

**LOCAL GOVERNMENT OMBUDSMAN –
LOCAL SETTLEMENT OF COMPLAINT
(Report by the Head of Legal and Democratic Services)**

1. INTRODUCTION

- 1.1 Under the Council's Scheme of Delegation, the Head of Paid Service, after consultation with the Chairman of the Corporate Governance Panel, has the authority to settle locally complaints to the Local Government Ombudsman and to offer compensation of up to a maximum of £1,000. The delegation requires the submission of a report to the next ensuing meeting of the Corporate Governance Panel advising Members of the action taken.
- 1.2 The Ombudsman has recommended the local settlement of a complaint. Details of the case are set out below for the Panel's information.

2. THE COMPLAINT

- 2.1 Two complainants contacted the Ombudsman to complain that the Council had unreasonably placed homeless applicants in chalet accommodation adjacent to their properties, in breach of planning conditions imposed on the permissions for the chalets. They also complained that the Council allowed a number of homeless families to stay in that accommodation for more than four weeks and failed to take action on noise and anti-social behaviour from residents of the chalets.
- 2.3 The Ombudsman investigated the complaint. Although the complaint was not upheld in its entirety, the Ombudsman commented that the Council delayed seeking legal advice about whether placing homeless people in the chalet accommodation was in breach of the planning conditions. This delay led to the complainant having to go to time and trouble to chase what was happening and resulted in him having to submit a complaint. The Ombudsman also commented that the Council should have identified the need to follow-up on the concerns, which had been expressed to it about antisocial behaviour from residents of the chalets. The Council has informed the Ombudsman that the information it had received was not of a type that would normally be referred to either environmental health or the Community Safety Partnership. The Ombudsman, nevertheless, remained of the opinion that the Council should have referred the complaint on. The Council has since established clear criteria for passing information of this type between departments.

3. THE SETTLEMENT

- 3.1 Taking into account the facts that antisocial behaviour problems had been reported on a fairly limited amount of occasions and that the Council was entitled to take a view in relation to the breach of

conditions, the Ombudsman has recommended that the Council pays complainant A £250 compensation, plus £100 for his time and trouble in submitting the complaints to the Council and chasing it for responses. It is also recommended that £250 compensation is paid to complainant B to reflect their distress that their concerns were not being listened to. It is further recommended that the Council provide diary sheets to the complainants so that they are able to record any future instances of antisocial behaviour and advise them whom they should contact in either environmental health or the Community Safety Partnership.

- 3.2 The Ombudsman deemed this outcome to be a reasonable settlement and one which would obviate the need for further investigation on his part. The Council has accepted this recommendation on the specified terms. This case will be included in the figures published by the Ombudsman for the year ending 31st March 2012. It will be categorised as a local settlement.
- 3.3 The Chairman of the Panel has agreed to the recommended payments and they have been made to the complainants.

4. CONCLUSION AND RECOMMENDATION

- 4.1 This case has been particularly complex involving conflicting Council responsibilities. It has been settled in accordance with the authority delegated to the Head of Paid Service, after consultation with the Chairman of the Panel. Under the circumstances, it is

RECOMMENDED

that the Panel note the action taken to settle this complaint in accordance with the Council's Scheme of Delegation.

BACKGROUND PAPERS

File POL/18 held in the office of the Head of Legal and Democratic Services.

Contact Officer: Tony Roberts
Scrutiny and Review Manager
(01480) 388015