
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member(s) - Councillor John Williams, Leader

Responsible Director(s) - Paul Wildsmith, Director of Corporate Services

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 15th March ,2005.

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. No report was submitted to the May 2005 meeting as no cases had been determined since the previous meeting, with the exception of the case referred to below under 'Maladministration causing Injustice'.
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 two cases on which the Ombudsman reached a view in the current reporting period is as follows :-

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

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. There is no such issue arising from the cases referred to in this report or cases which have arisen over the preceding months. However, it is appropriate to point out that in this reporting period the Council has received a report from the Ombudsman which found maladministration causing injustice. This report related to a complaint in respect of planning and licensing matters in relation to the new Darlington Football Club ground. The Ombudsman expects the Council to consider the report and inform her of the remedies for the injustice which she found had been caused to complainants within a period of three months from the issue of the report. It is proposed therefore to consider that report at the meeting of the Full Council in July 2005. Meanwhile, the report is publicly available and press notices have been published in accordance with statutory requirements.

Outcome of Consultation

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

Legal Implications

11. 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

12. 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

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

Decision Deadline

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

Recommendation

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

Reasons

16. 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.

Peter Kearsley : Extension 2306
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