

**HIGH PEAK BOROUGH COUNCIL**

**Standards Committee**

**13 November 2024**

<b>TITLE:</b>	<b>Local Government Ombudsman Annual Letter</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Anthony McKeown - Leader</b>
<b>CONTACT OFFICER:</b>	<b>Karen Lomas - Head of Customer Services</b>
<b>WARDS INVOLVED:</b>	<b>All Wards</b>

**Appendices Attached:**

**Appendix A – Local Government Ombudsman Annual Review Letter**

**1. Reason for the Report**

To advise the Committee of the content of the Ombudsman's Annual Letter for the period April 2023–March 2024.

**2. Recommendation**

2.1 That the Committee notes the content of the Ombudsman's Annual Letter at Appendix A.

**3. Executive Summary**

3.1 The Local Government Ombudsman's Annual Letter summarises complaints and enquiries received by it in relation to the Council. The Ombudsman's letters are published on the Ombudsman's website, together with specimen data used to inform the Ombudsman's Annual Report.

3.2 In the past year the Ombudsman received 7 enquiries or complaints relating to the Council, of which 3 did not meet the LGO criteria for consideration. The Ombudsman made 4 decisions within this period. Details of the decisions made are listed within the report.

3.3 A copy of the Ombudsman's letter is attached as an appendix to this report.

**4. How this report links to Corporate Priorities**

4.1 Complaints are important in assisting the Council to understand how well it performs in its ambition to be a customer first organisation.

## 5. Alternative Options

5.1 There are no options to consider.

**Mark Trillo**  
**Executive Director (Governance & Regulatory)**

Web Links and Background Papers	Contact details
Details of complaints	Karen Lomas Head of Customer Services
	<a href="mailto:Karen.lomas@highpeak.gov.uk">Karen.lomas@highpeak.gov.uk</a>

## 6. Detail

6.1 Details of the decisions made by the Ombudsman are listed within the below table:

Service Area	Complaint	Finding
<b>Upheld (1)</b>		
<b>Not upheld (2)</b>		
<b>Closed after initial enquiries (1)</b>		
<b>23006019</b> <b><u>Upheld</u></b> Environmental Health	Mr F complains about the Council giving incorrect and misleading advice about a neighbour's responsibility for a blocked culvert/drain on his drive: as a result, this caused him unnecessary stress, frustration, wasted his time chasing the wrong neighbour to do necessary works, as well as putting him to a great deal of time and expense creating his own flood defence.	We found fault on Mr F's complaint about the Council giving incorrect and misleading advice about his neighbour's responsibility for flooding. The Council failed to confirm the outcome of the initial visit, explain its role, confirm what it was going to do and why, correct a claim he made following it, confirm it had done other visits, and failed to tell him it was closing the case and why. The agreed action remedies the injustice caused.
<b>22016651</b> <b><u>Not Upheld</u></b> Planning	Mr X complained the Council failed to take enforcement action against a developer, who began constructing one phase of the development before complying with planning obligations that should have been completed on another phase. Mr X said that parking spaces that should have been provided are not available. Mr X wants the Council to review its	Mr X complained the Council failed to take planning enforcement action against a developer who was in breach of planning conditions. The planning decision making process to consider a variation of a planning condition is ongoing. We did not investigate further because we were unlikely to find fault, recommend a remedy or any other meaningful outcome.

	approach to planning enforcement, and not rely on allegations from residents to begin investigations. The Council should explain why a new application from the developer has been repeatedly delayed.	
<b>21012150</b> <b><u>Not upheld</u></b> Planning	Mrs X said, in granting planning permission, the Council failed to properly consider and address the impact of development on her home. Mrs X said the development unacceptably overshadowed and blocked light to her home and garden. Mrs X wanted the Council to negotiate changes to reduce the impact of the development on her home.	Mrs X said the Council failed to properly consider the impact of development that unacceptably overshadowed and blocked light to her home. We found no fault in how the Council reached its planning decision approving the development.
<b>23013741</b> <b><u>Closed after Initial enquiry</u></b> Planning	Ms X complains the Council has failed to enforce a planning condition attached to a neighbour's planning permission with the result that she and her family are unable to park easily on their own land.	We will not investigate this complaint about the Council's decision not to take enforcement action in relation to a planning breach. This is because we are unlikely to find evidence of fault by the Council sufficient to warrant an investigation.
<b>Advice Given 3</b>		
<b>Referred back for local resolution 0</b>		

6.2 The Council received 5 decisions from the Housing Ombudsman in this period below:

- 4 No maladministration
- 1 Maladministration

6.3 Members may also wish to note that the small number of complaints reaching the Ombudsman is set against a background of **118** complaints received by the Council in the period in question, which helps to illustrate the strength of the Council in ensuring complaints are dealt with promptly and appropriately.

6.4 Below is a table showing Local Government Ombudsman figures for near neighbour 13 Local Authorities.

Complaints	Decisions	Figures for Upheld / Not upheld
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	and enquiries received 2023/24	made 2023/24	(detailed investigations carried out)			
			Upheld	Not upheld	Total	% Upheld
Cannock Chase	2	1	1	0	1	100%
Castle Point	3	0	0	0	0	0%
Chorley	4	0	0	0	0	0%
Fenland	3	1	0	1	0	0%
Forest of Dean	11	1	1	0	1	100%
<b>High Peak Borough Council</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>33%</b>
Hinckley & Bosworth	4	2	1	1	2	50%
Kettering	2	0	0	0	0	0%
Rugby	4	0	0	0	0	0%
Selby	0	0	0	0	0	0%
South Derbyshire	15	0	0	0	0	0%
Staffordshire Moorlands	4	1	0	1	0	0%
Wyre Forest	3	0	0	0	0	0%

6.5 All complaints submitted to the Ombudsman have been reviewed through the internal process to ensure any lessons from the complaints to prevent a recurrence have been learned and embedded within the relevant service.