at the length of time taken for planning enforcement to respond to their enquiries and to take formal action.	Closed at initial stage - Resolved	Planning and Environmental Enforcement
STAGE 1 - 0093	Customer aggrieved at the length of time taken to deal with their planning application particularly as it related to flooding issues.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 8882	Customer made a complaint in relation to their brown bin continually not being returned to its collection point.	Closed at initial stage - Resolved	Neighbourhood Services and Contracts - Waste
STAGE 1 - 8718	Garden waste bin keeps being left on the public footpath and the refuse collector was very rude when challenged.	Closed at initial stage - Resolved	Neighbourhood Services and Contracts - Waste
STAGE 1 - 2480	Customer unhappy with not being entitled to the alternative fuel payment when they feel they meet the criteria.	Responded at Stage 1 - Partially Upheld	Benefits
STAGE 1 - 6165	Customer complained in relation to the handling of their environmental health complaint regarding damp in a private rented property and take action under section 80 of the Environmental Protection Act 1990.	Closed at initial stage - Advised of Stage 2	Private Sector Housing
STAGE 1 - 0993	Customer unhappy with the delay in pre-planning application advice when trying to purchase a property.	Responded at Stage 1 - Not Upheld	Planning Business Support
STAGE 1 - 0976	Customer complained in relation to the delay in housing allocations processing new information that would entitle them to an additional bedroom requirement.	Responded at Stage 1 - Not Upheld	Housing
STAGE 1 - 8813	Customer aggrieved at the non-action of planning enforcement following an alleged breach being	Responded at Stage 1 - Not Upheld	Planning and Environmental Enforcement

	reported		
STAGE 1 - 3842	Customer alleges that Rother District Council has failed to follow the Homelessness Code of Guidance for Local Authorities.	Responded at Stage 1 - Partially Upheld	Housing
STAGE 1 - 8353	Customer aggrieved at the lack of consultation regarding the removal of the Section 52 agreement protecting the area of agricultural land off Fryatts Way.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 9039	Customer alleged that they have been treated with neglect and care regarding their situation.	Responded at Stage 1 - Not Upheld	Housing
STAGE 1 - 5711	Customer complained in relation to the handling of their mother's housing benefit and Council Tax reduction claim.	Responded at Stage 1 - Partially Upheld	Benefits
STAGE 1 - 8040	Customer unhappy with the lack of explanation as to why the Council is not taking enforcement action against the alleged breach.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 8980	Customer unhappy that their bin has not returned to agreed place but left at curtilage as they are on an assisted collection.	Closed at initial stage - Resolved	Neighbourhood Services and Contracts - Waste
STAGE 1 - 4369	Customer aggrieved at the retrospective granting of a planning application following the land owner being subject to various enforcement notices.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 1806	Customer complained that their late relative's burial location has not been positioned as per their families' wishes. Customer also aggrieved with the manner in which the graveside had been left by Rother's contractors.	Responded at Stage 1 - Partially Upheld	Neighbourhood Services and Contracts - Other
STAGE 1 - 9865	Customer unhappy with the impact of the development at Worsham	Responded at Stage 1 - Not Upheld	Development Management

	Farm as it differs from the plans they viewed and they are requesting compensation for the effect on their health, wellbeing and on the value of their property.		
STAGE 1 - 5600	Customer complained regarding their homelessness application and the long delays in processing this.	Responded at Stage 1 - Not Upheld	Housing
STAGE 1 - 0853	Customer alleges that Rother has not acted in the interests of residents by the granting of a lease to the Bexhill Heritage Society and the impact the loud music is having.	Responded at Stage 1 - Not Upheld	Neighbourhood Services and Contracts - Other
STAGE 1 - 8161	Customer complained in relation to the granting of planning permission for mobile telephone mast and failed to accept comments.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 5787	Customer complained in relation to the poor service for the non-collection of their small electrical items.	Responded at Stage 1 - Upheld	Neighbourhood Services and Contracts - Waste
STAGE 1 - 1468	Customer aggrieved in relation to the granting of a planning application due to the impact on their privacy and amenity to neighbouring properties.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 0459	Customer unhappy with the Council Tax charge decision following their home being uninhabitable due to flooding and the loss of the 25% single person discount as a result of this.	Responded at Stage 1 - Upheld	Council Tax
STAGE 1 - 7236	Customer unhappy with the removal of the recycling point in the area.	Closed at initial stage - Resolved	Neighbourhood Services and Contracts - Waste
STAGE 1 - 1764	Customer aggrieved with the housing allocation process and the frustrations of being placed as first and not being allocated this	Responded at Stage 1 - Not Upheld	Housing

