



# **CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE**

## ***Committee Report***

**Public**

**Date of Meeting: 27 July 2006**

**Title: CORPORATE COMPLAINTS PROCEDURE  
ANNUAL REPORT 2005/6**

**Report of: Head of Policy & Performance**

**Report reference: PPP.32/06**

### **Summary:**

This report reviews the operation and monitoring of the Corporate Complaints procedure for the twelfth year of its existence.

### **Recommendations:**

- i) The Overview and Scrutiny Committee are asked to review the information contained in this report and appendix relating to the twelfth year of operation of the Corporate Complaints Procedure.**
- ii) The Overview and Scrutiny Committee are asked to note monitoring of Corporate Complaints undertaken for 2005/6 as required by the Council's Equal Opportunities Policy and Racial Equality scheme.**
- iii) The Overview & Scrutiny Committee are asked to note the contents of the Local Government Ombudsman's Annual Letter and their report of Maladministration causing injustice for a Planning Complaint.**

**Carolyn Curr  
Head of Policy and Performance**

## 1 Introduction

This report analyses Stage 2 (Formal) to Stage 4 (Ombudsman) complaints received by the Corporate Complaints section in the 12-month period from 1<sup>st</sup> April 2005 to 31<sup>st</sup> March 2006.

## 2 Stage 1 Complaints

These complaints are those lodged directly with the service and generally readily resolved at point of service. Occasionally Stage 1 complaints are received by Corporate Complaints and re-directed to the relevant service thereby providing the service with the opportunity to address the complaint and put things right.

## 3 Corporate Complaints (Stage 2) recorded in 2005/6

These are complaints, which have not been resolved at the Stage 1 level, to the satisfaction of the customer. During 2005/6 there were 24 Stage 2 complaints lodged by 13 complainants, compared to 18 Stage 2 complaints lodged by 16 complainants in 2004/05. One Corporate Complaint was withdrawn. 82.6% of Corporate Complaints were answered within 15 days.

The main method of lodging Stage 2 complaints this year was by letter with the Complaint Form falling to second place for the first time in 6 years. Ombudsman Referrals, those complaints prematurely lodged with Ombudsman, dropped back to 4% compared to a 2004/5 high of 22%.

<b>Figure 1 Mode</b>	<b>2005/6</b>	<b>2004/5</b>	<b>2003/4</b>	<b>2002/3</b>	<b>2001/2</b>
Complaint Form	21%	44%	47%	69%	72%
Letter	71%	17%	37%	16%	18%
Personal Visit	0%	0%	0%	3%	0%
E-mail	4%	6%	0%	6%	0%
Telephone call	0%	11%	11%	6%	0%
Ombudsman Referral	4%	22%	5%	0%	10%

## 4 Corporate Complaint Details

Figures 2 a/b and 3a/b on the next two pages give an overview of Old Business Unit/New Directorate involvement and types of complaint made in 2005/6. Comparison is made to years 2000 to 2005. A summary of each 2005/6 Stage 2 complaint can be found in Appendix 1 at the end of this report.

### Figure 2a Old Business Unit(BU) involvement in Corporate complaints

N.B. Some complaints involve more than one BU hence columns and totals do not agree.

<b>Business Unit: Complaint Involvement</b>	<b>05/06 Corp Stage 2</b>	04/05 Corp Stage 2	03/04 Corp Stage 2	02/03 Corp Stage 2	01/02 Corp Stage 2	00/01 Corp Stage 2
CEX	0	0	0	1	0	0
CIS	1	1	0	0	0	0
CLS	1	1	1	3	1	1
CTS	4	4	3	6	9	8
ECD	0	1	0	0	2	1
EPS	2	1	0	1	0	2
FIS	0	0	0	0	0	0
LDS	0	1	1	0	0	0
MSE	0	0	1	0	0	0
PLS	14	4	8*	9	5	11
PRS	1	1	1	0	0	0
RBS	1	4	6	4	2	7
SPS	0	0	1	1	0	0
<b>Total No Complaints</b>	<b>24</b>	18	19*	24	19	29

\*1 PLS complaint withdrawn, 1 complaint involved 2 BUs, 1 complaint involved 3BUs

#### KEY TO OLD BUSINESS UNITS

CEX	Chief Executive	LDS	Legal & Democratic
CIS	Customer & Information	MSE	Member Support & Employee
CLS	Culture, Leisure & Sport	PLS	Planning Services
CTS	Commercial & Technical	PRS	Property Services
ECD	Economic & Community Development	RBS	Revenues & Benefits
EPS	Environmental Protection	SPS	Strategic & Performance
FIS	Financial Services		

**Figure 2b. 2005/6 Corporate Complaints and common complaints by old BU and type**

<b>COMPARISON 2000 to 2005</b>		<b>Upheld?</b>	<b>05/06</b>	<b>04/05</b>	<b>03/04</b>	<b>02/03</b>	<b>01/02</b>	<b>00/01</b>
<b>CIS</b>	Civic Centre Reception		0	1	0	0	0	0
	Corporate Complaints	No	1	0	0	0	0	0
<b>CLS</b>	Tree Pruning		0	1	1	1	0	0
	The Pools - Swimming		0	0	0	1	0	1
	Parks and Countryside	Yes	1	0	0	0	0	0
<b>CTS</b>	PCNs	No	2	1	1	4	8	7
	Green Box/Recycling	No	1	2	0	0	0	0
	Highways matters		0	0	2	0	0	0
	Miscellaneous		0	1	0	0	0	1
	Works	Prem/WD	1	0	0	2	1	0
<b>ECD</b>	Community Development		0	1	0	0	2	1
<b>EPS</b>	Miscellaneous		0	1	0	1	0	2
	Housing Services	No	2	0	0	0	N/A	N/A
<b>LDS</b>	Legal Services		0	1	1	0	0	0
<b>MSE</b>	Recruitment		0	0	1	0	0	0
<b>PLS</b>	Planning Admin	No	1	0	0	0	0	0
	Planning Applications	No	3	1	6*	8	5	9
	Planning Enforcement	1 Y / 8 N	9	2	0	0	0	1
	Building Control		0	0	1	1	0	0
	Right to Speak– Dev Con	No	1	0	0	0	0	0
	Tree Preservation Order		0	1	1	0	0	1
<b>PRS</b>	Land Management	No	1	1	1	0	0	0
<b>RBS</b>	Customer Services/HSB		0	0	0	0	0	1
	Council Tax/Collect	No	1	3	3	1	1	0
	Housing Benefits		0	1	3	3	1	4
	Miscellaneous		0	0	0	0	0	2
<b>SPS</b>	Communications		0	0	0	1	0	0
	Recruitment		0	0	1	0	0	0

**Figure 3a New Directorate involvement in Corporate complaints**

N.B. Some complaints involve more than one Directorate hence columns and totals do not agree.

