

Performance and Audit Scrutiny Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Decision relating to complaint to Local Government Ombudsman	
Report No:	PAS/SE/15/016	
Report to and date:	Performance and Audit Scrutiny Committee	04 June 2015
Portfolio holder:	Ian Houlder Portfolio Holder for Performance and Resources Tel: 01284 810074 Email: ian.houlder@stedsbc.gov.uk	
Lead officer:	Joy Bowes Service Manager (Legal) Tel: 01284 757141 Email: joy.bowes@westsuffolk.gov.uk	
Purpose of report:	For the Committee to note the decision of the Local Government Ombudsman following determination of a complaint.	
Recommendation:	Performance and Audit Scrutiny Committee: It is <u>RECOMMENDED</u> that, the Committee <u>notes</u> the Local Government Ombudsman's decision that there was some limited fault by the Council which would be adequately remedied by a payment of £100 to the complainant.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

Consultation:		•	
Alternative option(s):		•	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • Payment of £100	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Negative image of Council. Further complaints.	Medium	Accept LGO's recommendations. Review procedures	Low
Ward(s) affected:			
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		N/A	
Documents attached:		Appendix 1 – Local Government Ombudsman Decision	

1. Key issues and reasons for recommendation

1.1 Summary of the Complaint

- 1.1.1 The complainant, Mr A, complained to the Council regarding his application to remove a restrictive covenant on his land. Mr A considered that he had been misled regarding the fees required to be paid by him to remove the restrictive covenant and that he had not been informed of the requirement to seek the variation of the restrictive covenant. The investigating officer did not uphold the complaint but accepted that a detailed explanation as to how the fees had been calculated ought to have been provided to him upon commencement of his application. The Council apologised to Mr A for any misunderstanding this caused.
- 1.1.2 Mr A was not satisfied with the outcome of his complaint and referred it to the Local Government Ombudsman. Following an investigation, the Local Government Ombudsman decided that there was some limited fault by the Council and in recognition of this proposed that the Council pay to Mr A the sum of £100 to settle the complaint. Full details of the Local Government Ombudsman's decision are appended to this report.
- 1.1.3 Following receipt of the Local Government Ombudsman's decision and proposal for settlement, the sum of £100.00 was paid to Mr A and the matter closed.