



Cabinet

16 June 2022

Report of: Leader of the Council

Biannual Ombudsman Update

Corporate Priority:	Service excellence in all we do and ensuring the right conditions to support delivery
Relevant Ward Member(s):	N/A
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No
Key Decision:	No
Subject to call-in:	No Not key decision

1 Summary

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) Ombudsman submits an annual report to the Council on all complaints they have received.
- 1.2 This report provides the Cabinet with an update on the outcomes of complaints submitted to the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) up to 31 March 2022.

2 Recommendation

That Cabinet

2.1 Note the contents of the report

3 Reason for Recommendation

- 3.1 It is a constitutional requirement for Cabinet to have strategic oversight of complaints data to support priority 1 – excellent services positively impacting on our communities and priority 5 – ensuring the right conditions to support delivery.
- 3.2 Receipt of regular complaints data also demonstrates good governance in line with the Governance Framework.

4 Background

- 4.1 The report provides the number of complaints and enquiries recorded and what decisions the Ombudsman has made since the annual report in September 2021.

5 Main Considerations

5.1 Local Government and Social Care Ombudsman (LGSCO)

- 5.1.1 Since July 2021, 5 complaints have been determined by the LGSCO in respect of Melton Borough Council.

Planning & Development	Housing	Highways and Transport
4	1	0

- 5.1.2 Out of the 5 referrals made to the LGSCO in this period, decisions were made on 5:

- i) 0 complaints were not upheld;
- ii) 2 complaint was upheld;
- iii) 3 complaint was closed after initial enquiries;
- iv) 0 where advice was given;
- v) 0 was deemed incomplete or invalid;
- vi) 0 were referred back for local resolution;

- 5.1.3 These cases have been summarised in the table below:

Reference / Category	Notification Date	Decision	Decision
Planning Ref: 19 014 915	05.02.20	30.07.21	Upheld Mrs X complains about the way the Council dealt with flooding issues and the impact of the development of sports pitches on a watercourse.

Reference / Category	Notification Date	Decision	Decision
			<p>The LGSCO found there was fault that warrants a remedy. Please see paragraph 5.3.1 below.</p> <p>Link: 19 014 915 - Local Government and Social Care Ombudsman</p>
<p>Planning</p> <p>Ref: 21 003 618</p>	28.07.21	03.08.21	<p>Closed after initial enquiries</p> <p>Mr X complains about the Council's handling of planning and enforcement matters relating to a residential development in his local area.</p> <p>The LGSCO decided not to investigate the complaint because they were unlikely to find evidence of fault by the Council or injustice caused to Mr X sufficient to warrant investigation.</p> <p>Link: 21 003 618 - Local Government and Social Care Ombudsman</p>
<p>Planning</p> <p>Ref: 21 004 376</p>		21.03.22	<p>Upheld</p> <p>1. Mr and Mrs M complained about the Council's decision to approve a planning application for a development next to their home and that it failed to take enforcement action promptly. In particular they complained the Council failed to:</p> <ul style="list-style-type: none"> • properly consider the impact of amended plans on their home. • publish a report showing how objections and consultees responses had been considered. • visit the site for three months, enabling a breach of planning control to occur. • involve the local councillor or allow the application to be considered by the planning committee. <p>2. Mr and Mrs M say as a result the Council lost control of the development, their amenity has been adversely affected, and they have suffered a great deal of stress and upset.</p> <p>The LGCSO found fault but this did not cause injustice to Mr and Mrs M. The Council has now changed the information it publishes about its</p>

Reference / Category	Notification Date	Decision	Decision
			<p>planning decisions which was welcomed by the LGCSO.</p> <p>Link: At the time of writing no link was available</p>
<p>Planning</p> <p>Ref: 21 015 479</p>	27.01.22	27.01.22	<p>Closed after initial enquiries</p> <p>Mr B, complained that the Council delayed deciding his planning application. Mr B says he has incurred costs because of the Council's delay.</p> <p>The LGSCO decided not to investigate Mr B's complaint that the Council had delayed deciding his planning application. This is because it is reasonable for Mr B to put in an appeal to the planning inspector.</p> <p>Link: 21 015 479 - Local Government and Social Care Ombudsman</p>
<p>Housing</p> <p>Ref: 21 017 604</p>	22.03.22	22.03.22	<p>Closed after initial enquiries</p> <p>Mr X said he received a letter from the Council's Chief Executive which threatened to report his behaviour to the police or the courts if he persisted complaining about or harassing Council officers. He says this caused him anxiety and distress and the Council should apologise.</p> <p>The LGSCO decided they would not investigate this complaint about the Council informing Mr X that it would take further action against him if he persists in harassing its officers because there is insufficient evidence of fault which would warrant an investigation.</p> <p>This is an important decision as the Ombudsman has supported the stance the Council took to protect its officers by engaging its persistent and vexatious customer policy.</p> <p>Link: At the time of writing no link was available</p>