<b>Directorate Complaint Involvement</b>	<b>05/06 Corp Stage 2</b>	<b>04/05 Corp Stage 2</b>	<b>03/04 Corp Stage 2</b>	<b>02/03 Corp Stage 2</b>	<b>01/02 Corp Stage 2</b>	<b>00/01 Corp Stage 2</b>	<b>6 Year Mean Aver</b>
Community Services	<b>5</b>	8	3	10	12	11	<b>8.16</b>
Corporate Services	<b>1</b>	4	6	4	2	7	<b>4</b>
Development Services	<b>17</b>	5	9	9	5	11	<b>9.3</b>
Legal and Democratic	<b>0</b>	1	1	0	0	0	<b>0.33</b>
People, Policy & Performance	<b>1</b>	0	1	1	0	0	<b>0.50</b>
<b>Total No Complaints</b>	<b>24</b>	18	19*	24	19	29	<b>22.3</b>

*\*1 complaint involved 2 Directorates*

**Figure 3b. 2005/6 Corporate Complaints by Directorate**

<b>COMPARISON 2000 to 2005</b>		<b>Upheld?</b>	<b>05/06</b>	<b>04/05</b>	<b>03/04</b>	<b>02/03</b>	<b>01/02</b>	<b>00/01</b>
<b>COS</b>	Civic Centre Reception		0	1	0	0	0	0
	Community Development		0	1	0	0	2	1
	PCNs	No	2	1	1	4	8	7
	Green Box/Recycling	No	1	2	0	0	0	0
	Highways matters		0	0	2	0	0	0
	Miscellaneous (CTS/EPS)		0	2	0	1	0	3
	Parks and Countryside	Yes	1	0	0	0	0	0
	The Pools - Swimming		0	0	0	1	0	1
	Tree Pruning		0	1	1	1	0	0
	Works	Prem/WD	1	0	0	2	1	0
<b>CPS</b>	Customer Services/HSB		0	0	0	0	0	1
	Council Tax/Collect	No	1	3	3	1	1	0
	Housing Benefits		0	1	3	3	1	4
	Miscellaneous		0	0	0	0	0	2
<b>DES</b>	Building Control		0	0	1	1	0	0
	Housing Services	No	2	0	0	0	N/A	N/A
	Land Management	No	1	1	1	0	0	0
	Planning Admin	No	1	0	0	0	0	0
	Planning Applications	No	3	1	6*	8	5	9
	Planning Enforcement	1 Y / 8 N	9	2	0	0	0	1
	Right to Speak– Dev Con	No	1	0	0	0	0	0
	Tree Preservation Order		0	1	1	0	0	1
<b>LDS</b>	Legal Services		0	1	1	0	0	0
<b>PPP</b>	Communications		0	0	0	1	0	0
	Corporate Complaints	No	1	0	0	0	0	0
	Recruitment		0	0	1	0	0	0

## 5. Boards of Arbitration (Stage 3)

5.1 5 complaints (21.7%) of all Corporate Complaints lodged in 2005/6 were taken to Boards of Arbitration. Two Boards took place during 2005/6 and One in April 2006. These Boards considered complaints about Staff Attitude (05/03) on 26 September 2005, the Right to Speak at a Development Control Committee Meeting (05/14) on 1 December 2005 and CHA Housing Stock Transfer (05/20) together with Failure to undertake an Independent Investigation (05/21) on 28 April 2006. Complainants received Board decisions within 20 working days. Further details/outcomes can be found in Appendix 1 at the end of this report.

5.2 1 complaint re and Car Parking Administration (05/23) will be heard in 2006/7.

**Figure 4a. Boards of Arbitration held between 2000/01 to 2005/56 by Old Business Unit**

	<b>05/06</b>	04/05	03/04	02/03	01/02	00/01
CLS	<b>1</b>	0	0	1	0	0
CTS		0	0	0	2	0
EPS	<b>1*</b>	1	0	0	0	0
LDS	<b>0</b>	0	1	0	0	0
PLS	<b>1</b>	0	1	0	0	2
PRS	<b>0</b>	0	1	0	0	0
RBS	<b>0</b>	0	0	0	1	1
<b>TOTAL Boards of Arbitration</b>	<b>3</b>	1	1	1	3	3

\* Board heard two related complaints

**Figure 4b. Boards of Arbitration held between 2000/01 to 2005/6 by Directorate**

	05/06	04/05	03/04	02/03	01/02	00/01
COS	1	1	0	1	2	0
CPS	0	0	0	0	1	1
DES	2*	1	1	0	0	2
LDS	0	0	1	0	0	0
PPP	0	0	0	0	0	0
<b>TOTAL Boards of Arbitration</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>3</b>

\* One Board heard 2 related complaints

## 6. Observations from the operation of the Complaints procedure

- 6.1 Corporate complaints received against the delivery of services are monitored by age, disability, ethnicity and gender, including identifying whether any relate to racial discrimination or that a policy is having adverse impact on racial equality.
- 6.2 During 2005/6, 41.6 % of corporate complainants (10 complaints but 11 complainants) provided the requested equal opportunities information. The results were as follows in figure 5.

**Figure 5. Equal Opportunities Monitoring 2005/6**

Age		Disability		Ethnicity		Gender	
Under 16	0%	Yes	36%	White British	100%	Male	64%
16-24	0%	No	64%	White Irish	0%	Female	36%
25-35	0%			White Other	0%		
36-45	28%			Black/Black Brit	0%		
46-59	36%			Asian/Asian Brit	0%		
60+	36%			Chinese	0%		
				Mixed	0%		
				Other/Unspec	0%		

The key trends are 100% of complainants, who provided equal opportunities information, are over 35, 36% are disabled, 100% are white British and 64% are males. None of the corporate complaints received related to racial discrimination or demonstrated that a policy was having an adverse impact on racial equality.

