

THE OVERVIEW AND SCRUTINY COMMITTEE

23 MARCH 2015

COMPLAINTS RECEIVED BY THE COUNCIL 2013/14

REPORT OF HEAD OF BUSINESS MANAGEMENT

Contact Officer: Paul Wood Tel. 01962 848318 email pwood@winchester.gov.uk

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report summarises the various complaints recorded on the Council complaint system during the year to March 2014. It references complaints received by the Local Government Ombudsman, and the conclusions she reached following her investigations.

Information specific to individual authorities including numbers of complaints referred to the Ombudsman, as well as publishing Ombudsman decision and decision statements, by category or authority can be found on the LGO website www.lgo.gov.uk

From April 2013 the Localism Act created a separate Ombudsman for dealing with social housing complaints. During this period there were no complaints relating to Winchester City Council referred to the Housing Services Ombudsman.

RECOMMENDATIONS:

That the report be noted and that Members indicate whether there are any issues arising from this analysis that they wish to investigate further.

THE OVERVIEW AND SCRUTINY COMMITTEE23 MARCH 2015COMPLAINTS RECEIVED BY THE COUNCIL 2013/14REPORT OF HEAD OF BUSINESS MANAGEMENTDETAIL:1 Introduction

1.1 This report looks at complaints received against the City Council during the year ended March 2014 including a summary of complaints received by the Local Government Ombudsman (LGO) during the year.

1.2 The table below shows the number of complaints to the LGO that were settled during 2013/14. When considering these statistics, it should be noted that it reflects complaints where the Ombudsman issued a decision during that year, not simply complaints received in the year.

1.3 **LGO Local authority report – Winchester City Council
For period ending 31/03/2014**

Complaints and enquiries received

Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
0	1	1	0	1	2	1	7	13

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Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
Upheld	Not upheld					
1	2	0	6	1	6	16

1.4 The complaint which was upheld by the Ombudsman

The table shows that there was one complaint upheld following investigation by the Ombudsman, the complaint was upheld as the result of a minor administrative issue which made no difference to the outcome.

An upheld complaint is one where the Ombudsman decided that an authority has been at fault in how it acted, and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before we make a finding on fault. If we have decided there was fault and it caused an injustice to the complainant, usually the Ombudsman will have recommended the authority take some action to address it.

The full detail of the upheld complaint and the Ombudsman final decision is attached to this report as Appendix 1.