5.2 **Service Improvements:**

5.2.1 Melton Borough Council agreed to make the following improvements to its services following the Ombudsman's decision to uphold one complaint:

a) **Reference: 19 014 915:**

Recommendations	Service Comments
<p>The Borough Council agreed to arrange for a re-assessment of the sports pitch drainage by an independent consultant (who has not previously worked on the site). They should examine the situation on site, determine the current discharge rate and decide whether the consultant's recommendations from August 2018 are required (or another scheme is recommended) to limit the discharge of water from the site. The Borough Council will be responsible for arranging this work, with technical assistance from the LLFA as required. The Borough Council agreed to meet 50% of the costs of the reassessment. The County Council has agreed to meet the other 50%.</p>	<p>An independent consultant, was commissioned by Melton Borough Council in 2021, and together with the technical assistance from LLFA, has produced a report, dated 10th January 2022, with recommendations on an improved design for the flooding attenuation and drainage of the sports pitches. An initial budget has been identified for the work to be undertaken by Melton Borough Council, who will be writing to the County Council for a share of the costs.</p>
<p>The Borough Council agreed to write to Mrs X within four weeks of receiving and considering the report from the independent assessors. The Council should explain what the reassessment found and confirm what (if any) action the reassessment requires. They should confirm when this will be carried out. As the landowner, the responsibility for carrying out any works recommended by the consultants, is the responsibility the Borough Council. However, it is open to the Borough Council to discuss with the County Council's estates team how it may share the cost of any necessary works between the Borough and County Councils.</p>	<p>Melton Borough Council responded to Mrs X on 25th January 2022 confirming that the report had been completed and advised that the borough council was considering the report content and the next steps, including gathering cost estimates for the remedial work, and contacting the County Council for a share of the costs.</p>
<p>The Borough Council agreed to pay Mrs X £250 to recognise the time trouble and frustration and stress caused by the failure to properly determine the discharge of conditions application and the resulting issues when dealing with Mrs X's complaints about the drainage system installed.</p>	<p>Complete.</p>

<p>The Borough Council agreed to review its policy for consultation on discharge of conditions applications involving drainage and discharge into a watercourse. It should confirm to us what specific changes of practice have occurred as a result of this complaint.</p>	<p>This is under review by the interim AD for Planning.</p>
<p>The County Council agreed to pay Mrs X £250. This is to recognise the failure to properly address her queries about Ordinary Watercourse Consent and the delay in making the situation clear and the stress and frustration that this caused. It also reflects that the part the County Council played in problems with the sports pitch works. It missed the opportunity, as the developer of the sports pitches to verify the suitability of the sports pitch work before it was carried out.</p>	<p>To be checked with LCC if this is completed.</p>
<p>The County Council's Flood Risk Management Team should provide advice and guidance to the Borough Council in achieving the re-assessment I refer to in paragraph 98 above.</p>	<p>The LLFA were consulted as part of the Hexa work and the LLFA's technical advice has been included in the recommendations provided by the Hexa report dated 10th January 2022.</p>

b) Ref: 21 004 376

Recommendations	Service Comments
<p>None</p>	<p>The Council has now changed the information it publishes about its planning decisions which was welcomed by the LGCSO who was concerned that we should be compliant with Section 7 of the Openness of Local Government Bodies Regulations 2014. As a result of this case all officer delegated reports are now being added to the planning website as a matter of course so members of the public can see how decisions reached under officer delegated authority have been made.</p>

5.3 Public Interest Reports:

5.3.1 No public interest reports have been reported against Melton Borough Council in the last 8 years.

5.3.2 Public interest reports are published where there has been significant injustice, systemic issues, major learning points and non-compliance with recommendations. Issuing public reports is one way that we help to ensure councils, and other organisations providing public services, remain accountable to people who use those services.

5.4 **Housing Ombudsman (HO)**

5.4.1 There are 3 complaints currently lodged with the HO but there are no decisions to report at this time.

6 Options Considered

6.1 There are no alternate options as it is a constitutional requirement for Cabinet to have strategic oversight of complaints data.

7 Consultation

7.1 Statutory Officers and the Senior Leadership team have been provided with the Ombudsman findings.

8 Next Steps – Implementation and Communication

8.1 To continue to ensure sufficient corporate oversight of complaints to enable service improvements to be made where appropriate.

9 Financial Implications

9.1 There are no financial implications arising from the report, however it should be noted that complaints and the associated remedies can lead to direct financial implications as a result of compensation or the cost of rectifying poor service provision.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 The Local Government Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007

Legal Implications reviewed by: **Monitoring Officer**

11 Equality and Safeguarding Implications

- 11.1 There are no direct equality and safeguarding issues arising from this report.

12 Community Safety Implications

- 12.1 There are no community safety issues arising from this report.

13 Environmental and Climate Change Implications

- 13.1 There are no environmental and climate change implications.

14 Risk & Mitigation

- 14.1 There are no risks associated with this report.

15 Background Papers

- 15.1 None

16 Appendices

- 16.1 None

Report Author:	Kieran Stockley , Assistant Director for Governance and Democracy
Report Author Contact Details:	01664 504336 / KStockley@melton.gov.uk
Chief Officer Responsible:	Kieran Stockley , Assistant Director for Governance and Democracy
Chief Officer Contact Details:	01664 504336 / KStockley@melton.gov.uk