- 6.3 In terms of equality of access, since December 1997, Corporate Complaints has adhered to the Council's Policy & Guidelines – Communicating with Citizens. Clear, understandable information/application forms are available immediately in a variety of formats including large print, audio-tape and electronic format including from April 2002 a downloadable form from the Council's web-site and from December 2005 an on-line complaints form.
- 6.4 Under the Local Government Act 1974, Section 26(5), from 1 April 2001, new arrangements for handling premature Complaints referred back to the Council by the Local Government Ombudsman (LGO) were introduced. The LGO refers premature complaints to the Council's Corporate Complaints system with a time requirement for completion within 12 weeks. There is a possibility in the future this may reduce to 8 weeks. The eight-week target has been applied to all Corporate Complaint (Stage 2) handling from 2000 and of the 24 Corporate Complaints received during 2005/6, 5 complaints, all heard by Arbitration Boards, took longer than 8 weeks to resolve. Three complaints 05/03, 05/20 and 05/21 were resolved in 10 weeks, 05/14 was resolved in 13 weeks and the remaining complaint 05/23, due to the complaint's holidays and the new municipal year, is still to be heard. (See Appendix 1, Figure 1)

## **7 Service Outcomes/Improvements**

Persons registering their right to speak on planning matters at the Council's Development Control Committee to be provided with copies of the relevant Planning Reports prior to the meeting.

## **8. Observations re Local Government Ombudsman (Stage 4)**

The Overview and Scrutiny Committee are asked to note the contents of the Local Government Ombudsman's Annual Letter attached in Appendix 1.

- 8.1 In 2005/6 the Local Government Ombudsman handled 11 different complaints, 2 remaining from 2004/5 and 9 received in 2005/6. Note that one complaint re Planning covered 10 separate corporate complaints. (See Appendix 1, Figure 3 – Corporate Complaints' Stage 4).

- 8.2 For the period 1 April 2005 to 31 March 2006 there was a 25% reduction in the number of complaints (9) received by the Local Government Ombudsman (LGO) compared to 2004/5 (12). Previous figures were 2003/4 (16) and 2002/3 (17). The overall trend for the last four years has been downward with an overall reduction of 47% since 2002/3. (17 down to 9 complaints) This may or may not be due to complaints being resolved at an earlier stage to the satisfaction of the customer and/or is due to a residual effect of the January 2005 flood in that complainants, given the aftermath of this event, decided not to pursue their unresolved complaints further.
- 8.3 The main complaint areas in 2005/6 were Planning (6), Local Taxation (1) and Others (2) being for Car Parking Administration and Land Purchase (See the Figure 2 Ombudsman's Local Authority Report and notes in Appendix 1 at the end of this report.) Of the 9 complaints received 4 (44%) were former Corporate Complaints compared to 2 (16.6%) in 2004/5 and 6 (37.5%) in 2003/4. (For details see Appendix 1 – Figure 2, LGO Local Authority Report for the period ending 31/03/06)
- 8.4 The Ombudsman made 8 decisions of which 2 pertained to previous Corporate Complaints 03/19 and 04/10 received by the Ombudsman in 2004/2005 and one was deemed a premature complaint and returned to the Council for consideration at Stage 2 of the Council's complaints' procedure.
- 8.5 The Local Government Ombudsman issued a report of Maladministration causing injustice for one Planning complaint, Corporate Complaint Ref: 03/19, Ombudsman Ref: 04/C/13744. The report summary is included herewith. The complaint was that the Council failed to properly notify the complainants of a planning application by their neighbour and then failed to properly consider the impact of a substantial extension to the neighbouring property upon the complainant's house.

The report's findings acknowledged that the Council accepted that it failed to notify the complainants who occupied the property most affected by the proposed development. The error arose from misinterpreting the house numbering and street names where the turning heads of two cul-de-sacs converged. However the onus was on the Council to ensure consultation and that notification was properly conducted. This it failed to do and that was deemed to be maladministration.

There were other significant failures in the procedure followed by the Council, and as a result the Council has modified its procedures in a variety of ways from the initial validation of new applications.

The Local Government Ombudsman commended the Council for reviewing and amending its procedures to remove, as far as is reasonably practicable, faults and failures in the planning process caused by human error. The recommended remedy was a compensatory payment of £500 to the complainants towards their expense in moving home and for their time and trouble in pursuing their complaint. The Ombudsman was satisfied with the Council's response to the report, agreed at the full Council Meeting on 7 March 2006.

- 8.6 This year the response times to first enquiries improved to 24 days from an average 29 days for 2004/5. Last year's poor performance was due to difficulties experienced responding to a complaint after the flood on 8 January 2005. This improved performance puts the Council back in the top 52% of District Councils rather than the bottom 40% in 2004/5.
- 8.7 The full set of Ombudsman statistics forms an integral part of the Annual Letter, sent to the Council in June 2006. (See Appendix 1 LGO Annual Letter)
- 8.8 ***Ombudsman Exceptions.*** Complaints can be dealt with by the Ombudsman immediately provided that the complainant can demonstrate **Notice of Complaint**, that is that the complainant can show that he or she has made the complaint in writing to **any** council employee, or contractor acting on behalf of the Council **Irrespective of Seniority** and the complaint falls in one of the categories below:-
- a) Breakdown of trust evident between the Complainant and the Council.
  - b) Waste of time and money for Council's systems to deal with complaint
  - c) Entire administrative system under complaint at fault.
  - d) Inability to resolve the complaint because of need to divulge third party information
  - e) Where reference back puts complainant at a disadvantage
  - f) Where the complainant is vulnerable
  - g) Where more than one Council is involved

## **9. Lessons learnt from 2005/6 Complaints Operation**

It is apparent that early quality responses at all complaint levels from informal (Stage 1) to Ombudsman (Stage 4) have a dramatic effect on the course of complaints, their impact on the day to day service delivery and customer satisfaction.

Officers investigating complaints on behalf of the Council are reminded that there is an overriding necessity to respond to all complaints and Ombudsman references within their respective time limits, as complaint handling forms part of the external assessment of the Council's overall performance.

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**July 2006**

## APPENDIX 1

### **Corporate Complaints (Stage 2) 2005/6**

Figure 1 – Corporate Complaint Summary Anon. This 2-page report lists the complaints in order of receipt.

### **Corporate Complaints (Stage 2) Detail 2005/6**

Complaint summaries

### **Corporate Complaints (Stage 3) Detail 2005/6**

Complaint Summary and Arbitration Board recommendations

### **Local Government Ombudsman Complaints (Stage 4) 2005/6**

Annual Letter for 2005/6

Figure 2 - Local Authority Report for the period ending 31/03/2006.

Notes to assist in interpreting the Local Government Ombudsman's Local Authority Statistics

Figure 3 – Corporate Complaints' Stage 4 Ombudsman Summary Anon.