1.5 Customer Complaints recorded on the Council complaints system

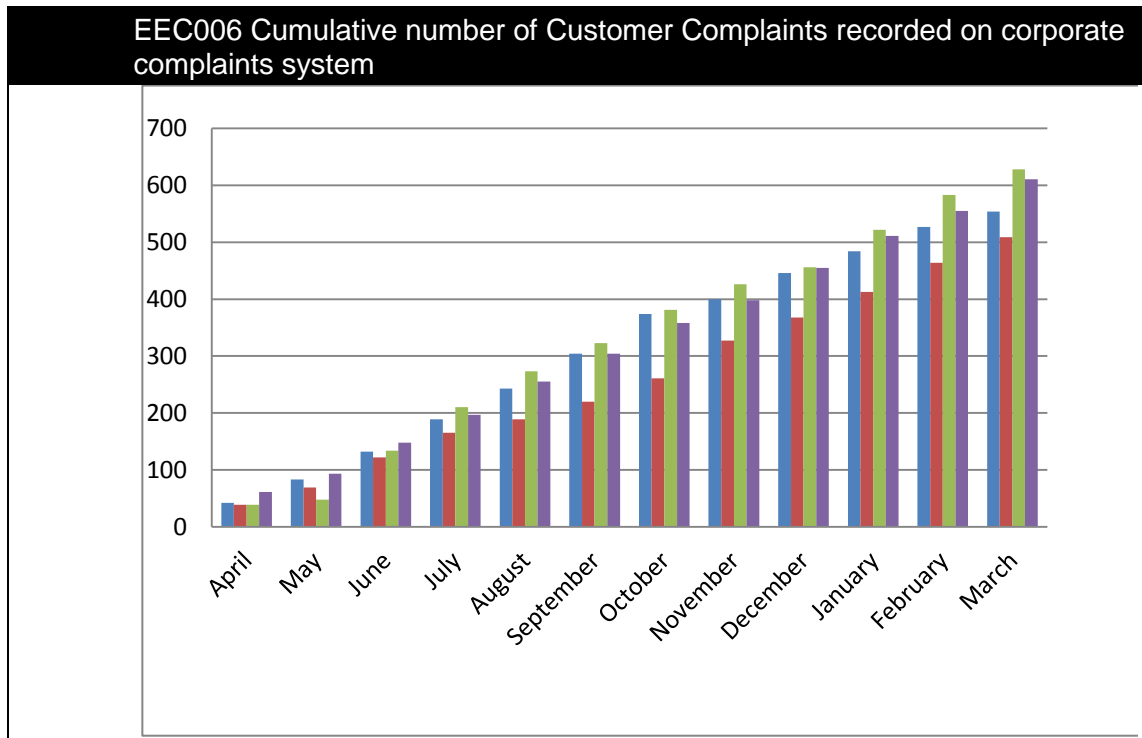
Customer Complaints 2013 /14

In the financial year 2013/14 there was a 2.8% reduction in the overall number of complaints recorded on the complaints system when compared to the same period in the previous year. 86% (528) of the complaints raised were spread across 5 main business areas which are listed in the table below. 49% of the complaints logged were registered as “not upheld” by officers following investigation.

Service Area	2013/14
Environment	30%
Housing	30%
Planning Management	12%
Revenues	8%
Traffic and transport	8%

Of the 183 complaints allocated to Environment 115, (63%) were assigned to the Joint Waste Management team and 37% to Environmental Health which comprises Environmental Protection, Health Protection, Neighbourhood services and Landscape teams which are categorised as Environment due to system reporting constraints.

The introduction of a new corporate complaints system during 2014/15 will facilitate more accurate analysis by team and complaint type for the future reports.



Complaints recorded on complaints system by month

Month	2010/11	2011/12	2012/13	2013/14
April	42	39	39	61
May	83	69	48	93
June	132	122	134	148
July	189	165	210	197
August	243	189	273	255
September	304	220	323	304
October	374	261	381	358
November	400	327	426	398
December	446	368	456	455
January	484	413	522	511
February	527	464	583	555
March	554	509	628	611

Complaints recorded on complaints system by service area

Complaints by service area Year to date	2010/11 April-March	2011/12 April - March	2012/13 April - March	2013/14 April - March
Building Control	2	0	0	7
Access & Infrastructure	46	29	67	49
Cultural Services	9	2	4	5
Customer Services	4	6	3	6
CX	43	38	21	28
Director of Operations	4	3	6	3
Environment	92	129	197	183
Estates	7	44	11	8
Financial Services	0	5	1	3
Housing Services	145	124	151	185
I M & T	0	1	3	2
Legal Services	9	5	10	6
Organisational Development	0	0	2	0
Partnerships & Communication	3	0	2	2
Performance & Scrutiny	0	0	1	0
Planning Control	134	85	88	74
Revenues	54	37	54	49
Strategic Planning	0	1	3	1
Total	554	509	628	611

OTHER CONSIDERATIONS:**2 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):**

2.1 The Council aims to be efficient and effective and to offer excellent customer services in its local communities. Better information on the cause of complaints will support these aims.

3 RESOURCE IMPLICATIONS:

3.1 There are no resource implications arising from this report.

4 RISK MANAGEMENT ISSUES

- 4.1 In reviewing the complaints received appropriate actions have been taken to amend or correct procedural or performance issues. None of these have been sufficiently significant to require review of the risk management.

5 BACKGROUND DOCUMENTS:

- 5.1 Analysis of complaints from the Local Government Ombudsman is held on file by the Business Management department. Note: Detailed papers are exempt as they contain personal information.

APPENDICES:

Appendix 1 - Upheld complaint and the Ombudsman final decision

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The Ombudsman's final decision

Summary: there was some minor administrative fault in the Council's consideration of a traffic regulation order (TRO) but this made no difference to the outcome. The TRO introduced parking restrictions near to the complainant's home.

The complaint

Mrs B complained about the introduction of traffic restrictions (double yellow lines) near to her home. She considers the effect is to force drivers to park in front of her pedestrian access gate which blocks the only level access to her property.

The Ombudsman's role and powers

The Ombudsman investigates complaints of injustice caused by fault or service failure. She provides a free service, but must use public money carefully. So she will not start or continue an investigation if she believes:

- it is unlikely she would find fault, or
- the fault has not caused injustice to the person who complained, or
- the injustice is not serious enough to justify the cost of her involvement.

