

Report to	-	Audit and Standards Committee
Date	-	26 June 2017
Report of the	-	Executive Director of Resources
Subject	-	Ombudsman Complaints Monitoring

Recommendation: It be **RESOLVED:** That the report be noted.

Service Manager: Kim Hodgson

1. Details of the complaints made to the Local Government Ombudsman are reported to the Committee twice yearly (June and December). A number of cases have been determined since the Standards Committee's last meeting held in December 2016, as detailed below:

Reference	Details of the Allegation	Outcome
16 011 157	Complainant alleges the Council: i) Delayed in offering her assistance as a homeless person; ii) Placed her in unsuitable interim and/or temporary accommodation; iii) Erroneously cancelled a housing benefit claim on the basis of incorrect information.	Investigation ongoing.
16 012 354	Complainant is not happy about a parking fine the Council issued because he did not purchase a Pay and Display ticket. He appealed on the grounds that he believes there was insufficient/ poor signage. The Council's District of Rother (Off Street) Parking Places Order 1983 allows the Council to enforce parking offences. The Council explained to the complainant that there is no requirement to display parking signage only to display the order and terms within the car park. This is displayed at the entrance to the car park next to two pay and display machines. The Council also explained that even so, there are numerous other signs within the car park advising it is a pay and display car	The Ombudsman will not investigate. This is because it is unlikely they would find the Council at fault. The complainant had the right to make his case in court and it is reasonable to have expected him to do so. The Ombudsman cannot achieve the outcome that the

	<p>park. As such, the Council rejected the complainants appeal.</p> <p>The complainant is unhappy that the Council does not operate civil enforcement of parking offences which offers the chance to appeal to an independent tribunal. The complainant was not satisfied that his appeal was considered by Council staff and does not feel this was independent. The complainant wants the Council to change to civil enforcement.</p> <p>The complainant had the right to choose not to pay and to make his case in court had the Council decided to prosecute him. The complainant chose not to do this but to make an early payment which allowed him to pay a reduced amount.</p>	<p>complainant wants, which is for the Council to change the way it enforces parking offences.</p>
16 016 114	<p>Complainant says the Council did not properly consider the impact of approving her neighbours planning proposal would have on her, that the Council failed to take into account relevant policies and did not visit her property as part of the planning application process. She also believes that</p> <p>the application should have been decided by the Council's Planning Committee rather than under delegated authority.</p>	<p>The Ombudsman will not investigate.</p> <p>This is because it is unlikely they would find the Council at fault.</p> <p>There is not enough evidence that the Council is at fault to support an Ombudsman investigation.</p>
16 016 145	<p>The complainant alleges that the Council has failed to take action about his neighbour's multi fuel stove which was installed in 2008 without building control consent. He says the stove causes smoke to enter his property and he and his wife are suffering health problems due to the effects of the smoke.</p>	<p>The Ombudsman will not investigate.</p> <p>The Council confirmed that a qualified engineer installed the stove under the competent person scheme and therefore it does not need building control consent. It is</p>

		unlikely the Ombudsman can add to the Council's investigation or change the outcome.
16 016 222	Complainant says he and his wife suffer from the effects of smoke from their neighbour's multi fuel stove entering their home. He says he has been complaining to the Council about this for some years and the problem remains.	<p>The Ombudsman will not investigate.</p> <p>The Ombudsman cannot investigate this complaint as the complainant commenced court action about this matter. His complaint is therefore outside the Ombudsman's jurisdiction.</p>
16 016 793	The complainant disagrees with the Council's decision that he must repay an overpayment of £503 in Council Tax Reduction and subsequently has to pay more Council Tax each month.	<p>The Ombudsman will not investigate.</p> <p>It is reasonable to expect the complainant to appeal to the Valuation Tribunal.</p>
16 018 265	<p>Regarding a neighbouring planning application, the complainant alleges the Council:</p> <ul style="list-style-type: none"> • did not follow its own and national policy; • failed to adequately validate, evaluate or scrutinise the application; • did not properly advertise the application; • presented misleading information. <p>Also, the complainant says for the Council to consider a complaint made against it, is against the rules of natural justice.</p>	Investigation ongoing.

17 000 421	The claimant alleges that Rother District Council's Standards investigation process is flawed and questions the Council's ability to make fair non-political planning decisions.	Investigation ongoing.
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Malcolm Johnston
Executive Director of Resources

Risk Assessment Statement

There are no risks attributed to this report.