



Standards Board - 7 July 2010

Local Government Ombudsman Annual Review 2009/10

Summary

The report provides information on the complaints about East Northamptonshire Council which were dealt with by the Local Government Ombudsman (LGO) in 2009/10

Attachment(s)

None

1.0 Introduction

- 1.1 At this time of year, it is customary for the Board to review the Local Government Ombudsman's investigations into complaints against the Council for the previous financial year, and compare 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 four complaints were forwarded to the LGO investigative team. However, there were 4 other approaches or enquiries to the LGO which did not progress further at the time. The details are as follows (with the previous year's cases in brackets):-

Formal/informal premature complaints: 3 - 2 Council Tax; 1 Other (waste) (4)

Advice Given 1 - Planning (0)

Forwarded to investigative team (resubmitted prematures) 1 - Planning (0)

Forwarded to investigative team (new) 3 - 1 Planning; 2 Other (0)

So, to summarise, there were 7 net cases in 2009/10 (as one was a resubmitted premature case), four of which were investigated and feature in the next section (Outcomes).

3.0 Complaint Outcomes

- 3.1 The LGO made decisions on three of the four complaints which were forwarded to the investigative team in 2009/10. The outcomes were as follows:-

1 – No or insufficient evidence of maladministration

This case involved a planning application, and the complainant contended that the Council failed to give adequate consideration to the effect of the proposals on her amenity and property. The Ombudsman could not find a fault in the Council's actions

2 – Outside Jurisdiction

The complainant alleged that a vehicle used by the Council's refuse contractor had broken the wing mirror of her stationary car. The Ombudsman concluded that road traffic incidents were either a matter for the police or a private law matter.

3 – Local Settlement

This case involved the submission of an application for a Certificate of Lawful Use and Existing Development relating to a residential property. The complainant alleged that he was given wrong advice which led him to submit an application and he had an expectation that this would be approved. When it was refused, he then appealed against the Council's decision.

The main issue revolved around an initial meeting held with a Council officer and the information provided by both sides. It had not been appreciated until much later that the residential use related to a static caravan. This affected the legal position.

The Ombudsman suggested that it would be appropriate to offer the complainant compensation of £750 for unnecessary frustration, inconvenience and time and trouble. The case was regarded as a Local Settlement rather than the Ombudsman finding maladministration.

4.0 Work related to an earlier Ombudsman finding

- 4.1 The report to the Board two years ago commented on the the LGO's finding of maladministration in a 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.
- 4.2 Since that report, Officers of both NCC and ENC have been working together to implement the Ombudsman's conclusion and are involving the County Council's highways contractor and Anglian Water Services (AWS). To enable the necessary land to be adopted as highway eventually, an agreement under the Highways Act will be entered into between ENC and NCC. This process will involve the land being transferred to ENC by the developer and it is encouraging that the developer has positively responded to a letter from the Council's solicitors to agree to this way forward and release retention monies which can be used to part fund the construction. There is still a great deal of work to be processed and it will take time, but the progress made so far is very satisfactory.

5.0 Conclusions

- 5.1 Apart from the Local Settlement, where there are lessons to be learnt, the trend of fewer complaints and more satisfactory outcomes is continuing. Two years ago, 12 net complaints were received and 12 decisions were made by the LGO, including two local settlements. Last year, there were 4 cases referred to the Ombudsman (compared with a net 7 cases this year). The three cases decided in 2009/10 compares with 4 in 2008/09.
- 5.2 The only area of concern relates to the issues surrounding the local settlement. The case highlighted the distinction between informal general advice given by a Planning Officer on the Duty Desk, and a formal pre-arranged meeting, where notes would always be taken.

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.

Implications:		
Corporate Outcomes or Other Policy/Priority/Strategy		
Good Quality of Life	<input type="checkbox"/>	Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/>	Strong Community Leadership <input type="checkbox"/>

Effective Management	<input type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours			<input type="checkbox"/>
Other:			<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval			<input type="checkbox"/>
Financial	There are no financial implications at this stage		<input checked="" type="checkbox"/>
	There will be financial implications – see paragraph		<input type="checkbox"/>
	There is provision within existing budget		<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date		<input type="checkbox"/>
	Decisions may have potential for income generation		<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks		<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -		<input type="checkbox"/>
Staff	There are no additional staffing implications		<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph		<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications		<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph		<input type="checkbox"/>
Legal	Power: Section 92, Local Government Act 2000		
	Section 5, Local Government and Housing Act 1989		
Other considerations:			
Background Papers: Ombudman's Annual Review 2009/10			
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Date: 29 April 2010			
CFO		MO	
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(Committee Report Normal Rev. 21)