# Corporate Complaint Summary Anon 2005/6

No	Corp Complaint	Rec	Sent	Dir 1	Dir 2:	Due	15 Dys	After?	Wit	Dir	who?	Outcome	8 Wks? Comp
05/01	Planning Enforcement	06/06/2005	06/06/2005	DES		27/06/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	01/08/2005 <input checked="" type="checkbox"/>
05/02	Planning Application Ha	08/07/2005	08/07/2005	DES		29/07/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JG	Not Upheld	02/09/2005 <input checked="" type="checkbox"/>
05/03	Staff Attitude	20/07/2005	20/07/2005	COS		10/08/2005	<input type="checkbox"/>	24/08/2005 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Uph	14/09/2005 <input type="checkbox"/>
05/04	Corporate Complaints O	02/09/2005	06/09/2005	PPP		23/09/2005	<input type="checkbox"/>	30/09/2005 <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JG	Service Imp/Not	04/11/2005 <input checked="" type="checkbox"/>
05/05	Planning Services Oper	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Not Upheld	04/11/2005 <input checked="" type="checkbox"/>
05/06	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Not Upheld	04/11/2005 <input checked="" type="checkbox"/>
05/07	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Not Upheld	04/11/2005 <input checked="" type="checkbox"/>
05/08	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Service Imp/Not	04/11/2005 <input checked="" type="checkbox"/>
05/09	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Service Imp/Not	04/11/2005 <input checked="" type="checkbox"/>
05/10	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Service Imp/Not	04/11/2005 <input checked="" type="checkbox"/>
05/11	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Not Upheld	04/11/2005 <input checked="" type="checkbox"/>
05/12	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Service Imp/Not	04/11/2005 <input checked="" type="checkbox"/>
05/13	Planning Enforcement -	02/09/2005	06/09/2005	DES		23/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AT	Service Imp/Not	04/11/2005 <input checked="" type="checkbox"/>
05/14	Right to Speak - Develo	07/09/2005	09/09/2005	DES		28/09/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GC	Service Imp/Not	02/11/2006 <input type="checkbox"/>
05/15	Council Tax Admin	18/10/2005	18/10/2005	CPS		08/11/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	13/12/2005 <input checked="" type="checkbox"/>
05/16	Planning Site Visit/Appli	21/10/2005	27/10/2005	DES		11/11/2005	<input type="checkbox"/>	15/12/2005 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	15/12/2005 <input checked="" type="checkbox"/>
05/17	Willowholme Recycling	25/10/2005	03/11/2005	COS		15/11/2005	<input type="checkbox"/>	06/12/2005 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Service Imp/Not	20/12/2005 <input checked="" type="checkbox"/>

No	Corp Complaint	Rec	Sent	Dir 1	Dir 2:	Due	15 Dys	After?	Wit	Dir	who?	Outcome	8 Wks? Comp
05/18	Refuse Collection - Prop	03/11/2005	17/11/2005	COS		24/11/2005	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>			29/12/2005 <input checked="" type="checkbox"/>
05/19	Planning Application Ha	17/11/2005	23/11/2005	DES		08/12/2005	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	12/01/2006 <input checked="" type="checkbox"/>
05/20	Housing Stock Transfer	21/02/2006	21/02/2006	DES		14/03/2006	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	18/04/2005 <input type="checkbox"/>
05/21	Independent Investigatio	21/02/2006	21/02/2006	DES		14/03/2006	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	18/04/2005 <input type="checkbox"/>
05/22	Car Parking Admin	21/02/2006	21/02/2006	COS		14/03/2006	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	18/04/2006 <input checked="" type="checkbox"/>
05/23	Car Parking Admin	13/02/2006	13/02/2006	COS		06/03/2006	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	10/04/2006 <input type="checkbox"/>
05/24	Land Purchase Request	23/03/2006	23/03/2006	DES		05/04/2006	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not Upheld	10/05/2006 <input checked="" type="checkbox"/>

## **CORPORATE COMPLAINTS STAGE 2 DETAILS**

<b>05/01</b>	<b>Planning Enforcement</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Upheld</b>
<b>Improve/Outcomes:</b>	<b>Portakabin to be re-sited.</b>

The Complainant was not satisfied that 18 months had passed since they had reported the erection of a portakabin, which did not have planning permission. They felt that Planning Services had not taken any enforcement action to have the portakabin removed.

Planning Services explained to the Complainant that it is not an offence for a building to be put up without planning permission. Enforcement action is within the discretion of the Local Planning Authority. In considering any enforcement action, the decisive issue is whether the breach would unacceptably affect public amenity or the existing use of the land or buildings meriting action in protection in the public interest. Any enforcement action considered should be proportionate to the breach.

<b>05/02</b>	<b>Planning Application Handling</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

A planning applicant complained that Planning Services gave them incorrect advice with regard a rural housing moratorium on new dwellings when they enquired as to the feasibility of providing a separate dwelling for a relative.

The complainant proceeded with a planning application, on the basis of the advice they believed they had previously received. Whilst seeking changes to said planning permission they found that the property and proposed annexe was located in an area where permission for a separate dwelling was, and remains, contrary to the Council's policy regardless of the moratorium imposed on what the Council considers to be a village settlement.

An internal investigation did not find any evidence of incompetence, negligence or misrepresentation.

<b>05/03</b>	<b>Staff Attitude</b>
<b>Old Business Unit:</b>	<b>Culture, Leisure and Sport Services</b>
<b>Directorate:</b>	<b>Community Services</b>
<b>Decision:</b>	<b>Service Improvement/Upheld</b>
<b>Improve/Outcomes:</b>	<b>Apology tendered</b>

The Complainant was dissatisfied with the conduct and actions of an officer who, in the course of their duties, was investigating a reported fly tipping incident on Council Land. The complainant was further concerned with the way this complaint was initially handled.

The Council recognised that the manner in which the whole incident was approached was very regrettable and an apology was tendered for the distress that resulted from this incident.

<b>05/04</b>	<b>Corporate Complaints</b>
<b>Old Business Unit:</b>	<b>Customer &amp; Information Services</b>
<b>Directorate:</b>	<b>People, Policy &amp; Performance</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld for the original complaint handling</b>
<b>Improve/Outcomes:</b>	<b>Apology tended for failing to deal with the complaint about Corporate Complaints in a prompt and efficient manner</b>

The Complainant was dissatisfied with the way Corporate Complaints handled their complaints re Planning Services. They had complained to the Council but no action was taken other than to acknowledge their complaint.

An internal investigation found that there had not been any mishandling of the original Planning complaints by Corporate Complaints. An apology was tendered for the Council's failure to deal with the Complaint about Corporate Complaints in a prompt and efficient manner.

