

**Part A**

**Report to: Cabinet**

**Date of meeting: Monday, 11 July 2022**

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

**Title: Ombudsman 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 of fault by the Local Government and Social Care Ombudsman.

1.2 On 8 June 2022 the council received a final decision from the Ombudsman in relation to a complaint regarding Community Protection. The anonymised 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> (treat, tolerate, terminate or transfer)	<b>Risk Rating</b> (combination of severity and likelihood)
That the lessons learned are not followed	Similar findings of fault leading to a loss of reputation	That the recommendations be followed	treat	2

**3.0 Recommendations**

3.1 That the 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 8 June 2022 the council received the final decision on a complaint made to the Ombudsman regarding how Community Protection dealt with a complaint about noise nuisance and anti-social behaviour arising from a nearby business to the complainant's residence.
- 4.3 Whilst the Ombudsman acknowledged that it was for the council to determine whether or not a statutory nuisance existed, and found that the council had done so appropriately, the Ombudsman found fault with failures by the council in communicating with the complainant. The council has accepted the Ombudsman's findings and has apologised to the complainant and is in the process of arranging payment of the £150 to the complainant for his time and trouble in having to pursue his complaint. A copy of the anonymised decision is at appendix 1.
- 4.4 The Head of Community Protection comments that, as outlined in the Ombudsman's decision, an internal review has taken place and actions requested by the Ombudsman to progress the case are all in hand. Learning has been embedded in the procedures and management processes to prevent a recurrence. These include clearly communicated expectations and processes to monitor case work, escalate issues and support team members to ensure case work is reallocated if necessary. Thus unacceptable service levels for customers whilst supporting officers delivering the service.
- 4.5 All decisions by the Ombudsman are published on their website in anonymised form.

#### **5.0 Implications**

##### **5.1 Financial**

- 5.1.1 The Shared Director of Finance comments that the compensation will be met from the service's existing budgets and there are no broader financial implications arising from this report or the Ombudsman's findings.

##### **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, it is considered that there are no direct equalities implications in 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 The Ombudsman has recommended that the council consider whether it can exercise any of its Anti-social behaviour powers in this case. This is being considered by officers.

### **5.7 Sustainability**

5.7.1 No implications

## **Appendices**

Appendix 1 Ombudsman's final decision.

## **Background papers**

No papers were used in the preparation of this report.