	property after the bidding cycle.		
STAGE 1 - 3349	Customer aggrieved in relation to receiving a notice to pay in a Rother owned car park.	Responded at Stage 1 - Not Upheld	Neighbourhood Services and Contracts - Other
STAGE 1 - 8792	Customer unhappy with the non-collection of all their garden waste bins as only two out of three are being emptied.	Closed at initial stage - Resolved	Neighbourhood Services and Contracts - Waste
STAGE 1 - 1955	Customer aggrieved with the decision to refuse their planning application and the conduct of the planning officer.	Responded at Stage 1 - Not Upheld	Development Management
STAGE 1 - 8397	Customer complained in relation to the handling of their Business Rate enquiry.	Responded at Stage 1 - Partially Upheld	Council Tax
STAGE 1 - 9243	Customer unhappy with the threat of a community protection order for feeding the birds.	Responded at Stage 1 - Not Upheld	Community and Safety
STAGE 2 - 4438	Customer aggrieved in relation to the handling of their Council Tax account.	Not Upheld	Council Tax
STAGE 2 - 5934	Customer aggrieved in relation to the granting of a planning application due to the impact on their privacy and amenity to neighbouring properties.	Not Upheld	Development Management
STAGE 2 - 8917	Customer unhappy with the erection of the protective netting in Broad Oak Park.	Not Upheld	Neighbourhood Services and Contracts - Other
STAGE 2 - 0024	Customer aggrieved at the non-action of planning enforcement following an alleged breach being reported.	Not Upheld	Planning and Environmental Enforcement
STAGE 2 - 1107	Complaint in relation to the removal of a planning condition for a Caravan Park.	Not Upheld	Development Management



STAGE 2 - 9965	Customer complained in relation to the handling of their Business Rate enquiry.	Partially Upheld	Council Tax
STAGE 2 - 1405	Customer unhappy with the Council tax charge decision following their home being uninhabitable due to flooding and the loss of the 25% single person discount as a result of this.	Partially Upheld	Council Tax
STAGE 2 - 2357	Customer unhappy with the impact of the development at Worsham Farm as it differs from the plans they viewed and they are requesting compensation for the effect on their health, wellbeing and on the value of their property.	Partially Upheld	Development Management
STAGE 2 - 3819	Customer complained that their late relative's burial location has not been positioned as per their families wishes. Customer also aggrieved with the manner in which the graveside had been left by Rother's contractors.	Partially Upheld	Neighbourhood Services and Contracts - Other
STAGE 2 - 3700	Customer aggrieved in relation to the handling of a neighbouring properties planning application and the lack of enforcement following issues being raised.	Partially Upheld	Planning and Environmental Enforcement

4. A total of 42 Stage 1 Complaints of which:

- 17 were resolved at initial stage;
- two were upheld;
- 17 were not upheld;
- five were partially upheld; and
- one escalated straight to Stage 2.

A total of 10 Stage 2 Complaints of which:

- none were upheld;
- five were not upheld; and
- five were partially upheld.

	Average response time (days)	Max time (days)
Stage 1	22	64
Stage 2	26	54

## Conclusion

5. The Committee is asked to note the report.

## Human Rights

6. The human rights considerations in this report cover the following:
- Access to justice in terms of remedy and redress.
  - Right to privacy (including protection from negative consequence).
  - Non-discrimination.
  - Fair, transparent, and accountable process.

## Risk Management

7. The risk considerations in this report cover:
- Legal.
  - Reputational.
  - Financial.
  - Operational.
  - Organisational.

## Equalities and Diversity

8. The Equality, Diversity and inclusion considerations in this report cover the following areas:
- Non-bias or non-prejudice.
  - Accessibility and inclusivity.
  - Intersectionality (disability, gender, race, sexuality).

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

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Appendices:	None
Relevant Previous Minutes:	Audit and Standards Committee 19 June 2023
Background Papers:	None
Reference Documents:	None