<b>05/05</b>	<b>Planning Services Operation</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The Complainant felt that their complaints re planning matters had not been investigated and considered by a senior officer of the Planning Services Business Unit. An internal investigation found that senior planning officers had investigated the complaints.

<b>05/06</b>	<b>Planning Enforcement – Unauthorised Sales Office</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Removal of Sales Office</b>

The Complainant felt that Planning Services had not taken enforcement action to require removal of a Sales Office, which the complainant believed did not have planning permission and also that the Council had failed to inform them whether legal enforcement action had been taken against the owners of the property.

An internal investigation found that the complainant had been kept informed of the enforcement action being pursued to ensure removal of the sales office.

<b>05/07</b>	<b>Planning Enforcement – Planning Conditions Breach</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Planting Work to be agreed on complete of sewer re-routing</b>

The Complainant believed that Planning Services had not taken legal enforcement proceedings when a developer had failed to comply with planning conditions re landscaping and amenity tree provision with the required time-scale.

An internal investigation found that due to the need to re-route a sewer it had proved impossible for the developer to carry out the planting works within the original time-scale. An appropriate treatment of the land available for planting works would be agreed when the sewer work was completed.

<b>05/08</b>	<b>Planning Enforcement – Football Pitch Re-instatement</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Reinstatement and Adoption of Football Pitch</b>

The Complainant was dissatisfied that a developer had not re-instated a football pitch as required by a Section 106 Agreement.

An internal investigation found that the developer, having tried to re-instate the football pitch themselves and failed, had appointed a specialist sub-contractor to bring the pitch up to the standard whereby the Council could adopt it. The completion to the standard required and transfer to the Council was expected to reach fruition in the near future.

<b>05/09</b>	<b>Planning Enforcement – Breach of 106 Agreement</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Dead of Variation to the Original S106 Agreement</b>

The Complainant believed that Planning Services had failed to notify a developer and the Council's Development and Control Committee that the land, under consideration for residential development, was subject to a section 106 Agreement. Under the terms of this agreement the Council would adopt the land as public open space and plant it with an amenity avenue of trees.

An internal investigation found that whilst the original Section 106 Agreement showed small areas of land being transferred to the Council, the Council's Leisure Services, after consultation, supported the inclusion of that land within private gardens provided that the tree planting (and hence public amenity benefits) was undertaken.

<b>05/10</b>	<b>Planning Enforcement – Landscape Protection</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Increase size of public areas</b>

The Complainant was dissatisfied with Planning Service's apparent failure to impose planning conditions in respect of the maintenance of landscaping areas within a planning approval for residential development.

An internal investigation found that this was not the case. Small areas of land were to be excluded from the original Section 106 Agreement whilst it was hoped that several small parcels of land not shown in the original Section 106 Agreement could be embraced within public areas of ownership and maintenance.

<b>05/11</b>	<b>Planning Enforcement – Tree Protection</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	

The Complainant believed that Planning Services had failed to ensure a developer had complied with planning conditions imposed to protect retained trees subject to a Tree Preservation Order and also to comply with the Council's planning guidance entitled "Trees on Development Sites".

An internal investigation found that the Council's Landscape Architect had met and written to the Complainant with regard to tree issues.

<b>05/12</b>	<b>Planning Enforcement – Advertising Hoardings</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Continuing Investigation</b>

The Complainant was dissatisfied, having notified Planning Services that a developer had erected a number of advertising hoardings and flag advertisements, that legal enforcement action was not taken to effect removal of the unauthorised hoardings and flag advertisements.

These matters were subject to continuing investigation and therefore it was inappropriate at the time the complaint was lodged to comment further.

<b>05/13</b>	<b>Planning Enforcement – Advertising Hoardings</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Continuing Investigation</b>

The Complainant was dissatisfied, having notified Planning Services that a developer had erected a number of advertising hoardings and flag advertisements, that legal enforcement action was not taken to effect removal of the unauthorised hoardings and flag advertisements.

These matters were subject to continuing investigation and therefore it was inappropriate at the time the complaint was lodged to comment further.

<b>05/14</b>	<b>Right to Speak – Development Control Committee</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Provision of Planning Reports prior to meetings</b>

The Complainant was dissatisfied with the Council's Decision to allow a change to the permitted usage of land close to their home, the manner in which the application was dealt with, the manner in which they were dealt with at the Council's Development Control Committee and the investigation of the complaint by the Head of Planning Services and the Council's Interim Executive Director.

**Improve/Outcome:** Persons registering their right to speak on planning matters at the Council's Development Control Committee to be provided with copies of the relevant Planning Reports prior to the meeting.

<b>05/15</b>	<b>Council Tax Administration</b>
<b>Old Business Unit:</b>	<b>Revenues and Benefits Services</b>
<b>Directorate:</b>	<b>Corporate Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The Complainant was unhappy with the contents of a Council Tax standard request for information letter, which they perceived to be threatening.

Revenues and Benefit Services had not intended to offend the complainant. The complainant was advised that the wording on the letter was statutory and in line with government regulations.

<b>05/16</b>	<b>Planning Site Visit/Application Handling</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The Complainant was dissatisfied with the handling of a planning application for the erection of a house adjacent to their property. They felt that the site visit on 28 September 2005 by the Development and Control Committee had been unsatisfactory and that the subsequent decision to grant planning permission was based on questionable interpretation of Central and Local Government rules, which infringed on their Human Rights.

An internal investigation found that concerns re the site visit had been raised and dealt with in the Development and Control Committee on 30 September 2005. The Complainant had exercised their right to speak at the same meeting and information supplied by the Complainant in objection to the planning application as well as the Human Rights issues had been included in the Principal Development Control Officer's report.

<b>05/17</b>	<b>Willowholme Recycling</b>
<b>Old Business Unit:</b>	<b>Commercial &amp; Technical Services</b>
<b>Directorate:</b>	<b>Community Services</b>
<b>Decision:</b>	<b>Service Improvement/Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>Build bund walls to contain green waste matter. Cease operation of Recycling plant during future floods</b>

The complainant felt that the flooding of their premises were being exacerbated by the operation of the Willowholme Recycling Plant. They believed blockage of drains occurred due to loose organic material and 'dumping' during heavy rain and flooding.

The Council's opinion was that the recycling/compost operations at the Council's Willowholme Depot had not made any significant contribution to the flooding of that area of Willowholme. A detailed survey of the drains in the area had identified problems with a public sewer manhole. The Council confirmed it would continue to regularly clean out the highways gullies and to increase confidence levels in the area bund walls would be put in place to contain the green waste material and the use of the recycling plant would cease during any future flood.

