
SUMMARY REPORT

REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member - Councillor John Williams, Leader

Responsible Director - Paul Wildsmith, Director of Corporate Services

Purpose of the Report

1. To provide Members with an update of the outcome of cases which have been considered by the Local Ombudsman and to indicate any points for particular attention and/or referral to the Standards Committee since the meeting of Cabinet on 29th April .

Summary

2. This report sets out in abbreviated form the outcome of matters which have been the subject of complaints to the Local Government Ombudsman (LGO) since the last report to Cabinet on which the LGO has come to a conclusion. The report considers whether the authority needs to take any action as a result of the findings of the LGO.

Recommendation

3. It is recommended that the contents of the report be noted.

Reasons

4. The recommendation is supported by the following reasons :-
 - (a) It is important that Members are aware of the outcome of complaints made to the Local Ombudsman in respect of the Council's activities.
 - (a) The Contents of this report do not suggest that further action is required.

**Paul Wildsmith
Director of Corporate Services**

Background Papers

Note: Correspondence with the Ombudsman is treated as confidential to preserve anonymity of complainants.

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S17 Crime and Disorder	This report is for information to members and requires no decision. It therefore there are no issues in relation to Crime and Disorder.
Health and Well Being	This report is for information to members and requires no decision. There are no issues in relation to Health and Wellbeing.
Sustainability	This report is for information to members and requires no decision. There are no issues in relation to Sustainability
Diversity	This report is for information to members and requires no decision. There are no issues in relation to Diversity.
Wards Affected	This report affects all wards equally.
Groups Affected	This report is for information to members and requires no decision. There is no impact on any particular group.
Budget and Policy Framework	This report does not recommend any change to the Budget or Policy Framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	This report contributes to our understanding of target N14, the number of people who feel they can influence decisions in their locality.

MAIN REPORT

Information and Analysis

5. Cabinet at its meeting on 14th May, 2002 considered a report on the outcome of cases referred to the Ombudsman during the Municipal Year 2001/02 and resolved that at each meeting of Cabinet a similar report should be submitted on the outcome of six cases since the previous meeting of Cabinet. Since the meeting on 29th April, 2008 six cases have been the subject of decision by the Ombudsman.
6. The outcome of six cases on which the Ombudsman reached a view in the current reporting period is as follows :-

Finding	No. of Cases
Maladministration causing injustice (MI)	
No Maladministration (NM)	
Ombudsman's Discretion (OD)	
Outside Jurisdiction (OJ)	1
Local Settlement (LS)	1
No or Insufficient Evidence of Maladministration (NIEM)	2
Premature Complaint (PC)	2

Outside Jurisdiction

7. A matter under this heading is one where the Ombudsman for one of a number of technical reasons is not empowered to take action, e.g. there is a remedy through a normal Court of Law or the matter relates to an employment issue.

Premature Complaint

8. This heading covers matters where the Local Authority has not had the opportunity to deal with a complaint through its own Internal Complaints Procedures; the Ombudsman will normally wait for that procedure to be carried out before she considers investigating the matter herself.

No or Insufficient Evidence of Maladministration

9. This heading is self-explanatory. The Ombudsman will have carried out preliminary investigations but concluded that there is no or insufficient evidence of maladministration and no further action will be taken.

Ombudsman Discretion

10. This heading covers those cases where the Ombudsman decides not to investigate the case further for any other reason and exercises her discretion to close the file.

Local Settlement

11. This heading relates to cases where the Ombudsman after investigation suggests that the complaint might be resolved locally without a formal report being made and suggests how the matter might be drawn to a conclusion.

Analysis of Findings

12. The opportunity is normally taken to analyse the areas of the Council's functions where complaints have arisen. It seems appropriate to do that in order to establish whether there is any pattern to complaints received or whether there is a particular Directorate affected or a type of complaint which is prevalent. If there were a significant number of cases in any one particular area, that might indicate a problem which the Council would seek to address.
13. There are two complaints which the Ombudsman has classed as premature. One relates to local taxation and the other relating to housing repairs.
14. There are two complaints in which the Ombudsman has found no or insufficient evidence of maladministration. The first relates to a planning matter and related to the handling of concerns about trees which overhang the complainant's garden. The Ombudsman concluded that there was no maladministration in the way that the Arborist had exercised his professional judgement, in the rejection of the first application to carry out works to the trees, or in the approval of the second application.
15. The second relates to the erection of a bus shelter and the failure to consult prior to location of the bus shelter outside the residence of the complainant. The Ombudsman concluded that there was no requirement to consult and in any event the decision to locate the bus shelter in the position was based on merit.
16. There is one case which has been classified as Ombudsman discretion although the Ombudsman has declined to investigate further until the complaint has been dealt with under stage 3 of the Council's own complaints procedure, and the complaint is therefore akin to a premature complaint.
17. Finally, one complaint has been classed as local settlement. This concerned the issuing of a parking ticket to a person who has straddled two spaces. The Council reached settlement by making a small payment equivalent to the parking fine, for failure to await the paperwork before determining the appeal.
18. There are no issues arising from these complaints, which suggest that there is a problem that the Council will need to address.

Outcome of Consultation

19. The issues contained within this report do not require formal consultation.