



East  
Northamptonshire  
Council

## Standards Board – 21 September 2011

### Local Government Ombudsman Annual Review 2010/11

#### Purpose of report

The report provides information on the complaints about East Northamptonshire Council which were dealt with by the Local Government Ombudsman (LGO) in 2010/11

#### Attachment(s)

None

#### 1.0 Introduction

- 1.1 The Local Government Ombudsman has issued his annual review report on enquiries and investigations into complaints against the Council for the previous financial year. This report advises the Board of the position and compares the position with that of the previous period. This fulfils the Board's responsibility under Article 9.04 (b) of the Council's constitution.

#### 2.0 Enquiries and Complaints Received

- 2.1 The figures from the Local Government Ombudsman indicate that a total of 9 enquiries and complaints were received. Advice was given on 3 of them and on 3 further cases, they were regarded as premature (the complaints not having progressed through all stages of the Council's own complaints procedure. Three cases were forwarded to the LGO investigative team. The details are as follows (with the previous year's cases in brackets):-

**Formal/informal premature complaints:** 3 - 2 Council Tax; 1 Other **(3)**

**Advice Given:** 3 - 1 Planning; 2 Benefits & Tax **(1)**

**Forwarded to investigative team (new)** 3 - 1 Benefits & Tax; 2 Planning **(1)**

#### 3.0 Decisions by the Investigative Team

- 3.1 There were 4 decisions taken by the LGO investigative team (compared to 3 decisions in 2009/10), with the following outcomes:-

##### **No maladministration 3**

*One case involved a complaint that the council failed to ensure that development was completed in accordance with the approved plans and that planning conditions and building regulations were complied with.*

*The complainant on the second case alleged that the council had misadvised her on the balance on her council tax bill and had not investigated the complaint properly.*

*The third case involved a complaint that the council failed to take effective action to resolve the problem of litter dumping at the rear of the complainant's property and that this had led to a fire which had destroyed sheds a fence and gate.*

On all of the above cases, the Ombudsman found that the council had no case to answer.

### **Outside jurisdiction 1**

*The complainant alleged that the council did not properly investigate complaints that a business was being run from her home, did not properly engage in negotiations with her and her solicitors before issuing an enforcement notice, and did not properly inform the complainant of the number of commercial vehicles that could be stored on her premises without planning permission being required for a change of use.*

Because an appeal against the enforcement notice had been lodged, the Ombudsman concluded that it was outside his direction but asked the council to consider what would be acceptable as a temporary arrangement while garden works were being carried out to her property.

#### **4.0 Work related to an earlier Ombudsman finding**

- 4.1 Members will recall the progress report made last year on the case involving a small housing development in Rushden, where this Council and Northamptonshire County Council (NCC) were asked to meet 50% of the costs of making up the highway to adoptable standards following a finding of maladministration.
- 4.2 Work has been carried out to comply with the requirements of Anglian Water Services (AWS) to ensure adoption of the drainage system. Before the roadworks and installation of streetlights can be actioned, the transfer of the necessary land to the council still has to be completed. There are five areas of land involved – most of the intended highway from the developers together with four other small areas which were wrongly conveyed years ago to householders. Once the transfer is completed, the householders will be informed of the timetable for the highway works. It is envisaged that the transfers will be completed by the end of July and once an agreement under the Highways Act is in place, the works will commence.
- 4.3. As reported last year, the process has taken a considerable amount of time and a report will be submitted to the Policy and Resources Committee after the work has been done, to advise on the final cost, which will be offset by some contributions retained by solicitors at the time of the sale of some of the houses

#### **5.0 Equality and Diversity Implications**

- 5.1 Apart from the item relating to progress on the making up of the road to adoptable standards at Rushden (which will make the area safer – especially for older people and those with a disability - there are no equality and diversity implications arising from the report.

#### **6.0 Risk Management**

- 6.1 There are no risks to East Northamptonshire Council arising from consideration of This report.

#### **7.0 Financial Implications**

- 7.1 There are no financial implications arising from the feedback on the Annual Review by the Ombudsman. However, the ongoing case in Rushden will have financial implications and a supplementary estimate was agreed some years ago to cover this.

#### **8.0 Corporate Outcomes**

- 8.1 Consideration of the request will help deliver the following corporate outcome:
  - Strong Community Leadership (in some cases, ward councillors have been involved in complaints)

- Safer communities (in relation to the case in Rushden).

## 9.0 Conclusion

9.1 The Ombudsman's Annual Review for 2010/11 show that the trend of few complaints to the council is continuing. Last year, there was one local settlement but the decisions made by the LGO's investigative team this year show that there has been no case to answer in any of the cases investigated.

## 6.0 Recommendation

6.1 Subject to any comments about the Council's performance, the Board is invited to receive and note the contents of the report.

<b>Legal</b>	Power:	Section 92, Local Government Act 2000			
		Section 5, Local Government and Housing Act 1989			
	Other considerations:				
<b>Background Papers:</b>		Local Government Ombudsman's Annual Review 2010/11			
<b>Person Originating Report:</b>		Keith Osborne, Democratic Services Officer (01832 742113)			
<b>Date:</b>		30 June 2011			
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)