<b>05/18</b>	<b>Refuse Collection – Property Damage</b>
<b>Old Business Unit:</b>	<b>Commercial &amp; Technical Services</b>
<b>Directorate:</b>	<b>Community Services</b>
<b>Decision:</b>	<b>Withdrawn</b>
<b>Improve/Outcomes:</b>	<b>Resolved at Stage 1/Informal Level</b>

One of the Council's refuse vehicles had damaged the complainant's wall. The complaint, which was resolved by the Waste Services Manager to the Customer's satisfaction, had been recorded prematurely at the Stage 2/Corporate Level and was subsequently withdrawn.

<b>05/19</b>	<b>Planning Application Handling</b>
<b>Old Business Unit:</b>	<b>Planning Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The Complainant claimed that there had been a number of matters of maladministration concerning the manner in which the Council's Planning Officers handled a Planning Application for advertising hoardings. These included failure to declare interest in the application; failure to respond to queries prior to the Development Control Committee meeting including why the application had been referred to committee; failure to provide a copy of the Planning Officer's report prior to the Committee meeting and failure to disclose all material matters within that report.

An internal investigation found that the consideration of the Planning Application by the Development Control Committee was not prejudiced in any way. The Complainant had exercised their "Right to Speak" against the Planning Application, which automatically required the application to be placed before the Committee. The officer interest in the

application was declared prior to member discussion of the application. The Complainant did not make any written or verbal request prior to the meeting for a copy of the Planning Officer's report. A copy was made available immediately when requested by the complainant with the offer on two occasions during the Committee proceedings to defer the application to allow time for the complainant to review the report. These offers were declined.

<b>05/20</b>	<b>Housing Stock Transfer to the CHA</b>
<b>Old Business Unit:</b>	<b>Environmental Protection Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The complainant queried the Council's performance to date on a number of matters with regard to the monitoring of the Housing Stock Transfer to Carlisle Housing Association (CHA) as set out in the Offer Document circulated to the Council's housing tenants in 2002. The Complainant queried the five-year protection figures for CHA rents and the Council's performance in monitoring the same. They believed that the Council has failed to ensure that the Service Charges that the CHA made for services were kept to the rate of inflation as stated in the Offer Document and that the Council has failed to ensure that the CHA provides a yearly statement to each user.

The Complainant also believed that the Council has not ensured that the CHA provides Best Value to its customers and has not ensured that any savings achieved, such as a reduction in the grass cutting charges as in October 2004, are passed onto its customers.

The complainant also queried why didn't the Council enforce the Legal Agreement with the CHA with regard to the "Open Space" in Seatoller Close and thereby avoid undue stress to the Tenants, Residents and Pensioners of Morton Park.

An internal investigation found that the Council had fully explained in its written responses to the complainant the position with regard to rent and service charges and that the overall increases in rent and service charges were within the Government's maximum limit. Correspondence sent to the complainant had also fully covered the provision of best value and the matter of open space at Seatoller Close.

<b>05/21</b>	<b>Failure to carry out a proper independent investigation</b>
<b>Old Business Unit:</b>	<b>Environmental Protection Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The Complainant felt that an independent investigation had not been carried out to look at both opinions, when considering their complaint re the Housing Stock Transfer to Carlisle Housing Association.

An internal investigation found that all the matters raised in the complainant's original complaint had been answered to the best of the Council's ability.

<b>05/22</b>	<b>Car Parking Administration</b>
<b>Old Business Unit:</b>	<b>Commercial &amp; Technical Services</b>
<b>Directorate:</b>	<b>Community Services</b>
<b>Decision:</b>	<b>Not Upheld</b>
<b>Improve/Outcomes:</b>	<b>None</b>

The complainant wanted to be reassured that some flexibility would be shown to other motorists in the future in extenuating circumstances. The complainant felt the Council had dealt harshly with their parking offence of parking for ten minutes in a one hour parking without a disc. They had claimed extenuating circumstances including caring for an elderly relative and unfamiliarity with disc parking.

The complainant was assured that the Council applies various tolerance times, in the complainant's case this was applied to either allow the driver to obtain a parking disc or to assess if there was any loading/unloading. When the issue of a Penalty Charge Notice (PCN) is challenged all the extenuating circumstances claimed are considered by the Council's Parking Section. Unfortunately in this case the complainant had parked without noticing that they had parked in a disc zone and the cancellation of the PCN could not be justified in the circumstances. The complainant chose not to proceed with their challenge.

**05/23**                                      **Car Parking Administration**  
**Old Business Unit:**                      **Commercial & Technical Services**  
**Directorate:**                                **Community Services**  
**Decision:**                                    **Not Upheld**  
**Improve/Outcomes:**                      **None**

The Complainant felt that during the course of making a query to the Car Parking Section an officer treated them discourteously and breached the Data Protection Act in that their personal data was not fairly and lawfully processed and was not held in a secure fashion. A subsequent request for a copy of the Council's Disciplinary procedures was not fulfilled.

The Council's view was that the content of the conversation did not fall within the ambit of the Data Protection Act 1998 and that disciplinary action was not appropriate. A copy of the Council's Disciplinary procedures was supplied to the complainant within the 20 working days' time limit.

**05/24**                                      **Land Purchase Request**  
**Old Business Unit:**                      **Property Services**  
**Directorate:**                                **Development Services**  
**Decision:**                                    **Not Upheld**  
**Improve/Outcomes:**                      **Apology tendered**

The Complainant had been trying for eight years to purchase a small strip of land adjoining their property on a housing estate to improve parking problems. The Council had advised them , after seeking the views of the local Parish Council, that it was now unable to proceed with this request.

The Council apologised for the significant length of time it had taken to reach a view. Council policy sets out a presumption against disposal of land on housing estates. The main reason is that the pieces of open space form part of the original layout of the scheme for the general benefit of the people living on the estate. If the Council sells to one party, then this sets a precedent for similar sales with the consequent reduction in open space on the estate as a whole. The views of the local Parish Council were sought as on a number of occasions it had indicated that it did not wish to see land disposed of and would prefer it to remain in City Council ownership for the general public good as a community asset.

