

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**APPEALS AND COMPLAINTS PANEL**  
**MONDAY 4 OCTOBER, 2010 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Davies, D. N. (Chairman)

Dixon, D.I.

Grice, Mrs. D.

Freeman, M. P.

Sutherland, M.

**1. Appointment of Chairman**

Councillor D. N. Davies was appointed Chairman for the meeting.

**2. Apologies for absence**

All Members of the Panel were in attendance.

**3. Declarations of Interests of Members in Contracts and Other Matters**

No declarations of interests were made.

**4. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 2 and 3, Part 1, Schedule 12A, Local Government Act 1972 (as amended).



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**PART 2**

**5. Complaint**

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.6 of the Official Minutes of the Council).

The Complainant attended the hearing to present her case.

The Chairman invited all those present to introduce themselves and outlined the procedure to be followed at the hearing.

The Head of Housing presented the Council's case by taking the Panel through the report.

The Complainant was then afforded the opportunity to ask questions of the Officers.

She asked the Assistant Housing Property Services Manager to confirm that she had attended the Council Offices on three occasions to complain about the rudeness of the Council workers and she had been informed by him that 'she would not win with the Council'. The Assistant Housing Property Services Manager confirmed that this was correct, she had spoken to Officers, but denied that he had said that 'she would not win with the Council'.

Members of the Panel were then afforded the opportunity to ask questions of the Officers. A Member asked the Head of Housing why the job ticket raised in June 2008 for responsive repair work to the chimney of the adjoining property had been withdrawn. It was explained that there was no record on the computer as to why it had been withdrawn by a member of the Responsive Repair Team, nor any record of any work or an inspection being carried out. It was reported that if work had been carried out, there would have been an internal recharge noted beside the computer entry and that this would have been of particular importance at that time as operatives had been on a bonus scheme.

A Member asked who was responsible for the fencing referred to in the report and was informed that it was the responsibility of the Complainant.

External envelope works had been carried out to the roof, but not the chimney of the adjoining Council property in 2004/05. Further external works had been undertaken in

2010, but these were restricted to minor door repairs.

The Head of Housing was asked when the monitoring of the noise problem had commenced and finished. He explained that the Complainant had refused to complete diary sheets in the past and as a result of this a letter had been sent to her in June, 2010 stating that the case would be closed and this was done on 18 August, 2010. The Complainant had then agreed to complete diary sheets and the case had been reopened on 31 August, 2010 following receipt of the diary entrants detailing numerous incidents of noise nuisance.

The Assistant Service Improvement Manager explained that the complaint had been investigated and, following negotiations, it had been agreed with the neighbours that the bagpipe practice would be restricted to half an hour each day at a reasonable time. The Environmental Health Section had advised that, although the noise could potentially constitute a statutory noise nuisance, it would only be so if it continued for excessive periods of time. A Street Warden and PCSOs had recently patrolled the vicinity eight times to determine if any incidents were occurring, but none had been reported to the Estate Management Officer. The case had been passed to the Environmental Health Section to ascertain if noise monitoring equipment could be installed. The matter would continue to be investigated with a view to further action being taken if required.

The Complainant was then afforded the opportunity to put her case. The Complainant advised that she was an owner occupier, whilst her neighbour was a Council tenant. She had been subjected to continuous noise and abuse problems from her neighbours. Her neighbour's son played the bagpipes and she was unable to sell the property because of this.

Photographs of damage that had allegedly been done by the Council's contractors to the garden and to the fencing were circulated at the hearing.

The Complainant alleged that a Street Warden had bullied his way into her house and told her things about her neighbours that he should not have done. She had handed the receipts for work carried out to her property to the Street Warden, but they had not been handed in. Workmen had come onto her property when repairs were being carried out to the adjoining property and placed items, including a generator, on her driveway without her permission.

She informed the Panel that the Council house tenants kept knocking on her door requesting money for carrying out jobs, but she just wanted to be left alone and had suffered ill health due to the stress.

She had complained to the Police who had suggested that she sell to a Housing Association.

Officers were then afforded the opportunity to ask questions of the Complainant, there being none Members of the Panel were given the opportunity to ask questions of the Complainant.

A Member asked when the damage to her property had been done, the Complainant

reported that she could not recall when it had been done, but it was around the time of her second visit to speak to the Assistant Housing Property Services Manager. Further photographs of her property were circulated, some showing damage to the Complainant's fencing, and to a tree in her garden. The Complainant was asked if the neighbour's son played the bagpipes in the garden and she confirmed that he did.

Finally, both parties were afforded the opportunity to sum up their respective cases.

The Panel then deliberated in private calling on only the Council's legal advisor and Senior Committee Officer for advice.

The parties were recalled to the meeting to clarify points of uncertainty on submissions already given.

Members asked if the damage had been done to front or rear fencing of the Complainant's property. Officers explained that no issues had been raised with respect to the front fencing and therefore it had not been investigated. It was reported that some repair work had been carried out to damaged fencing at the rear of the Council property by the Council Repair Team. No complaint had been received by the Council regarding rubbish being left behind when work had been carried out to the adjoining property.

The Panel again deliberated in private calling on only the Council's legal advisor and Senior Committee Officer for advice.

**RESOLVED:**

That having given careful consideration to all representations made and the evidence produced at the hearing the Panel considered that:-

- (A) Officers of the Council had acted in accordance with the correct practices and procedures in relation to the dispute with the Complainant's neighbours.
- (B) There was no evidence that the Council and/or its contractors had caused damage to the Complainant's chimney.
- (C) There was no evidence that the Council and/or its contractors had caused damage to the Complainant's fencing.
- (D) The complaint be dismissed.

### **Reasons for the Decision**

The Appeals and Complaints Panel was not satisfied that there was sufficient evidence produced which showed that any damage was caused by Council workers or its contractors. There was no independent evidence which corroborated the Complainant's allegations. There was also no evidence to show the Complainant had been treated unfairly by Council staff.

With regard to the neighbour dispute, the Appeals and Complaints Panel had noted

that the case had been reopened by the Estate Management Team of the Housing Services Department and that the situation was currently being closely monitored. Accordingly, the Panel had no doubt that if the neighbour/noise nuisance persisted, then appropriate action would be taken, subject to there being sufficient evidence available.

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CHAIRMAN

The meeting ended at 12.05 p.m.