

Part A

Report to: Cabinet

Date of meeting: Monday, 5 October 2020

Report author: Group Head of Democracy and Governance

Title: Ombudsman's Decision

1.0 Summary

1.1 Under the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to make a report to cabinet of any finding by the Local Government and Social Care Ombudsman of fault.

1.2 On 26 August 2020 the council received the Ombudsman's final decision in a matter relating to Development Management. The decision is attached as Appendix 1

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
That the lessons learned are not followed	Similar findings of fault in the future leading to a loss of reputation	That the Ombudsman's findings be taken on board in relation to future reports	treat	2

3.0 Recommendations

3.1 That the Ombudsman's decision be noted.

Further information:

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4.0 **Detailed proposal**

- 4.1 Under s5A of the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to report to Cabinet any findings of fault by the Local Government and Social Care Ombudsman.
- 4.2 On 26 August 2020 the council received the Ombudsman's final decision in relation to a complaint about Development Management. The complainant complained that the council had failed to inform him about works taking place in a neighbouring planning application notification and that further it did not properly consider the impact on his amenity of the decision to grant planning permission.
- 4.3 The Ombudsman found no fault in the notification process, nor can he interfere with the decision made. However fault was found in the lack of reference to the impact of amenity in the officer's report.
- 4.4 The decision letter, appended, sets out the history and reasoning for the decision in full. As a result of the findings the following steps have been taken by the Head of Planning.
- When allocating applications senior officers must confirm the applicant's description of development is accurate and make amendments where required.
 - Further training will be provided to delegated officers and development management case officers to ensure that all material considerations are taken into account within delegated reports.
- 4.5 In addition the council is also reviewing its complaints handling processes as part of its drive for continuous improvement.
- 4.6 All Ombudsman's decisions are now published on their website in anonymised form

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 findings of fault are required to be reported to Cabinet.

5.3 Equalities, Human Rights and Data Protection

5.3.1 Having had regard to the council's obligations under s149 Equality Act 2010, it is considered that there are no direct equalities impacts arising from this report.

5.4 Staffing

5.4.1 No implications

5.5 Accommodation

5.5.1 No implications.

5.6 Community Safety/Crime and Disorder

5.6.1 No implications.

5.7 Sustainability

5.7.1 No implications.

Appendices

- Ombudsman's final decision.

Background papers

No papers were used in the preparation of this report.