

Chief Executive escalations and cross service complaints 2016/17

Across service complaints summary

CEX service complaints:	2
Total number of cross service complaints:	1 (C&L and FIN)
Total number of escalations:	24
<i>Of these 24 escalated complaints:</i>	
Escalations to the LGO	12, of which the LGO declined to investigate 9
Escalated complaints breakdown:	
Planning enforcement	3
Planning applications	10
Environmental Health matters	2
Benefits and Council Tax	2
Leisure facilities and green spaces	3
Other	4

CEX service complaints and/or cross service complaints

Date	Subject Matter	Response	Lessons Learnt/Changes made	Date of Closure
8-Aug-16	<p>Cross-service complaint with C&L and FIN: Complainant had a number of heavy branches fall from one of the trees on property owned by the Council. It fell onto their garden fence and in to their garden during Storm Katie. Complainant is unhappy at the length of time taken to get the branches removed and insurance claim processed.</p>	<p>The Council was not liable for the damage because it had not breached its statutory duty.</p> <p>However, the insurance claim was not dealt with in a timely manner. An apology was given in addition to a payment of £100 as a gesture of goodwill.</p>	<p>Additional controls added to the Council's claims handling system to ensure that all claims are resolved in a timely fashion.</p>	17-Aug-16
14-Jan-17	<p>CEX complaint: Complaint that a Councillor dismissed, on TVBC's behalf, the population growth methodology of the Department of Communities and Local Government as "Political".</p>	<p>Response from Chief Executive clarifying that in order to inform its Borough Local Plan housing requirement, the Council has used the figures from both the Government's (a) 'Household Projections' (Department for Communities and Local Government) and (b) 'Sub-National Population Projections' (Office for National Statistics), for England. These have been used in line with Government planning policy.</p>	<p>Not to make assumptions about the level of knowledge of complainants.</p>	13-Feb-17

24-Mar-17	CEX complaint (Communications): Complaint about the design and distribution of Test Valley News and why paper copy is necessary.	Response from Communications Manager clarifying reasons for publication and distribution of Test Valley News.	To continue to periodically review the estimated readership against expense and consider if there are other viable options.	4-Apr-17
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Escalated complaints

Date	Subject Matter	Response	Lessons Learnt/Changes made	Date of Closure
4-May-16	Complainant is not satisfied with HoS response to their complaint, where they stated they were unhappy with the officer's report at committee for a planning application. Complaint escalated to CEX.	Response from CEX reiterating HoS clarification. Investigated but found the planning application was dealt with properly and fairly.	Importance of paying attention to small details in Committee Reports.	23-May-16
9-Jun-16	Complainant is unhappy with the way a planning application has been dealt with and complaint made against the planning officers involved.	CEX response provided clarification to demonstrate that the application was dealt with properly.	Better to manage the difficulty of reconciling our legal positions with the expectations of the public.	30-Jun-16
2-July-16	Complainant is unhappy with the stage 1 response regarding the nuisance complaint made about them.	CEX response explaining why the Council dealt with the alleged noise nuisance complaint in the way that it did.	Sufficient detail of the complaint made should be provided in the letter issued to notify a resident that they are	25-July-16

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			the subject of a noise nuisance complaint.	
14-Jul-16	Escalated complaint regarding parking issues from school drop-off along Floral Way. The complainant's car was damaged by another driver.	Corporate Director response reiterated previous information given by transport and engineering officers. The Council is aware of the problems around Floral Way and has undertaken a review of the restriction in Floral Way. Changes will be implemented to improve the situation.	The Council will implement changes identified by the review.	25-Jul-16
19-July-2016	Complainant is unhappy with the decision on a planning application and the way in which the application was handled.	Complaint escalated to CEX who provided further clarification. Correspondence continued and in response to the threat of legal proceedings, it was referred to the Council's Head of Legal. Nothing further heard from the complainant.	Officers were reminded to not make assumptions when undertaking calculations for the projection of any extension and to consider the ground level in such cases.	4-Aug-2016 10-Aug-2016 19-Aug-2016
14-Sept-16 28-Sep-16 29-Sep-16 4-Oct-16 5-Oct-16 13-Oct-16 18-Oct-16	Complaint regarding Council's response a resident's concern over their neighbour's poorly maintained garden and how this is affecting them.	CEX response reiterated previous agreed time frame for works and clarified the Council's position in response to enforcing legislation suggested by the complainant. Complainant advised of next step to LGO. Complainant continues to correspond regarding the matter. The LGO investigated the complaint but	The importance of balancing all material considerations in cases involving disputes between residents.	29-Sept-16 30-Sept-16 4-Oct-16 6-Oct-16 18-Oct-16 20-Oct-16