## Corporate Complaints Stage 3 Anon 2005/6

No	Date Received	Corp Complaint	Dir 1:	Dir 2:	Outcome	ABoard	8 Wks?	Comp?	Ombudsman	Outcome?
05/03	20/07/2005	Staff Attitude	COS		Service Imp/Uph	26/09/2005	4/09/2005	<input type="checkbox"/>		
05/14	07/09/2005	Right to Speak - Devel	DES		Service Imp/Not	05/12/2005	2/11/2006	<input type="checkbox"/>	05/C/12808/CMH/	OD Ombudsman's di
05/20	21/02/2006	Housing Stock Transf	DES		Not Upheld	28/04/2006	8/04/2005	<input type="checkbox"/>		
05/21	21/02/2006	Independent Investigat	DES		Not Upheld	28/04/2006	8/04/2005	<input type="checkbox"/>		
05/23	13/02/2006	Car Parking Admin	COS		Not Upheld	01/08/2006	0/04/2006	<input type="checkbox"/>		

**CORPORATE COMPLAINTS STAGE 3**  
**ARBITRATION BOARD HELD ON 26 SEPTEMBER 2006**

**05/03**                      **Staff Attitude**  
**Old Business Unit:**    **Culture, Leisure and Sport Services**  
**Directorate:**            **Community Services**  
**Decision:**                **Service Improvement/Upheld**  
**Improve/Outcomes:**    **Apology tendered**

The Complainant was dissatisfied with the outcome of the initial investigation of the conduct of an officer who, in the course of their duties, was investigating a reported fly tipping incident on Council Land.

**Full Text of unanimous decision on the Complaint**

The board recommended that the officer write a letter of apology to the complainant for their manner and behaviour.

**ARBITRATION BOARD HELD ON 1 DECEMBER 2006**

**05/14**                      **Right to Speak – Development Control Committee**  
**Old Business Unit:**    **Planning Services**  
**Directorate:**            **Development Services**  
**Decision:**                **Service Improvement/Not Upheld**  
**Improve/Outcomes:**    **Yes see points ii) and iii) below**

The Complainant was dissatisfied with the Council's Decision to allow a change to the permitted usage of land close to their home, the manner in which the application was dealt with, the manner in which they were dealt with at the Council's Development Control Committee and the investigation of the complaint by the Head of Planning Services and the Council's Interim Executive Director.

**Full Text of unanimous decision on the Complaint**

The Board found no overall justification in the complaint but acknowledged that:

- i)        There had been an error in relation to Planning Application Notification letters and hereby issued an apology for this error on behalf of the Council.

- ii) The Complainant had not been supplied with a copy of the relevant Planning Report until the day of the Development Control Committee meeting. This had given insufficient time for them to consider the report properly. The Board recommends that the Head of Planning Services circulates copies of the relevant report to those persons registering a right to speak at the Development Control Committee prior to the relevant meeting.
- iii) The Complainant's Ward Councillors, who were Members of the Development Control Committee, did not refer the Complainant onto another elected Member to assist the complainant through the process. The Ward Councillors apologised to the complainant that this had occurred. The Board recommended that the Director of Legal and Democratic Services wrote to all Members of the Development Control Committee to remind them of the procedure.

## ARBITRATION BOARD HELD ON 28 APRIL 2006

<b>05/20</b>	<b>Housing Stock Transfer</b>
<b>Old Business Unit:</b>	<b>Environmental Protection Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Partially Upheld</b>
<b>Improve/Outcomes:</b>	<b>New Independent Investigation of Rents and Service Charges. Report on Monitoring Arrangements.</b>

<b>05/21</b>	<b>Independent Investigation</b>
<b>Old Business Unit:</b>	<b>Environmental Protection Services</b>
<b>Directorate:</b>	<b>Development Services</b>
<b>Decision:</b>	<b>Service Improvement/Upheld</b>
<b>Improve/Outcomes:</b>	<b>New Independent Investigation</b>

## Full Text of unanimous decision on the Complaints

The Board found as follows:

## 05/20 HOUSING STOCK TRANSFER TO CARLISLE HOUSING ASSOCIATION

## CHA Rents and CHA Service Charges

The Board recommended that the issues raised should be re-investigated by a senior officer of the Council, unconnected with this matter previously. The Council's Benefits Manager to

be requested to undertake this task. The results of the investigation to be reported back to a reconvened Arbitration Board in the new Municipal Year.

### **CHA provides Best Value to its Customers**

The Board recommended that as part of the Council's Contract monitoring of the CHA that the Council's Housing Services & Health Partnerships' Officer, during their next scheduled meeting with the CHA, clarify whether there were any savings made during the CHA's re-tendering of the grass cutting contract in 2005. If this was the case, has the CHA returned this under spend to the tenants through a service charge reduction as set out on page 18 of the Offer Document. The findings to be reported back to a reconvened Arbitration Board in the new Municipal Year.

### **LSVT – transfer of Open Spaces**

This part of complaint 05/20 was not upheld. The relevant clause in the LSVT (Large Scale Voluntary Transfer) Contract documentation (2.5.1) provided that, “whilst [open spaces] remain as open spaces and amenity land (meaning land designated and intended to be used as such), and without prejudice to the Association’s right (subject to planning controls) to develop the same to maintain and keep in good order all such open spaces and amenity land transferred pursuant to the terms of the Transfer Contract to at least the same standard as that to which similar spaces and land are maintained by the Council”

Accordingly, whilst land remains as open space, CHA are obliged to maintain it to a certain standard but the Association was able to develop land in accordance with the planning system.

### **Monitoring Arrangements between the CHA and the Council**

The Board wanted to know more about how the Council monitors CHA and its obligations under the LSVT contract. The Head of Housing Services and Health Partnerships is requested to prepare a report on this topic together with any suggestions (if there are any) as to how this may be improved. This report to be presented to a reconvened Arbitration Board in the new Municipal Year.

### **05/21 FAILURE TO CARRY OUT A PROPER INDEPENDENT INVESTIGATION**

The Board felt that the Head of Housing Services and Health Partnerships had investigated certain of the issues raised by the complainant in relation to the rent and service charge increases but found that he had not properly considered all of the evidence available. In

particular, he had failed to speak to the complainant and obtain the full documentation, which supported their complaint.

The Council's Benefits Manager to be requested to undertake this task. The results of the investigation to be reported back to a reconvened Arbitration Board in the new Municipal Year.

