

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

22nd September 2010

OMBUDSMAN – ANNUAL REVIEW

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|---------------------------|---------------|
| Relevant Portfolio Holder | Geoff Denaro |
| Relevant Head of Service | Claire Felton |

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to provide Members with information regarding the Local Government Ombudsman's Annual Review of Bromsgrove District Council. The Annual Review (previously called the Annual Report) sets out the statistics for complaints made against this Council during the 12 month period ending 31st March 2010.

2. RECOMMENDATIONS

- 2.1 Members are requested to receive and note the contents of the Annual Review from the Local Government Ombudsman and make any recommendations to Council as necessary.

3. BACKGROUND

- 3.1 The Annual Review from the Local Government Ombudsman is attached at Appendix A. In particular Members are referred to Section 1 which sets out the Ombudsman's summary of the complaints relating specifically to Bromsgrove. The statistics for response times and outcomes are contained in Appendix 2 of the Annual Review

4. KEY ISSUES

- 4.1 The following observations can be made based on the statistics:-
- Number of first enquiries reduced in 2009/2010 to 7, compared to 11 the previous year.
 - With regard to the outcome of decisions, there was one formal finding of maladministration which is referred to below in more detail. On 5 matters there was no maladministration. One matter was outside the Ombudsman's jurisdiction and in 8 cases the Ombudsman exercised his/her discretion not to pursue the complaint. There were 5 local settlements. A complaint is resolved by a local settlement if the ombudsman accepts that the outcome is satisfactory for the complainant. This will usually involve the payment of a small amount of compensation, and generally the reason for the settlement

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reflects that there has been maladministration by the Council or poor communication with the complainant.

- Response times – the Council's recorded response time to first enquiries has increased slightly from 24.5 days to 26 days. The target is 28 days. There is an internal performance indicator in place to monitor response times.

4.2 Members will see that the majority of local settlements in 2009/10 related to planning and enforcement matters. As referred to above there was one case in which the ombudsman issued a formal finding of maladministration. This is the most serious sanction available to the ombudsman and reflects that there were several failings which were found to amount to maladministration. The case related to a decision of the Planning Committee to grant planning permission to an affordable housing development in the Green Belt. The Members approved the scheme against officer recommendation. Whilst it is acceptable for Members to reach a different view from officers on this occasion in forming that view they took into account irrelevant factors, failed to consider office advice and advice from Natural England relating to environmental issues affecting the site, and failed to give adequate reasons for their decision. A sum of £1000 compensation was paid to the complainant. It was also necessary for the maladministration report to be formally reported to Full Council.

4.3 In terms of follow up actions, officers carried out a de-briefing session with Members of the Planning Committee to identify the learning points from this case and another ombudsman complaint which had resulted in a local settlement. Officers also arranged for the Assistant Ombudsman and one of the Senior Investigators to deliver a training session to Members which took place in January. This covered the Annual Review for 2008/2009 and some specific issues around making sound planning decision. The session went very well and there was positive feedback from the Members who attended. It is intended that a similar session will be provided as part of the 2010/11 Member Development Programme.

4.4 For comparison purposes, the 2009/2010 statistics for the 7 local authorities in Worcestershire are set out in the table at Appendix 2.

5. FINANCIAL IMPLICATIONS

5.1 None.

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6. LEGAL IMPLICATIONS

6.1 None.

7. POLICY IMPLICATIONS

7.1 None.

8. COUNCIL OBJECTIVES

8.1 The issue of competent complaint handling links to CO2 – Improvement.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risks associated with the details included in this report are those linked to poor standards of complaint handling. The effects of not handling complaints efficiently can include poor customer service, increased customer dissatisfaction, increased numbers of complaints and damage to the Council's reputation.

9.2 These risks are being managed as follows:

- Through the Council's Customer First Policy under which there is a defined procedure for responding to complaints before they reach the stage of being referred to the Ombudsman.
- Through on-going training for staff and managers in implementing good customer service and managing complaints.

10. CUSTOMER IMPLICATIONS

10.1 The statistics in the review will assist officers in the on-going monitoring of complaint handling and resolution.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

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13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 There has already been follow up action to address the learning points relating to the Maladministration Report – see para 4.3.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

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| Portfolio Holder | Yes |
| Chief Executive | No |
| Executive Director (S151 Officer) | No |
| Executive Director – Leisure, Cultural, Environmental and Community Services | No |

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| Executive Director – Planning & Regeneration, Regulatory and Housing Services | No |
| Director of Policy, Performance and Partnerships | No |
| Head of Service | Yes |
| Head of Resources | No |
| Head of Legal, Equalities & Democratic Services | Yes |
| Corporate Procurement Team | No |

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 – Ombudsman’s Annual Review for Bromsgrove District Council for the year ended 31 March 2010

Appendix 2 – Table of statistics for Ombudsman complaints for the local authorities in Worcestershire year ended 31 March 2010

23. BACKGROUND PAPERS

Report of an investigation into complaint no 07B13868 against Bromsgrove District Council

Ombudsman Report into Maladministration - Full Council 09 September 2009

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