



REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	19 AUGUST 2010
REPORT OF THE:	COUNCIL SOLICITOR ANTHONY WINSHIP
TITLE OF REPORT:	LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW 2009/2010
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report provides information about the complaints made against Ryedale District Council which were dealt with by the Local Government Ombudsman in 2009/10.
- 1.2 It will also inform Members of the reflections of the Local Government Ombudsman (“LGO”) in her Annual Review of the complaints received against Ryedale District Council and dealt with by the Ombudsman’s Office during the year 2009/10.

2.0 RECOMMENDATION

- 2.1 To accept the Local Government Ombudsman’s Annual Review 2009/10.

3.0 REASON FOR RECOMMENDATION

- 3.1 This report is evidence that the Overview and Scrutiny Committee monitors complaints about the Council made to the Local Government Ombudsman and is fulfilling the Committees terms of reference.

4.0 SIGNIFICANT RISKS

- 4.1 Details are provided at Annex A.

REPORT

5.0 BACKGROUND

- 5.1 The Local Government Act 1974 established the position of Local Government Ombudsman in England and Wales.
- 5.2 The Local Government Ombudsman is an independent official appointed by Her Majesty the Queen.

- 5.3 One of the roles of the Local Government Ombudsman is to investigate complaints about Councils from members of the public. Their aim is to get Councils to put things right if they have gone wrong and if this has affected members of the public directly.
- 5.4 The LGO Advice Team now provides comprehensive information and advice to people who telephone, write or e-mail. It enables citizens to make informed decisions about whether to put their complaint to the LGO.
- 5.5 The Local Government Ombudsman can look at complaints about most Council services. The Ombudsman can consider complaints about things that have gone wrong, in the way a service has been given or the way a decision has been made, if this has caused problems to the complainant. For example, the complaint may be about:-
- Administrative fault, such as the Council making a mistake or not following its own rules;
 - Poor service or no service;
 - Delay; or
 - Bad advice
- 5.6 To make an adverse report, the Commissioner must find not only that there has been maladministration but also that the complainant has suffered injustice in consequence thereof.
- 5.7 A Local Commissioner may not question the merits of a decision taken without maladministration, and may not investigate matters which she regards as affecting all or most of the inhabitants of the area.
- 5.8 Although a local authority is not compelled to follow the recommendations in a Local Government Ombudsman report, most do.

6.0 INTRODUCTION

- 6.1 Each year the Local Government Ombudsman publishes statistics relating to the number of complaints decided in each local authority area. These statistics are then included in the Ombudsman's Annual Review.

7.0 POLICY CONTEXT

- 7.1 The Council's priorities in the Corporate Plan includes Aim 5 to transform Ryedale District Council which includes reference to securing good corporate governance. This is reflected in having a good complaints system. It is an opportunity for the Council to show that it cares about providing a good service, and that it genuinely values feedback on whether there are any problems which need attention. It is, therefore, imperative that we get feedback, not only through our own complaints system, but also from the Ombudsman, and that this information is widely distributed to show that this Council takes complaints seriously and deals with them sympathetically.

8.0 REPORT

- 8.1 On 21 June 2010, the Council received the Annual Review for the period 2009/10 from the LGO, setting out a table of statistical data for the year ending 31 March 2010

and a note to help with the interpretation of the statistics. A copy of the Annual Review including the statistics and note are attached at Annex B.

Enquiries and Complaints received

- 8.2 The Ombudsman received a total of 6 enquiries and complaints about this Council during 2009/10. In two cases simple advice was given to the complainant. Four complaints were sent to the Ombudsman for consideration, three of which were to do with planning matters. This is a considerable drop compared to last year and the Local Government Ombudsman has reported that the Council is to be congratulated in its efforts.

Complaint Outcomes

- 8.3 Two complaints were determined during the year, a figure which differs from the number of complaints received because of work in hand at the beginning and the end of the year. This represents a further drop on last year and continues the downward trend in complaints forwarded to the Ombudsman.
- 8.4 Of those complaints determined by the Ombudsman, one was closed on the basis that it was not within the Ombudsman's jurisdiction. In the other case the Ombudsman found no evidence of maladministration by the Council sufficient to justify her continued involvement.
- 8.5 No public reports were issued against the Council during the year.

Local Settlements

- 8.6 The Ombudsman had no need to ask the Council to settle any complaints during the year.
- 8.7 The Ombudsman made no formal enquiries of the Council during the year.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
None directly arising from this report.
 - b) Legal
None directly arising from this report.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None directly arising from this report.

10.0 CONCLUSION

- 10.1 The Annual Review is a useful addition to other information held by the Council, highlighting how people experience or perceive its services. It should also be seen as an opportunity to continue to improve the services offered by the Council.
- 10.2 The Annual Review also keeps the Council informed of further developments in the LGO service.

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Background Papers:

Local Government Ombudsman – Annual Review 2009/10 dated 21 June 2010

Background Papers are available for inspection at:

Council website www.ryedale.gov.uk