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		<p>did not uphold it, providing a decision that the Council has properly considered use of its discretionary powers and that there is no fault in the Council's actions.</p>		
19-Sept-16	<p>Complaint was escalated to CEX as complainant is unhappy with HoS response. Complainant believes they were poorly advised on instalments needed / status of their Council Tax account balance. Asking for part write off and a goodwill payment of £500.</p>	<p>Response reiterating HoS apology and clarification around the lack of clarity in communication. Response explained that the final notices were properly served because the account was in arrears. Compensation declined.</p> <p>Complainant signposted to LGO, who declined to investigate the complaint as the Council had apologised and rectified the error.</p>	<p>Training undertaken with member of staff involved.</p>	17-Oct-16
18-Oct-16 4-Nov-16	<p>Complainant requested compensation for distress caused, following a decision to recover an overpayment of benefits, which was overturned on appeal.</p> <p>Second letter as complainant is unhappy with CEX response which declined to pay compensation.</p>	<p>CEX response reiterating HOS apology and explanation of how the error occurred and the steps taken to remedy the matter with the resident, prior to the complaint being made.</p> <p>Further CEX response clarifying the history of the matter, reiterating that compensation would not be justified in this case and signposting complainant to LGO.</p>	<p>To ensure that pension calculations are accurately completed with sensitivity when there is a change of circumstances.</p>	4-Nov-16 22-Nov-16

Date	Subject Matter	Response	Lessons Learnt/Changes made	Date of Closure
24-Oct-16	<p>Complaint about resident's experience at Andover Leisure Centre. Complainant was unhappy with:</p> <ul style="list-style-type: none"> • how it was managed by the leisure provider. • how the Council dealt with the matter when the complainant contacted them. • how the Council undertook the H&S assessment. • the outcome of the H&S assessment. • Complaint on how the Council managed the situation. 	<p>CEX response to clarify points of complaint.</p> <p>CEX response to reiterate that the H&S assessment was undertaken correctly. Directed complainant to VL.</p>	<p>To direct complaints to the relevant provider in the first instance to resolve their complaint.</p>	<p>3-Nov-16 22-Nov-16</p>
14-Nov-16	<p>Complainant is unhappy with the HoS response re maladministration in the handling of a planning application.</p> <p>Complaint also alleges lack of visibility and poor record keeping of some data relevant to the application.</p>	<p>CEX reviewed the information and found no evidence of maladministration regarding this application.</p>	<p>To remind case officers to include all relevant information gathered from their assessment of the planning application in the case officer report.</p>	<p>1-Dec-16</p>

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20-Nov-16	Complaint regarding the housing allocation policy. Complainant alleges that the Council discriminates against applicants with disabilities and who are unable to work.	CEX response reiterating the HOS response and providing clarification regarding the housing allocation policy.	The importance of ensuring that the Council's policies are well explained.	7-Dec-16
23-Nov-16	Escalated complaint regarding various business properties and planning applications in Andover. Complainant alleges shortcomings in the P&B enforcement team.	CEX response supporting previous responses by HoS.	The importance of dealing with complaints as promptly as possible.	7-Dec-16
28-Nov-16 10-Jan-17	Complaint of alleged maladministration in dealing with a historic land ownership complaint.	Legal advice received for CEX to respond, confirming that the allegation is not factually or legally accurate and clarifying the matter. Second response sent to second letter, reiterating the previous letter and signposting to LGO. LGO did not investigate the complaint with the decision that it had been made too late and there were no good reasons to exercise discretion to investigate.	Reinforcing the difficulties of dealings with the Charity Commission and other parties whose actions are beyond our control.	23-Dec-16 7-Feb-17

