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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 7th November, 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 7th November, 2006 three 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 three 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)	
No or Insufficient Evidence of Maladministration (NIEM)	1
Premature Complaint (PC)	2

***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. Under the heading of premature complaints, there were two complaints that the Ombudsman put into this category. The first of these relates to a planning application to which the complainant objected which the Council granted. The complainant had not made any complaint or representations to the Council, other than signing a petition, before complaining to the Ombudsman. The Ombudsman has therefore taken the view that the complaint is premature and the complainant should utilize the Council's internal complaints procedure.
11. In the second case the complainant was offered a council house but alleges that the house was withdrawn. The complainant has not made any complaint using the Council's own procedures. The Ombudsman has therefore determined this as a premature complaint and has referred the matter to the Council for investigation through our procedures.
12. The complaint classified as 'no or insufficient evidence of maladministration' related to a housing matter. The complaint was twofold, firstly that the Council had threatened to evict a tenant for non payment of water rates, and secondly that the Council had not agreed to the tenants request to remove a shower and install a bath. The Council explained that although the tenant was in receipt of housing benefit for her rent, this did not cover water rates, and this was therefore charged to the tenant. The tenant did not accept that she was obliged to pay water rates and her account therefore got into arrears and she was threatened with

eviction. On the second point there was no identified need for the removal of the shower just a preference on the part of the tenant for a bath, which the Council is not obliged to meet. The Ombudsman therefore concluded that there is insufficient indication of maladministration.

### **Outcome of Consultation**

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

### **Legal Implications**

14. 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**

15. 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**

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

### **Decision Deadline**

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

### **Recommendation**

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

## **Reasons**

19. 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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