

## **Report to Council**

**Subject:** Decision of the Local Government Ombudsman

**Date:** 16 November 2016

**Author:** Director of Organisational Development and Democratic Services

### **1. Purpose**

To notify Council of a finding of maladministration by the Local Government Ombudsman.

### **2. Background**

- 2.1 Members will recall that the Local Government Ombudsman (LGO) decided to re-categorise complaints with effect from 1 April 2014. As a result of this change in decision reasons, complaints which would previously have been categorised as “local settlement” or “investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report” will now be categorised as “maladministration”. As a result, this triggers the obligation on the Monitoring Officer to prepare a report under Section 5 of the Local Government and Housing Act 1989 (in the case of non-executive functions) or Section 5A (in the case of executive functions). The Act requires the Head of Paid Service and section 151 Officer to be consulted as far as reasonably practicable in the preparation of such a maladministration report. Both statutory officers have been duly consulted.
- 2.2 Following an investigation, the LGO has concluded that there has been fault by the Council in the way in which it delayed looking into a complaint about business use at a residential property. Also a delegated decision report did not include a detailed justification of why a proposed development was acceptable. As a result of the finding, the LGO recommended that the Council apologise to Mrs X and pay her £250 to recognise its failings. Officers have agreed to resolve the complaint as recommended and the apology has been issued and the payment has already been made. The statement of reasons summarising the complaint and setting out the LGO’s final decision appears at Appendix 1 to this report.
- 2.3 The LGO will include this complaint in the published figures for the year ending 31 March 2016. The decision will be recorded as: Planning &

Development and the decision as: Upheld: maladministration and injustice and will appear in the annual report which will be reported to Cabinet next year.

- 2.4 The LGO's decision arose as a result of a failure to deal promptly with a complaint and inadequate consideration of the representations made by an interested party. Since that time, there have been a number of changes made to the management and staffing arrangements within Development Management and also improvements to procedures to relating to Planning Case Officer reports.
- 2.5 Under sections 5 of the Act the Monitoring Officer is under a duty to prepare a report in the event of a finding of maladministration in respect of a non-executive function. That report must be sent to all Members of Council and considered at a meeting of Council within 21 days of the date the report is sent to Members.

### **3. Proposal**

- 3.1 It is proposed that Council:
  - a) Notes the Local Government Ombudsman's findings and endorses the steps already taken by Officers by way of offering a remedy; and
  - b) Agrees that no further action needs to be taken in relation to the matter set out in this report.

### **4. Financial Implications**

- 4.1 The payment of compensation will be accommodated within existing budgets.

### **5. Appendices**

- 5.1 Appendix 1 – Local Government Ombudsman statement of reasons.

### **6. Background Papers**

- 6.1 None identified.

### **7. Recommendations**

- 7.1 **THAT** Council:
  - a) Notes the Local Government Ombudsman's findings and endorses the steps already taken by Officers by way of offering a remedy; and
  - b) Agrees that no further action needs to be taken in relation to the matter set out in this report.