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9-Dec-16	Complaint escalated as complainant believes a planning application and related applications have had an unacceptable impact on their house. They remain unhappy with HoS's response regarding a Flood Risk Assessment.	CEX response reiterating HoS response, and that the EA were content to accept the FRA at the time, providing a "no objection".	The need to communicate the extent of our reliance upon EA advice.	4-Jan-17
22-Dec-16	Complainant believes legislation should be implemented to stipulate that dogs remain on lead on all cycle paths.	CEX response reiterating Council's position with regards to implementing legislation but that clearer signage will be erected.	Signs to be erected asking cyclists to be aware of others and dog owners to maintain control of their dog on the path.	19-Jan-17
2-Jan-17	Complaint about two mobile homes that remain on site at a property. The complainant states both are being occupied in breach of planning control. Additional concerns that as yet, both mobile homes have been free from enforcement action and the complainant is unhappy with the P&B Service.	Email from Corporate Director clarifying situation and reasons for Council's actions.	The importance of keeping complainants up to date.	12-Jan-17
6-Jan-17	Complaint regarding a SAPC meeting.	CEX response clarifying matters discussed at SAPC and related points of concern.	Importance of paying attention to small details in Committee Reports.	13-Jan-17

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8-Jan-17	Complaint regarding a SAPC meeting.	CEX response clarifying matters discussed at SAPC and related points of concern.	Importance of paying attention to small details in Committee Reports.	13-Jan-17
9-Jan-17	Complaint regarding a SAPC meeting.	CEX response clarifying matters discussed at SAPC and related points of concern.	Importance of paying attention to small details in Committee Reports.	13-Jan-17
25-Jan-17	Environmental Health complaint referred from LGO as premature. Complainants feel that the Council has not acted regarding the nuisance they suffer from their neighbour's wood burner.	CEX explanation that a further EH investigation will be conducted as complaint refers to two wood burners. This will mean the normal timescales for response will be extended. CEX holding response to confirm investigation will close end of April should no further evidence of a nuisance be found. Complaint then closed and LGO updated with copies of correspondence. No further enquiries received from the LGO regarding this case.	A second further EH investigation was undertaken as the situation had changed (complaint referred to a second wood burner.)	27-Jan-17 6-Apr-17 12-May-17
12-Feb-17 4-Mar-17	Escalated complaint regarding the consultation process for the Andover Leisure Centre re-build as the resident is unhappy with HoS response. Complainant also approached LGO	CEX response clarifying procedure and reiterating HoS response. Signposted back to LGO as it had completed the Council's complaints procedure. LGO investigated and provided a decision in August 2017 stating there was	A "lessons learned" stage is part of the Council's Project Management methodology. Further, OSCOM has taken responsibility for	3-Mar-17 21-Mar-17

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	before CEX investigation and was referred back to Council as a premature complaint.	no fault in the way the Council reached the decision to replace Andover Leisure Centre with a new facility on the same site.	identifying whether any lessons from the Leisure Contract project and communications can be learnt for application to future projects/ contracts.	
27-Feb-17	Complainant remains unhappy with the decision of a planning application and the HoS response.	CEX response confirming HoS response and that application was dealt with correctly.	To ensure all measurements are accurately noted when undertaking a site visit.	16-Mar-17
2-Mar-17	Complainant is unhappy with HoS response to their complaint regarding the way their planning application has been handled. Request for refund of planning application fee.	CEX response reiterating apology for delays and explaining how the delays had resulted from the staffing changes and shortages in the department but clarifying external matters also played a part. Refund paid. Complainant satisfied.	Fault attributed to operation of the process, rather than the process itself.	24-Mar-17
27-Mar-17	Complainant is unhappy with HoS response regarding the acoustic fencing along the A303 at Andover Airfield.	CEX response reiterating apology and confirmation that this is being progressed. Clarification around funding provided.	Reminder to staff to keep complainants up to date with steps taken to resolve their complaints.	13-Apr-17