

AGENDA
ITEM

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WEST DEVON BOROUGH COUNCIL

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NAME OF COMMITTEE	Standards Committee
DATE	12 July 2011
REPORT TITLE	Ombudsman's Annual Letter 2010-2011
REPORT OF	Deputy Monitoring Officer
WARDS AFFECTED	All

Summary of report:

To consider the Annual Letter from the Ombudsman regarding complaints received against the Council for the year 1 April 2010 to 31 March 2011.

Financial implications:

There are no financial implications to this report.

RECOMMENDATIONS:

That Members note the Ombudsman's Annual Letter for 2010 - 2011.

Officer contact:

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1. BACKGROUND

- 1.1 The Ombudsman investigates complaints made by members of the public about public authorities (excluding town or parish councils).
- 1.2 The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman will not be able to investigate all of the complaints referred to him as some will fall outside of his remit, and he can only investigate a complaint that has already been considered through the Council's own complaints procedure. The Council must have a chance to answer the complaint first.
- 1.3 A complainant cannot appeal against the Ombudsman's decision but complaints can be reviewed if new information is presented.

2. OMBUDSMAN'S ANNUAL LETTER 2010 /11

- 2.1 The aim of the Annual Letter is to provide a summary of information on complaints that the Ombudsman has received and/or determined throughout the last financial year in relation to West Devon Borough Council, and to help the Council learn from the outcomes of the complaints made.
- 2.2 The Annual Letter is published on the Ombudsman's website at www.lgo.org.uk

3. COMPLAINTS RECEIVED

- 3.1 During 2010/11 the Ombudsman received 13 complaints, compared to nine last year. Complaints received may not necessarily equate to the number of complaints actually investigated by the Ombudsman (for example a complaint may have been received in the previous financial year but investigated during 2010/11). These are set out in Table 1 of the Annual Report attached at Appendix A.
- 3.2 There were 8 complaints about planning, 3 about environmental services, 1 corporate services and 1 relating to benefits and council tax.

4. COMPLAINT OUTCOMES

- 4.1 The Ombudsman decided 8 complaints against the Council:
 - In three cases the Ombudsman found no (or insufficient evidence) of maladministration
 - Two cases were outside of the Ombudsman's jurisdiction
 - In one case the Ombudsman exercised his discretion not to investigate further
 - Two cases were settled by way of Local Settlement (where the Ombudsman considers the action taken by the Council to be a satisfactory response to the

complaint) one of which was a planning matter and one related to environmental services.

4.2 The average response time to the Ombudsman's enquiries was 19 days, less than the previous year (20.8 days) and well within the target response time of 28 days.

4.3 Appendix 2 of the Ombudsman's Letter sets out tables showing enquiries and complaints received together with outcomes and response times.

5. LEGAL IMPLICATIONS

5.1 The Local Government Ombudsman is governed by the Local Government Act 1974.

5.2 This report is necessary because the Standards Committee is responsible for an overview of complaints handling within the Council, and for an overview of Ombudsman investigations. The Ombudsman's Annual Letter is an important part of that process and needs to be brought to the Committee's attention.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications to this report.

7. RISK MANAGEMENT

7.1 The risk management implications are:

Opportunities	Benefits
For the Standards Committee to review the work carried out by the Ombudsman during the year in relation to the Council	Raised awareness of the complaints received and to learn from the outcome of any complaints made
Issues/Obstacles/Threats	Control measures/mitigation
Not being aware of the complaints being made to the Ombudsman	To ensure transparency and consistency based on experience

8. OTHER CONSIDERATIONS

Corporate priorities engaged:	Towards Excellence Customer First
Statutory powers:	The Local Government Ombudsman is governed by the Local Government Act 1974
Considerations of equality and human rights:	There are no equality or human rights considerations arising from this report
Biodiversity considerations:	N/a
Sustainability considerations:	N/a
Crime and disorder implications:	N/a
Background papers:	
Appendices attached:	Appendix A: Ombudsman Annual Letter 2010 /2011