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**REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN**

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**Responsible Cabinet Member - Councillor John Williams, Leader**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**Purpose of 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 11th July, 2006.

**Information and Analysis**

2. 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 cases since the previous meeting of Cabinet. Since the meeting on 11th July, 2006, four cases have been the subject of decision by the Ombudsman.
3. This report sets out in abbreviated form the outcome of matters which have been the subject of complaints to the Local Ombudsman by individuals and on which the Local Ombudsman has come to a conclusion. The outcome of the four cases on which the Ombudsman reached a view in the current reporting period is as follows :-

<b>Finding</b>	<b>No. of Cases</b>
Maladministration causing injustice (MI)	
No Maladministration (NM)	
Ombudsman's Discretion (OD)	
Outside Jurisdiction (OJ)	
Local Settlement (LS)	1
No or Insufficient Evidence of Maladministration (NIEM)	
Premature Complaint (PC)	3

***Outside Jurisdiction***

4. 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***

5. 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***

6. 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***

7. 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***

8. 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**

9. 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.
10. In regard to the premature complaints, the first of these matters related to a complaint against the Housing Benefits section in regard to benefit overpayment decisions. The second of these complaints was against the Housing Division in regard to housing repairs. The third of these complaints was against the Housing Division in regard to a request for improvements to a property. These three matters will now be dealt with under the Council's own complaints procedure. They relate to different types of issues and at this stage there are no specific matters of concern.
11. In regard to the matter classified as a Local Settlement, the complaint was made by a resident who lived next to an industrial estate and alleged that the Council had failed to take appropriate enforcement action in respect of operations conducted by a business without full planning permission. The Ombudsman was critical of the Council to the extent that the Ombudsman felt that too much consideration had been given to assisting the business to relocate to more suitable premises than in regard to commencing enforcement proceedings. Because of this and having regard to the low level nuisance occasioned the Ombudsman suggest that the Council make a payment of £250 by way of local settlement. As a consequence of this matter and the issues that it raises the Director of Development and Environment has confirmed that in future cases no undue weight will be given to helping owners/operators of businesses to the disadvantage of neighbouring residents.

## **Outcome of Consultation**

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

## **Legal Implications**

13. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

14. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

15. The issues contained within this report do not represent change to Council policy or the Council's policy framework

## **Decision Deadline**

16. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

## **Recommendation**

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

## **Reasons**

18. 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.
- (b) 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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