

## **APPEALS PANEL NO. 1**

**MONDAY 3 SEPTEMBER 2012 AT 2:00 PM**

PRESENT: Councillors Mrs Geddes, Ms Patrick and Stothard

### **1. APPOINTMENT OF CHAIRMAN**

Consideration was given to the role of Chairman of Appeals Panel 1 for the remainder of the 2012/13 municipal year.

It was moved and seconded that Councillor Stothard be appointed as Chairman of Appeals Panel 1 for the remainder of the 2012/13 municipal year.

RESOLVED – That Councillor Stothard be appointed as Chairman of Appeals Panel 1 for the 2012/13 municipal year.

Councillor Stothard thereupon took the Chair.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **4. COMPLAINT REGARDING ALLEGED FAILURE OF COMMUNICATION**

Consideration was given to a complaint regarding an alleged failure of communication.

The Chairman introduced the Panel and outlined the purpose of and procedure to be followed at the meeting. He confirmed that all those present had seen the relevant documentation, copies of which had been circulated.

The appellant introduced himself to the Panel.

The Chairman asked the appellant to summarise the complaint as clearly as possible. The appellant explained that the Officer in question had refused to respond to correspondence following the refusal of another Officer to deal with the appellant's queries. The appellant outlined the situation leading up to his exchange of e-mails with the Officer. The Officer had stated that he would contact the

appellant prior to a briefing meeting with the Chairman of the Committee that would deal with the appellant's concerns. However, as the Officer did not telephone him as arranged, the appellant telephoned twice within an hour and on the second occasion was advised that the Officer had gone into the briefing meeting. The appellant contacted his Ward Councillor who spoke to the Officer following which the Officer telephoned the appellant and assured him that he would receive a full and detailed response to his e-mails. After 3 weeks he had not received the response; the appellant sent another e-mail to the Officer asking him to respond to the e-mails. The Officer did not respond. At that point the appellant believed Officers had no intention of dealing with his concerns and therefore initiated the Council's Corporate Complaints process. By the end of that week the appellant had received an e-mail from the Officer but it did not deal in depth with the issues that had been raised.

The Deputy Chief Executive had written to the appellant but he believed that the content of the letter had not dealt with the main issues that had been raised. The appellant believed that it was important from a management and an end user point of view that the reasons for the lack of response were determined.

In response to a question from the Panel the appellant advised that he had requested to meet the Officer on two occasions but had received no response. When the Deputy Chief Executive had suggested a meeting the appellant had not felt it would be appropriate as the proposed agenda covered issues that were not appropriate at that time. The appellant appreciated that the letter from the Deputy Chief Executive acknowledged that there had been a failure in communication and that he had been honest and open in his opinion.

The appellant advised that he was interested to know how the situation had arisen and that the other issues raised in the correspondence may be dealt with by a further complaint in the future.

The Chairman explained that the Panel would speak with the relevant Officers and would then consider the information and reach a decision. The Chairman thanked the appellant for attending the hearing and advised that a letter confirming the Panel's decision, and what steps he could take should he disagree with the decision, would be forwarded to him within 20 working days.

The appellant left the hearing.

The Panel invited the Officer into the hearing.

In response to questions from the Panel the Officer advised that whilst the content of some telephone conversations were noted due to the number of calls received it was not practical to note all calls. On the occasion when he had advised the appellant that he would ring him the Officer had been away from his desk and had just returned to his desk when the appellant called. The Officer advised that he would have taken some informal notes of the conversation that he would still have should Members wish to see them. The Officer confirmed that he was aware that it was Council policy that correspondence should be responded to within 10 working days.

With regard to the e-mails from the appellant the Officer advised that there was a lot of information required and that in the period between receiving the e-mails and responding the Officer had been in contact with appropriate groups to resolve the

issues that had been raised. That information had been passed to the Case Officer to enable him to deal with the concerns, many of which had also been raised by the appellant's neighbours. However, the Officer acknowledged that the information had not been passed directly to the appellant.

The Officer advised that, during the stated timescales, he had not been on leave for any significant period but, as was normal, there was a large workload and he had attended a number of meetings. The Officer agreed that the lack of response was not the standard of customer service that was expected by the Council and service users and for that he apologised. He advised that he had not sent a personal apology to the appellant since, because the Corporate Complaints process had been initiated, it seemed inappropriate at that time.

The Officer explained that holding letters were not sent as a matter of course due to the amount of correspondence that the department dealt with and the associated costs as well as Officer time. The Officer explained that it was quite rare that a person would request such detailed information and that he dealt with a lot of complaints as part of his daily work.

The Panel thanked the Officer for his input and invited the Director into the hearing.

The Director explained that whilst it was correct that holding letters were not normally sent out, the correspondence in relation to consultation explained that fact. However, the Director added that it would be a matter of judgement whether a response was necessary. If a complaint was elevated to the Officer's level a response should have been sent. If the complaint was elevated to Director level a holding letter would be sent advising the timescales for a fuller response.

The Director confirmed that staff in the department were aware of the Council's policy on response times and that a mail log had been introduced that would assist Officers to track mail and respond accordingly. The Director advised that she could only think of one significant piece of work over and above the Officer's normal workload.

The Director advised that the Officer had undertaken training at a high level, part of which involved time management and prioritisation of work. The Officer had acknowledged the failure to respond and both he and the Director were disappointed that it had happened. The Director confirmed that the Officer had not refused to respond to the appellant's e-mails and that the appellant's views and concerns had been dealt with and included in the report submitted to the relevant Committee. The Director assured the Panel that staff within the department were working on processes to avoid the situation from happening in the future and advised that training would be taking place with all staff within the department on the importance of good customer care.

The Panel thanked the Director for her input and invited the Deputy Chief Executive into the hearing.

The Deputy Chief Executive agreed that the failure in communication was poor in this instance. He stated that he had asked to meet with the appellant but that the appellant seemed reluctant to meet. However, whatever the outcome of the hearing

the Deputy Chief Executive advised that he would still wish to meet with the appellant to discuss the matters raised in the e-mails.

With regard to sending holding letters the Deputy Chief Executive acknowledged that it would not always be necessary to send a holding letter but agreed that a reply to an e-mail, whilst not as formal, would be acceptable on occasion. He acknowledged that it was not standard practice to log telephone calls but added that for some calls it would be good practice for notes to be taken and put on file. The Deputy Chief Executive explained that the concerns and views of the appellant had been taken into account and dealt with in the appropriate manner.

The Deputy Chief Executive then left the hearing.

The Panel then considered the evidence that had been presented to them, prior to and during the hearing and made the following decision.

Having given full consideration to the papers and letters circulated with the Agenda for the meeting, the presentation of the complaint given to the Panel, and the response made by Officers of the Council, it was:

RESOLVED – That:

1. The appellant's complaint be upheld
2. That the explanation given by the Officer for the delay in communication has been investigated
3. That customer care, in this instance, was not up to the Council's standard
4. That the Panel have determined that training in time management and prioritisation of work at high levels has taken place
5. That customer service training for all staff within the planning department is being undertaken including one to one supervision
6. That the Panel have made recommendations to ensure that procedures for a more efficient tracking system of communication are put in place.

[The meeting ended at 3:55pm]