

# Gloucester City Council

<b>Meeting:</b>	<b>Audit and Governance Committee</b>	<b>Date:</b>	<b>22 January 2018</b>
<b>Subject:</b>	<b>Annual Report of the Monitoring Officer – Complaints</b>		
<b>Report Of:</b>	<b>Jonathan Lund, Monitoring Officer</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Jonathan Lund, Corporate Director &amp; Monitoring Officer</b>		
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<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 This report presents details of complaints received by Gloucester City Council during 2017, including those complaints made to the Local Government Ombudsman about the authority and complaints made in respect of Parish, Town and City Councillors in respect of the Councillor Code of Conduct.
- 1.2 The report also serves as a Annual Report of the Monitoring Officer in respect of the complaints referred to above and the Council's responsibilities for ethical behaviour in general.

### 2.0 Recommendations

- 2.1 To receive and note the report

### 3.0 Background and Key Issues

#### 3.1 Complaints

- 3.1.1 The Council operates a two stage complaints procedure – a copy of the Complaints Policy is attached. At Stage 1 a complaint is considered by the relevant service manager and the complainant should receive a reasoned response within 10 working days. If the complainant remains dissatisfied the complaint is considered at Stage 2 by a senior manager or Director who will respond within 10 working days. Once stage 2 is complete a complainant has the opportunity to make a complaint to the Local Government Ombudsman. LGO complaints are dealt with by a Director, usually the Monitoring Officer.
- 3.1.2 The table below sets out the complaints received during 2017 grouped by service area and ranked in descending order of frequency. The table reflects a mixture of pre and post Together Gloucester service groups.

Rank	Service Area	Number	Percentage
1	Waste, Recycling, Streetscene and Grounds (Amey)	2160	72%
2	Neighbourhood Services	516	17%
3	Revenue and Benefit Services (Civica)	140	5%
4	Customer Services	58	2%
5	Housing and Homelessness	31	1%
6	Environmental Health	21	0.7%
7	Asset Management	13	0.4%
8	Parking	13	0.4%
	All Other Services (< 5 complaints per service)	40	1.3%

3.1.3 A total of 2998 complaints were received over the year. A sampling of the complaints shows that 97% were answered within 10 working days. The average taken to respond to a complaint was 3 days and the median figure was 1 day.

3.1.4 3% took longer than 10 working days. The longest period was 98 days and the average and median were 15 working days. The 2017 data recording system does not log if extensions to time were notified to, or agreed with the complainants.

## 3.2 Local Government Ombudsman Complaints

3.2.1 During 2017 a total of 12 complaints were submitted to the Local Government Ombudsman about Gloucester City Council. Four complaints were upheld they are shown highlighted and there is a brief, anonymised, summary of each below.

	Date Received	Response	Nature of Complaint	Decision
1	13/01/17	Within deadline	Public Protection	Closed after further enquiries – no further action
2	09/03/17	Within deadline	Street Trading Licencing	Complaint Upheld – Maladministration and Injustice
3	31/03/17	Late (4 days)	Nuisance Dog Barking	Premature – no further action
4	03/04/17	Within deadline	Council Tax – poor service	Complaint Upheld – Maladministration and Injustice
5	06/04/17	Within deadline	Planning	Premature – no further action
6	24/04/17	Within deadline	Council Tax	Complaint Upheld – Maladministration and Injustice
7	10/05/17	Within extended deadline		Complaint Upheld – Maladministration and Injustice
8	15/06/17	Within deadline	Data Protection	Not upheld – No Maladministration
9	14/07/17	Within deadline	Council Tax	Not upheld – No Maladministration
10	15/08/17	Within deadline	Council Tax	Not upheld – No Maladministration
11	30/08/18	Within deadline	Bereavement Services	Closed after further enquiries – no further action
12	04/09/17	Within deadline	Building Control	Closed after further enquiries – no further action

- 3.2.3 **Complaint 2** - The Council caused injustice to a trader applying for street trading consent on land owned by the Council. It did not deal separately with its role as landlord and licensing authority. The trader lost the opportunity to negotiate the terms with the Council as landlord. The Council put a condition it wanted from the trader as its land user in his street trading consent. It did not reply to the trader's objection to this condition. Whilst the LGO was not able to take a view on whether the Council would have agreed to remove the condition, the Council's actions caused the trader unnecessary time, trouble and distress and led him to act to his detriment. To put this right the Council complied with the LGO recommendation to apologise and pay him £350. Action has been taken to ensure appropriate division of responsibility between the Council's Landlord and Regulatory roles.
- 3.2.4 **Complaint 4** - The Council failed properly to deal with the complainant's requests for all correspondence, including council tax bills, to be sent to him by email. To put this right the Council has complied with the LGO recommendation to apologise, remove a £60 summons fee from the complainant's account, remedy the administrative failing and review its procedures for dealing with similar requests in the future.
- 3.2.5 **Complaint 6** - There was fault in the way the Council dealt with the complainant's Council Tax account once he advised that he had left the property. To put this right the Council has complied with the LGO recommendation to apologise and make a payment of £150 as suitable remedy for the injustice suffered. The Council and its contractor have reviewed procedures to ensure that notifications are dealt with more appropriately.
- 3.2.6 **Complaint 7** – This decision was received in January 2018. The Council removed the complainant's council tax discount because it could not determine eligibility based on the information provided by the complainant. The Council has now provided the complainant with the relevant tribunal appeal rights, which should be used to challenge the Council's decision. However, there was evidence of delay and poor communication in the Council's handling of the case. To put this right the Council has complied with the LGO recommendation to apologise and make a payment of £150 as suitable remedy for the injustice suffered. The Council and its contractor have reviewed procedures to ensure that both bespoke and template letters make appropriate reference to appeal rights.

### **3.3 Councillor Code of Conduct**

- 3.3.1 Two complaints have been received in relation to allegations of breach of the Councillor Code of Conduct by City Councillors.
- 3.3.2 In one case the complaint was resolved through local settlement. The City Councillor concerned apologised to the complainant for any perceived inappropriate behaviour and explained the circumstances in relation to the matter complained about. The Councillor also committed to participate in appropriate training.
- 3.3.3 In the second case the complainant was asked to provide additional information to help assess whether the complaint warranted further investigation. That further information has not been received and no further action has been taken.

### **3.4 Other Code of Conduct and ethical behaviour actions**

3.4.1 The Council's Code of Conduct for Officers has been reviewed. Advice on the proper registration of Gifts and Hospitality has been reissued and staff briefings on the revised code will be provided in the spring.

3.4.2 Training/briefing on the Councillor Code of Conduct, standards and ethical behaviour was given in May/June 2016 as part of Councillor induction. A further training session for Councillors is planned for March 2018.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

4.1 None

#### **5.0 Alternative Options Considered**

5.1 None

#### **6.0 Reasons for Recommendations**

6.1 The report provides an update as promised to, and required by, the Committee.

#### **7.0 Future Work and Conclusions**

7.1 None

#### **8.0 Financial Implications**

8.1 None

#### **9.0 Legal Implications**

9.1 None

#### **10.0 Risk & Opportunity Management Implications**

10.1 None

#### **11.0 People Impact Assessment (PIA):**

11.1 None

#### **12.0 Other Corporate Implications**

12.1 None

**Background Documents:** Complaints Database extracts