

Part A

**Report to:** Cabinet

**Date of meeting:** Monday, 2 March 2020

**Report author:** Group Head of Democracy and Governance

**Title:** Ombudsman Complaint

## 1.0 Summary

1.1 Under the Local Government and Housing Act 1989 the Monitoring Officer is legally obliged to report all findings of maladministration (now referred to as fault) by the Ombudsman

1.2 On 13 January 2020 the council received the final report of the Ombudsman in relation to a complaint about the Building Control Service. The Ombudsman's decision is attached as Appendix 1.

## 2.0 Risks

### 2.1

| <b>Nature of risk</b>                                      | <b>Consequence</b>                                   | <b>Suggested Control Measures</b>   | <b>Response</b><br>(treat, tolerate, terminate or transfer) | <b>Risk Rating</b><br>(combination of severity and likelihood) |
|--|--|---|---|--|
| The council does not comply with the Ombudsman's decision  | The council gets a bad reputation with the Ombudsman | The council complies with the recommendation  | treat   | 1  |
| The council does not learn the lessons from this complaint | Further findings of fault by the Ombudsman           | Building Control replies to complaints more promptly and shares this decision within the team | treat   | 1  |

## 3.0 Recommendations

3.1 That the decision be noted.

**Further information:**

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**4.0 Detailed proposal**

- 4.1 Under section 5A of the Local Government and Housing Act 1989 the Monitoring Officer is legally obliged to report any findings of maladministration (now referred to as fault) by the Ombudsman.
- 4.2 On 13 January 2020 the council received a final report from the Ombudsman relating to a complaint regarding the Building Control Service. The decision can be found at Appendix 1.
- 4.3 Whilst the complainant made a number of complaints the Ombudsman only upheld two. The first related to an offer to refund the Building Control fee where the officer had no authority to make such an offer. The second related to the time taken to reply to the stage 2 complaint. The Ombudsman was satisfied with the council's replies to how it had dealt with those two issues.
- 4.4 The Head of Development Management comments in relation to lessons learned from the complaint that Building Control Surveyors and Technical Support staff have been briefed as to the correct process and response to complaints and the procedures and authorisation process for refunds and claims against the Council. Processes have been reviewed to ensure complaints are dealt with within the times set out in the council's complaints policy.
- 4.5 The Ombudsman's office now publishes all decisions on its website.

**5.0 Implications****5.1 Financial**

- 5.1.1 The Shared Director of Finance comments that there are no financial implications in this report

**5.2 Legal Issues (Monitoring Officer)**

- 5.2.1 The Group Head of Democracy and Governance comments that all finding of maladministration must be reported to cabinet or the relevant committee.

### 5.3 **Equalities, Human Rights and Data Protection**

5.3.1 There are no equalities, human rights or data protection implications in this report.

#### **Appendices**

- Ombudsman's decision

#### **Background papers**

No papers were used in the preparation of this report.