

**Committee:** Audit and Standards Committee  
**Title:** Local Government Ombudsman Report 2022/23  
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**Date:**  
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## Summary

1. The annual review letter has been received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2023.
2. This report also details the complaints and compliments received by the Council in the same period.

## Recommendations

3. To note the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2023.

## Financial Implications

4. The Council was found at fault in relation to two complaints and required to apologise, make a payment totalling £650 across both complaints and carry out some follow up actions. A summary of the complaints and the Ombudsman's findings are included in paragraph 10.

## Background Papers

5. The papers referred to by the author in the preparation of this report are mentioned in the body of the report and are already published.

## Impact

- 6.

Communication/Consultation	Review reports are published on the Council's and the Ombudsman's websites
Community Safety	N/A
Equalities	N/A

Health and Safety	N/A
Human Rights/Legal Implications	Residents and users of the Council's services are able to complain to the Ombudsman about the handling of complaints where the complainant is dissatisfied with the service or response received, within time limits
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

## Situation

7. The Council's annual review letter has been received from the Local Government & Social Care Ombudsman and is attached at Appendix A. Appendix B shows the complaints decided during the year, complaints made up as follows:

Environmental Services & Public Protection & Regulation	2
Housing	1
Planning & Development	5
Total	8

8. The decisions in respect of the complaints are summarised below:

Upheld	2	Details provided in paragraph 10 of this report
Closed after initial enquiries	2	1 had appealed to the Planning Inspectorate against the Council's refusal of his planning application and is therefore out of jurisdiction of the Ombudsman  1 did not fall within the boundary of either maladministration or service failure
Referred back for local resolution	3	2 premature decision – referred to Organisation  1 premature and advice given
Advice given	1	Signposted to complaint handling
Total	8	

9. 5 of the 8 complaints detailed above had exhausted the Council's complaints procedure before referral to the Ombudsman.
10. As mentioned above, there were 2 cases where the Council was found at fault and was required to apologise and make a payment to the complainants. The full decisions are available on the Ombudsman's website although briefly summarised below:
  - a. Dr B complaint about how the Council considered works to construct two menages on a neighbour's property. The Council had decided construction of the menages did not amount to a development requiring planning permission, so did not take enforcement action. Dr B says this means the Council did not properly assess the risk of flooding from works. The second part of the complaint related to the Council requiring planning permission for floodlights around one of the menages and Dr B complains the Council delayed in deciding the application, during which time light would shine into her windows, the Council has not enforced a condition aimed at preventing that glare from the floodlights.

The Ombudsman found fault with the delay in deciding the planning application for the floodlights and the decision that the menages did not amount to development. The Ombudsman also found fault with the enforcement of conditions of the floodlights.

- b. Mrs X complained about noise from an electricity substation opposite her home. She said the Council accepts there is noise nuisance but cannot act. Mrs X complained the Council did not create a suitable planning condition to mitigate the noise, did not consult UK Power Network, and did not carry out noise assessments as part of the planning process.

The Ombudsman found the Council was at fault for failing to properly discharge the planning condition about noise mitigation.

This complaint had been the subject of a part 2 report to Council on 11 October 2022. The complaint was reported under part 2 because the Ombudsman, as is their standard practice, require that the matter is not reported publicly until they have published their findings. The report covered the full detail of the complaint, the Ombudsman's recommendations, the broader implications for neighbouring properties, as well as the learning and changes made in the service areas and the financial and legal implications.

11. In both cases letters of apology were sent from the Chief Executive and the recommended payments were completed.

12. The table below is a comparison of our performance to a group of statistical near neighbours for benchmarking purposes. Members will note that we ranked second lowest for the number of referrals to the Ombudsman.

	Total complaints received	Total complaints decided	Number upheld
South Cambridgeshire	24	25	5
Harborough DC	19	20	0
East Hampshire	15	18	1
Vale of White Horse DC	15	14	1
West Oxfordshire	12	13	1
Sevenoaks DC	11	14	1
Winchester CC	11	12	0
Horsham DC	10	10	0
South Oxfordshire	10	11	1
Test Valley BC	10	10	1
Tewkesbury BC	9	6	1
Tonbridge and Malling BC	8	8	3
Uttlesford DC	6	8	2
Hart DC	4	4	0

13. In the previous annual review letter for the period 2021/22 there were 19 complaints decided.

- a. Two of these were upheld with details reported in last year's update. The Council was found at fault in its handling of a TENS application and advice given. Additionally, there was a complaint about the handling of a planning application adjacent to the complainant's property and the failure of the council to consider the implications on his amenity and lack of re-consultation when plans changed.
- b. Two complaints were not upheld, one found no maladministration on the Council's part, and one had no worthwhile outcome to be achieved by investigating.
- c. Nine complaints were closed after initial enquiries, three of which were due to the complainant having the right to refer to other entities, in two cases they were deemed as having no worthwhile outcome achievable by investigation. A further complaint was deemed out of jurisdiction. Two were given advice as the complaints were deemed to be about third parties. The final complaint in this category was deemed to affect most of the people in the Council's area and not an individual as it raised issues about the Council's handling of its finances.
- d. Four complaints were referred back for local resolution, three of which were prematurely submitted and one complaint had previously been considered.

- e. Two cases were given advice as their complaints were deemed to be about third parties.
14. The Housing Ombudsman does not issue annual letters, having checked with the service, they report three complaints for the 2022/23 period being referred to the Housing Ombudsman for investigation. Brief details are included below:
- Boundary hedge dispute and alleged ASB from neighbour, not upheld.
  - A leak from the roof, damp and mould and rat infestation upheld and compensation payment of £750 awarded.
  - Various issues of repair/staff, overcrowding and neighbour problems, ongoing and no decision made as yet by the Housing Ombudsman.
15. Attached at Appendix B is a summary of complaints received by the Council during the 2022/23 period to enable a contrast to be drawn between the number of overall complaints referred for internal investigation and the number then referred onwards for investigation by the Ombudsman.
16. These complaints are reviewed quarterly by the Council's Corporate Management Team to share any lessons learnt. In general, these are small in number, the main reason for complaints relates to either a delayed response or a lack of communication from officers.
17. It is acknowledged that the number recorded as 'complaints' does not represent the genuine level of complaints received by the Council. Issues of dissatisfaction raised directly with services are often apologised for and resolved without being formally recorded. Therefore, it is reasonable to assume the recorded complaints reflect 'stage 2' complaints where the matter has been escalated to a senior service manager.
18. Similarly, the level of recorded compliments will be an under representation of the numerous occasions residents and customers recognise the excellent work of our staff.

## Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
1 – full investigation of complaints referred to the Ombudsman is always undertaken	2 – in cases where fault has been found it might be necessary to provide a remedy to satisfy the complainant	2 – where a change of process is required to meet a recommendation from the Ombudsman it may have some	As recommended by the Ombudsman – sometimes a review of internal practices may be required if significant failings in service provision are identified

	and in some cases changes to internal procedures followed by service areas	impact on service provision	
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project