# Ombudsman Summary Anon 2005/6

Ombudsman Reference	Dir 1:	Dir 2:	Corp Complaint	Outcome?	Corp Source	No	Outcome	A Board	8 Wks? Comp?
05/05/2005	04/C/17587/SMF/I	LDS	Electoral Registration	OJ Outside LGO's juris	Letter	04/10	Not Upheld		<input type="checkbox"/> 26/11/2004
10/10/2005	05/C/07154	DES	Planning Application	H OD Ombudsman's dis	Letter	05/02	Not Upheld		<input checked="" type="checkbox"/> 02/09/2005
30/11/2005	05/C/10031/TAS	COS	Car Parking Admin	NM No or insuff.evid of					<input type="checkbox"/>
16/01/2006	04/C/13744	DES	Handling of Planning	MI Maladmin causing i	Letter	03/19	Not Upheld		<input type="checkbox"/> 10/05/2004
30/01/2006	05/C/13355/RJC	DES	Planning Services Op		Letter	05/05	Not Upheld		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/08	Service Imp/N		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/09	Service Imp/N		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/07	Not Upheld		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/11	Not Upheld		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/13	Service Imp/N		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/06	Not Upheld		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/12	Service Imp/N		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/12808/CMH/	DES	Right to Speak - Devel	OD Ombudsman's dis	Complaint Form	05/14	Service Imp/N	05/12/2005	<input type="checkbox"/> 02/11/2006
30/01/2006	05/C/13355/RJC	PPP	Corporate Complaints		Letter	05/04	Service Imp/N		<input checked="" type="checkbox"/> 04/11/2005
30/01/2006	05/C/13355/RJC	DES	Planning Enforcement		Letter	05/10	Service Imp/N		<input checked="" type="checkbox"/> 04/11/2005
31/01/2006	05/C/13353/RJC/I	DES	Planning Application	H NM No or insuff.evid of					<input type="checkbox"/>
07/02/2006	05/C/16200	DES	Planning Application	H					<input type="checkbox"/>
15/03/2006	05/C/16976	DES	Land Purchase Reque	PC Premature Complai	Ombudsman Ref	05/24	Not Upheld		<input checked="" type="checkbox"/> 10/05/2006
27/03/2006	05/C/16180/SMF	CPS	Council Tax Recovery	NM No or insuff.evid of					<input type="checkbox"/>
10/04/2006	05/C/18710/CMH/	DES	Planning Permission	e					<input type="checkbox"/>

June 2006



**The Commission for  
Local Administration in England**

Ms M Mooney  
Town Clerk and Chief Executive  
City Council of Carlisle  
DX 63037  
CARLISLE

**Anne Seex**  
Local Government Ombudsman

**Neil Hobbs**  
Deputy Ombudsman

Our ref:        Annual Letter 06/AS/jib  
(Please quote our reference when contacting us)

**If telephoning contact: Mr Cobley's Personal Assistant on 01904 380238**  
**If e-mailing: [st2york@lgo.org.uk](mailto:st2york@lgo.org.uk)**

Dear Ms Mooney

### **Annual Letter 2005/06**

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish the letters on our website and share them with the Audit Commission as there was widespread support from authorities for us to do this. We will wait for four weeks after this letter before making it more widely available in these ways to give you an opportunity to consider and review the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

In addition to the narrative below there are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

### **Complaints received (NOTE FIGURES AMENDED)**

Only (8) 9 complaints were received against Carlisle City Council during the last year, which shows a drop of (50%) 25 % from the previous year (2004/5). Most of these complaints (6) were against the Council's planning services, where there were two more than during the previous year. The total is too small to draw valid conclusions, and there were no other significant groupings of complaints upon which to comment.

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Annual Report to CROS 270706

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### **Decisions on complaints**

In total I determined 7 complaints against the Council last year, one of which involved the publication of a report critical of the Council.

### ***Reports and local settlements***

When we complete an investigation we must issue a report. I issued one such report against Carlisle. In this case the Council had failed properly to notify the complainants of a planning application by their neighbour and had then failed to properly consider the impact of a substantial extension to that neighbouring property upon the complainants' home. The Council accepts that it failed to notify the complainants and explained that the error arose from misinterpreting the house numbering and street names where the turning heads of two cul-de-sacs converged. The onus was, however, on the Council to ensure that notification was properly carried out, and its failure to do so was maladministration. There were some other failures in the procedures followed by the Council, and I am pleased to note that these procedures have been modified in a variety of ways to improve the service. The Council also agreed a make a compensatory payment of £500 towards the complainants' expense in moving home and for their time and trouble in pursuing the complaint.

There are a significant proportion of investigations that do not need to be completed because a 'local settlement' is reached during the course of the investigation and it is therefore discontinued.

There were no such complaints during the last year.

### ***Other findings***

#### **Your council's complaints procedure and handling of complaints**

In 2004/5 the Council responded to my enquiries within an average of 29 calendar days. This was just beyond the then target of 21 calendar days. Last year 2005/6 I extended the target from 21 to 28 calendar days. I am pleased to note that the Council has managed to reduce the time it has taken to respond to such enquiries from an average of 29 days to 24 calendar days.

#### **Training in complaint handling**

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced

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courses in complaint handling for front line staff and in handling social services complaints.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the range of courses available together with contact details for enquiries and bookings.

### **Liaison with Local Government Ombudsman**

You may remember that a series of Liaison Officer Seminars was convened by this office in 2004/5 within York for those officers liaising directly with my staff. It may be that the officers with that responsibility were then unable to attend or that new staff now fulfil that function. I should be grateful to learn therefore whether one or two members of your staff would be interested to attend such a seminar if a second series was convened towards the end of this year or early in 2007. If so, please let me know or contact the Assistant Ombudsman whose team covers your Council, which as you may know is currently Chris Cobley.

### **Conclusions/general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services. I would again very much welcome any comments you may have on the form and content of the letter.

I would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely



Anne Seex  
Local Government Ombudsman

Enc: Statistical data  
Note on interpretation of statistics  
Details of training courses

Complaints received by subject area	Highways	Housing Benefit	Local Taxation	Other	Planning	Total
01/04/2005 - 31/03/2006	1	0	1	1	6	9
2004 / 2005	3	1	1	3	4	12
2003 / 2004	2	1	2	3	8	16

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	Ml reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2005 - 31/03/2006	1	0	0	0	3	2	1	1	7	8
2004 / 2005	0	2	0	0	3	3	2	4	10	14
2003 / 2004	0	0	0	0	7	3	2	2	12	14

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2005 to 31/03/2006

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2005 - 31/03/2006	2	24.0
2004 / 2005	4	29.0
2003 / 2004	6	17.7

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	53.2	25.3	21.5
Unitary Authorities	41.3	34.8	23.9
Metropolitan Authorities	41.7	30.5	27.8
County Councils	55.9	26.5	17.6
London Boroughs	39.4	39.4	21.2
National Park Authorities	100.0	0.0	0.0

# Notes to assist interpretation of the Commission's local authority statistics

## 1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

## 2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

**Premature complaints:** decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter.

**Total excl premature:** all decisions excluding those where we referred the complaint back to the council as 'premature'.

### **3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

### **4. Average local authority response times 2005/06**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.