

**REPORT TO APPEALS AND
COMPLAINTS COMMITTEE**

?????? April 2012

**REPORT OF
CARE FOR YOUR AREA SERVICE
MANAGER,
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

**MRS JANET CLANCY – COMPLAINT REGARDING BOUNDARY FENCE AT THE
REAR OF 69 NORTON AVENUE, NORTON**

SUMMARY

This report provides details of a complaint that Mrs Janet Clancy (residing at 6 Amble View Norton) has made regarding a wooden boundary fence at the rear of 69 Norton Avenue, Norton, a property once owned by Mrs Clancy but now owned by her son Mr Stephen Clancy

69 Norton Avenue backs onto Norton Recreational Ground. The original boundary fence that was erected by the Council to the back of the properties which border the recreational ground is a chain link fence.

The complainant (Mrs Clancy) is requesting information about the Councils policy on the erecting of boundary fences. She is also aggrieved that the Council removed a wooden boundary fence which she states she contributed towards financially in an agreement with the Council some years ago.

RECOMMENDATION

It is recommended that Members consider the complaint in light of the report.

DETAIL

Appendix 1 shows the most recent photographs at rear 69 Norton Avenue taken from within Norton Recreational Ground on 29 March 2012.

Appendix 2 shows Land Registry documents obtained on 20 July 2011.

HISTORY

On 13th April 2007 Mr Stephen Clancy contacted the Council to advise that the fence to the rear of his property was unstable and asked for it to be made safe. **Appendix 3** shows a photograph of the fence taken at the time. The fence was completely re-secured shortly afterwards.

On 5th November 2007 Mr Clancy reported the fence to be damaged again. **Appendix 4** shows photographs of the damaged fence following this second report.

Appendix 5 shows a letter received from Mr Clancy dated 24 January 2008 addressed to Neil Schneider, Maurice Frankland and Stockton Legal Department. Mr Clancy requires an explanation regarding the removal of fencing, information about the planting of some semi-mature whips and a report about anti social behaviour.

Appendix 6 shows the letter of response sent to Mr Clancy on 4 February 2008.

In August 2008 Mrs Clancy contacted the Council to report that the fence to the rear of her son's property had been removed. **Appendix 7** shows a photograph taken by an officer on site. Work to re-erect the fence was complete on 8 September 2008.

On 28 April 2009 in a telephone call to the Council Mrs Clancy requests a formal complaint by registered. **Appendix 8** contains details of that telephone call and the Stage 1 complaint.

Appendix 9 shows the letter of response to Mrs Clancy's complaint dated 30th April 2009.

On 20 May 2011 Mrs Clancy telephones the Council and asks for the Council to contribute towards the cost of a new boundary fence. **Appendix 10** shows the response to her enquiry and included a copy of the letter dated 30 April 2009 which fully addressed this issue.

Appendix 11 shows a further response sent to Mrs Clancy on 3 August 2011 outlining key facts and the Council's position. This letter was sent following an Elected Member enquiry in July.

On 10 August 2011 a further formal complaint was received from Mr Clancy. **Appendix 12** shows this information together with his supporting documentation.

Appendix 13 shows the letter of response sent to Mr Clancy dated 8 September 2011.

Appendix 14 shows a letter received from Mrs Clancy dated 11th October 2011 requesting that her complaint now be (part) referred to the Council's Appeals and Complaints Committee and (part) dealt with as a Freedom of Information request.

As an addition to the above we also receive communication on 24 October 2011 from The Council's Anti-Social Behaviour Manager regarding patrols, leaflet drop and CCTV monitoring. **Appendix 15** confirms this.

Appendix 16 contains photographs taken on 25 October by a Council officer showing a newly erected fence along the boundary line between rear 69 Norton Avenue and Norton Recreation Ground. Up until this point Council officers were not aware that this fence had been erected by Mr or Mrs Clancy.

Appendix 17 shows an initial letter of response sent to Mrs Clancy dated 25 October 2011 regarding her Freedom of Information Request and acknowledging her request for an appeal hearing.

Appendix 18 shows the completed Freedom of Information Request form received from Mrs Clancy on 9 November 2011. **Appendix 19** shows the letter of response sent to Mrs Clancy on 11 November 2011.

And finally **Appendix 20** shows a letter received on 10 January 2012 from Mrs Clancy detailing the key issues of her complaint and containing a Form of Authority from her son.

CONCLUSIONS

1. Officers have fully investigated the repeated requests and concerns from both Mrs and Mr Clancy.
2. Officers have dealt with these requests and concerns in a fair and reasonable manner.
3. Investigations into the complaints have been conducted impartially, with full explanations and information being provided to Mr and/or Mrs Clancy as appropriate.

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