

North East Derbyshire District Council

Standards Committee

18 October 2018

<p>Local Government Ombudsman Annual Review Letter</p>

Report of the Joint Head of Partnerships & Transformation

This report is public

Purpose of the Report

- To review the annual review letter of the Local Government Ombudsman (LGO), **Appendix 1** attached to this report.

1 Report Details

- 1.1 The Council received its Annual Review letter from the Local Government Ombudsman on the 18 July 2018. It contains information on how many complaints and enquiries had been referred to the Local Government Ombudsman and how many complaints were upheld or referred back for local resolution.
- 1.2 There were 11 complaints and enquiries received in total by the Local Government Ombudsman see **Appendix 2** attached to this report.
- 1.3 There were 11 decisions made by the Local Government Ombudsman see **Appendix 3** attached.

2 Conclusions and Reasons for Recommendation

- 2.1 A review of the Joint Compliments, Comments and Complaints Policy and Procedure has taken place and a revised policy approved at 1 August 2018 Cabinet meeting. The updated Policy and supporting Procedure has been in place since September 2018 and is displayed on the Council's website.
- 2.2 Mandatory training continues to take place quarterly and is rolled out across the Strategic Alliance. This provides a consistent approach in the way that all officers across both Councils effectively deal with all Compliments, Comments and Complaints.

3 Consultation and Equality Impact

- 3.1 Not applicable for information only.

4 Alternative Options and Reasons for Rejection

4.1 Not applicable, for information only.

5 Implications

5.1 Finance and Risk Implications

5.1.1 The Council is at risk of recommendations or decisions by the Local Government Ombudsman if complaints are not handled well.

5.1.2 In cases of maladministration, financial penalties can be imposed by the Local Government Ombudsman.

5.1.3 In the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the information Commissioner's Office can issue decision notices and impose significant fines.

5.2 Legal Implications including Data Protection

5.2.1 The policy allows compliance with the Local Government Act 1974 and guidance set out by the Local Government Ombudsman. It is also in line with the requirements of the General Data Protection Regulation 2018, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

5.3 Human Resources Implications

5.3.1 Not applicable.

6 Recommendations

6.1 That Standards Committee receive the annual review letter of the Local Government Ombudsman and notes the outcomes as detailed in the report.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	Not applicable
Links to Corporate Plan priorities or Policy Framework	Transforming our Organisation – good governance

8 Document Information

Appendix No	Title
1	Letter from the Local Government Ombudsman
2	List of enquiries received by the Local Government Ombudsman
3	Decisions made by the Local Government Ombudsman
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
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APPENDIX 2

North East Derbyshire District Council

Enquiries received by the Local Government Ombudsman in period April 2017 to March 2018

Reference		Authority	Category	Received	Notes
1	17001335	N E Derbyshire District Council	Environmental Services & Public Protection & Regulation	26.04.2017	
2	17005445	N E Derbyshire District Council	Planning & Development	26.07.2017	
3	17006702	N E Derbyshire District Council	Planning & Development	25.07.2017	
4	17008054	N E Derbyshire District Council	Housing	16.08.2017	
5	17008930	N E Derbyshire District Council	Corporate & Other Services	31.08.2017	
6	17009679	N E Derbyshire District Council	Planning & Development	13.09.2017	
7	17011560	N E Derbyshire District Council	Planning & Development	16.10.2017	
8	17011857	N E Derbyshire District Council	Housing	20.10.2017	
9	17016140	N E Derbyshire District Council	Housing	15.01.2018	
10	17016606	N E Derbyshire District Council	Environmental Services & Public Protection & Regulation	23.01.2018	
11	17018720	N E Derbyshire District Council	Planning & Development	28.02.2018	

The above shows complaints received by the Local Government but not necessarily upheld. See **APPENDIX 3** for the complaint showing upheld or not upheld by the Local Government Ombudsman.

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

Decisions made in period (April 2017 – March 2018)

	Reference	Authority	Category	Decision
1	16018481	NEDDC	Environmental Services & Public Protection & Regulation	Closed after initial enquiries
2	17001335	NEDDC	Environmental Services & Public Protection & Regulation	Closed after initial enquiries
3	17016606	NEDDC	Environmental Services & Public Protection & Regulation	Closed after initial enquiries
4	17008930	NEDDC	Corporate & Other Services	Closed after initial enquiries
5	17005445	NEDDC	Planning & Development	Referred back for local resolution
6	17006702	NEDDC	Planning & Development	Referred back for local resolution
7	17008054	Rykneld Homes	Housing	Referred back for local resolution
8	17011857	Rykneld Homes	Housing	Referred back for local resolution
9	17009679	NEDDC	Planning & Development	Not Upheld
10	17011560	NEDDC	Planning & Development	Not Upheld
11	17016140	Rykneld Homes	Housing	Advice given

11 decisions were received from the Ombudsman for the period April 2017 – March 2018

Ombudsman Complaints 1-4 were closed after initial enquiries by the Ombudsman and referred back for local resolution.

Ombudsman Complaints 5-8 were referred back for local resolution as the complainant had not gone through the Council's Corporate Complaints procedure – these were not upheld by the Ombudsman.

Ombudsman Complaint 9-10 were not upheld by the Local Government Ombudsman no fault was found no injustice.

Ombudsman Complaint 11 this complaint was not received by NEDDC it was resolved by the Ombudsman.