

# **STANDARDS COMMITTEE**

## **Report on Local Government Ombudsman Complaints**

**23 September 2004**

**External Relations Manager**

**September 2004**

## Introduction

Under the Terms of Reference of the Council's Standards Committee, regular reports are required to be submitted to the Standards Committee on Local Government Ombudsman complaints and outcomes, as the Standards Committee is responsible for the monitoring of issues of probity raised in Ombudsman investigations.

This is the first of those reports, and covers the period from April 2004 to date. I would suggest that reports are submitted on a twice-yearly basis. Ideally, each would cover a six-month period (ie April to September and October to March), but this will also depend on the dates that the Standards Committees are held.

The report details only those complaints where the Ombudsman has made a ruling against the Council, either with an official report, or under the terms of 'local settlement'. The categories by which the Ombudsman can find against the Council are:

- Maladministration (with or without injustice)
- Local Settlement

The information in this report has, in line with the Local Government Ombudsman's standards, been made anonymous, so that neither complainants nor sites can be identified. This is also in line with the Council's own recommended good practice on customer care.

In addition to the complaints listed below, the Ombudsman has also received 14 other complaints, since April 2004, about Ashford Borough Council services. Of these, he has rejected six on the grounds of 'no or insufficient evidence of maladministration', and one on the grounds of 'Ombudsman's discretion'. Two were 'premature' complaints, which the Ombudsman has required to be put through the Council's own complaints procedure.

There are, however, five Ombudsman complaints outstanding for this period, which means that the Council has responded to the Ombudsman's investigations but determination by the Ombudsman is still awaited. These will be reported in the next complaints report to the Standards Committee, either in detail (if findings are made against the Council), or as simple statistics if not. Two charts are also appended for the Committee's information: *Ombudsman complaints by service* and *Outcome of Ombudsman complaints*.

No issues of probity have been raised in the Ombudsman complaints listed since April 2004 to date.

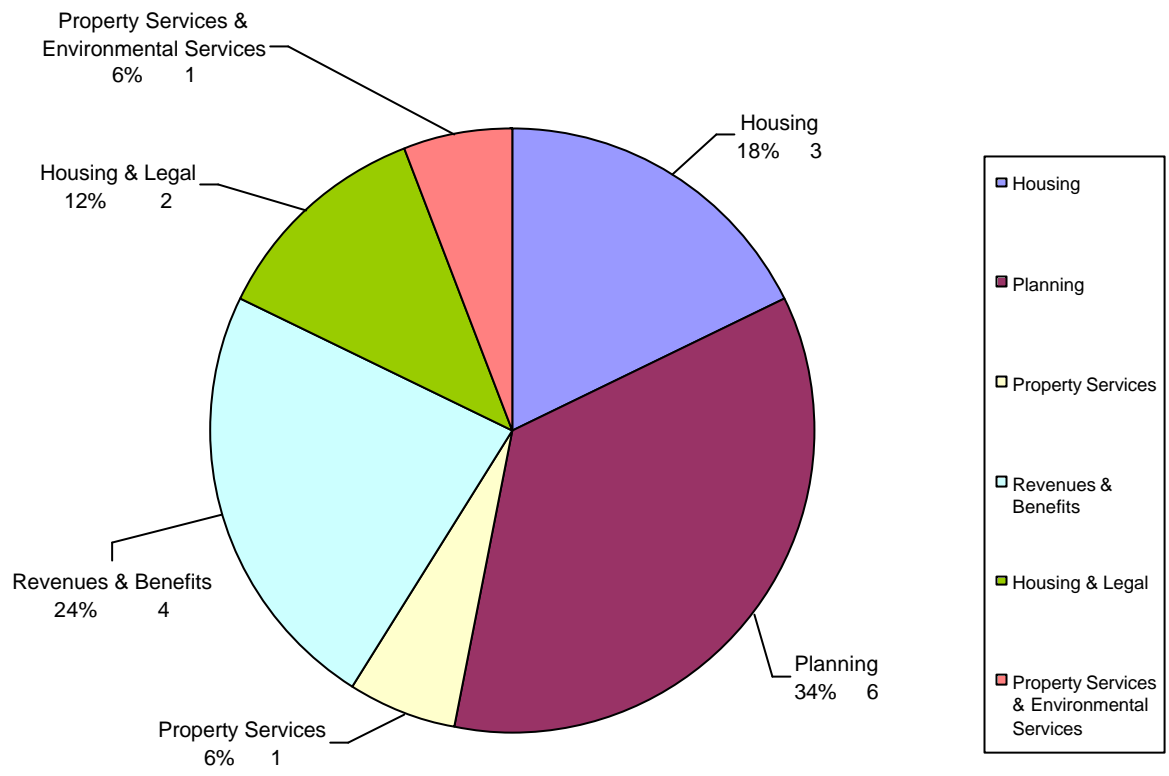
Kirsty Hogarth  
External Relations Manager  
September 2004

### Local Government Ombudsman Complaints: April 2004 to August 2004

ABC Service/ Nature of Complaint	Ombudsman's Ruling	Outcome/Comments	Probity Issues Raised
Private Sector Housing – Administration for disabled facilities grant. Complainant claimed that Council sanctioned payment of a grant for work done on property although it was aware that the work had not been done properly.	Local Settlement (No report)  April 2004	Payment of £530 made. The Council had already offered a lower local settlement figure of £200; the Ombudsman felt the higher figure rectified the injustice to the complainant. Complaint has resulted in Council looking at the procedures involved in DFGs and the relative responsibilities of 'Care & Repair' and ABC.	None
Planning: Complainant claimed that Council failed to deal properly with neighbour's application for planning permission to install electronic gates.	Local Settlement (No report)  May 2004	Council had dealt with planning application retrospectively; complainant was not happy with permission being granted and also had complaints about noise issues from the gates. Ombudsman could find no evidence of maladministration on granting of planning permission, but classified the issue as 'local settlement' as we agreed to supply diary sheets for complainant to monitor noise issues.	None
Planning: Complainants claimed failure on the Council's part to pursue enforcement action against unlawful activities on a redundant farm site.	Maladministration, with injustice (Report issued)  April 2004	Complaint dates back prior to 2000. Ombudsman issued report against ABC. Remedy was in four parts: <ol style="list-style-type: none"> <li>1. Payment of £1500 to each of four complainants for the injustice suffered</li> <li>2. Payment of a further £750 to the main complainant, as a time and trouble settlement</li> <li>3. A recommendation for the Council to review its planning enforcement resources to ensure they are fit-for-purpose</li> <li>4. A recommendation for the Council to receive regular monitoring reports on the site</li> </ol>	None



### Ombudsman Complaints by Service April 2004 - August 2004



### Outcome of Ombudsman Complaints