(Local Government Act 1974, section 24A (6))

How the Ombudsman considered this complaint

I considered the complaint and the documents provided by Mrs B and spoke to her on the telephone. I wrote to the Council and considered the comments and documents the Council provided. I sent both the Council and Mrs B a statement with my provisional view. The Council had no comments. I considered Mrs B's response, made further enquiries of the Council and I made some amendments to my provisional statement.

Background

There has been a history of traffic management issues in the village where Mrs B lives. The main problem is from commuter parking for the railway station. The Council understands the Parish Council started consultation about traffic management proposals in Autumn 2010. The Council wrote to residents likely to be affected by the provisional traffic regulation proposal in

October 2011. This included Mrs B. The Council did not receive a reply from Mrs B.

Following representations from the residents of the property opposite to Mrs B some changes were made to the draft scheme. The scheme was formally advertised and the Council wrote to all affected residents.

Mr B wrote to the Council commenting on the scheme proposed and to the manner in which it had been drawn up and the consultation carried out. The Council did not take this as a formal objection to the scheme. The Council received only one formal objection which it did not consider gave grounds not to proceed with the order.

The Council's policy is the portfolio holder can approve a TRO if no more than 10 objections are received. As it received less than ten objections it approved the order.

Assessment of the main issues

The notification of the TRO

The proposals here could only proceed if the Council made a traffic regulation order. This is a formal process which the Council must follow giving notice of the proposals. I consider this is key to my consideration of the complaint.

Regardless of what had happened in the run up to the publication of the TRO that was the formal notice of the Council's proposals and that was the point at which objections needed to be made.

Mrs B has questioned whether the Council notified them of the TRO. The Council does not have to send letters by any means of recorded delivery. The Council's records show Mrs B's address on the database and the officer who dealt with the matter recalls producing the letter. I note Mrs B's husband wrote to the Council after it issued the notification. His letter reads as if it is in response to the proposed TRO. I therefore consider that, on balance, the Council did issue the notification of the TRO.

Objections to the TRO

Mr B's letter was not clear that he was registering a formal objection. The Council has explained the process it had in place for receipt of such objections which it has recognised was unsatisfactory and has made changes. The key point for me is whether the Council should have taken this as a letter of objection *and* if it had whether it would have made any difference to the outcome of the TRO.

I consider it would have been prudent for the Council to have considered the letter as an objection; it was clearly expressing concerns and dissatisfaction

with the proposed scheme. However I do not consider I can conclude this would have made any difference to the decision to approve the TRO. There were no compelling points in the letter on the substance of the proposals that are so persuasive that I could conclude, on the balance of probabilities, the Council would not have proceeded with the TRO.

The Council's scheme of delegation allows for officer to decide a TRO if there are not more than ten objections. Mrs B has questioned whether this is the case but the Council has provided evidence of its policy.

Consultation before the TRO

Much of Mrs B's concerns relate to the consultation and the action leading up to the published TRO scheme. I am not going to consider this further. I understand the Parish Council did much of the consultation and that is not a matter I can consider. The Council does not agree with Mrs B's allegation that it went back on an undertaking but, in any event and crucially for me, the TRO process was the way to object to the final proposed scheme.

Disabled access

Mrs B alleges the Council had a duty to consider disabled access when introducing parking restrictions. In response the Council has said there was no mention of disabled access to the property until three months after it published the TRO. There was no informal signage at the complainant's property to show that disabled access was required or that there was any special use of the pedestrian gate. It had always been possible that cars could park directly in front of the gate. The Council has offered and continues to offer to paint a white line outside the gate.

I do not consider there is any evidence of fault by the Council on this point. Mrs B did not mention that she needed disabled access and, in any event, the Council has offered to paint a white line in front of the gate.

Injustice

I have commented on why I do not consider there has been administrative fault on the points above. I have done this in an attempt to provide some answers to the points Mrs B raised. But, regardless of all this, I do not consider there is sufficient injustice to warrant me investigating the complaint further. I understand Mrs B's concerns about level access to her property but I am not persuaded this is a sufficiently serious an injustice to warrant further action by this office.

Investigator's decision on behalf of the Ombudsman**Final decision**

For the reasons I give above I do not consider there has been maladministration by the Council which has caused significant injustice to Mrs B so I am therefore completing my investigation.