

LOCAL GOVERNMENT OMBUDSMAN REPORT – FINDING OF MALADMINISTRATION WITH NO INJUSTICE

Responsible Officer Claire Porter

Email: claire.porter@shropshire.gov.uk

Tel: 01743 252763

Fax: 01743 252795

1. Summary

This report is presented to Members for information following an investigation into a complaint to the Local Government Ombudsman which related to a particular planning matter.

2. Recommendations

That Members note the content of the Local Government Ombudsman's report attached at Appendix 1.

REPORT

3. Risk Assessment and Opportunities Appraisal

3.1 The Local Government Act 1974 requires the Council on a finding of maladministration to consider the Local Government Ombudsman's report within three months of the date of receipt of the report (or such other period as agreed with the Local Government Ombudsman) and to notify the Local Government Ombudsman of the action which the Council propose to take or that which they have taken. Failure to do this will result in a further report from the Local Government Ombudsman.

4. Financial Implications

4.1 There are no particular financial implications linked to this report and its recommendation.

5. Background

5.1 The Local Government Ombudsman has investigated a complaint made against the Council and as a result has issued a report which Members will find attached at Appendix 1. Members will note that the report has been anonymised to protect the identity of the complainant.

5.2 Members will note from the Report Summary at page 1 of the report that the complaint related to a planning matter and in particular “When considering an application for development of an agricultural business, the Council did not clearly specify or define what it meant by a vehicle movement. It imposed a condition restricting the site to only four movements between the hours of 2.00 a.m. and 6.00 a.m. using the environmental health definition; this led some councillors and the public to be confused but did not affect the decision to grant planning permission.”

5.3 The finding of the Local Government Ombudsman as set out at page 9 of the report is:

“...I find there was maladministration by the Council. I welcome the Council’s apology for any confusion and its commitment to greater clarity when reporting to committee. But, for the reasons given, I do not find that the maladministration I have found affected the decision to grant planning permission and the injustice claimed.”

5.4 The Local Government Act 1974 requires the Council, where there has been a Local Government Ombudsman report and a finding of maladministration, to publicise the finding in the local press and make copies of the report available to the public. These requirements have been complied with. In addition the legislation states that the report “...shall be laid before the authority concerned and it shall be the duty of that authority to consider the report and... to notify the Local Commissioner of the action which the authority have taken or propose to take.”

5.5 In this instance, and as mentioned in the findings of the Local Government Ombudsman’s report, there is no further action to be taken and the report is presented to Members’ for information.

6. Conclusions

6.1 In light of the statutory requirement to present the Local Government Ombudsman’s report to Members, Members are asked to note the actions taken as a result of the complaint and to note the Local Government Ombudsman’s report.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) Councillor Keith Barrow
--

Local Member All

Appendices Appendix 1 – Anonymised report of the Local Government Ombudsman dated 17 October 2012
--