

## ANGUS COUNCIL

### POLICY AND RESOURCES COMMITTEE - 12 MAY 1998

#### REPORT BY THE CHIEF EXECUTIVE

#### COMPLAINTS TO THE OMBUDSMAN

##### ABSTRACT

This Report details complaints which have been made to the Ombudsman during the year 1997/98 (or made previously but only resolved during 1997/98) where the complaint has arisen over matters which are the responsibility of Angus Council.

#### 1. RECOMMENDATION

The Council should note the terms of the Report and the continuing relatively low number of complaints which have been made in respect of services provided by Angus Council.

#### 2. BACKGROUND

Members will be aware that the Commissioner for Local Administration in Scotland (the Ombudsman) deals with complaints of maladministration against local authorities. Maladministration is not strictly defined, but can cover a variety of misdemeanours, including unreasonably delay, incompetence, or failure to follow proper procedures.

However, the Ombudsman does not become involved in matters of the Council's policies, so long as there is no administrative failure in the application of these policies.

In recent years the number of complaints in Scotland has arisen to about 1,000 per year, although there were relatively few in historic terms in Angus District or Tayside. Latterly in Angus District, the number of complaints reached about 7-8 per year.

Last year (1997/98) in Angus Council there were some eight complaints, compared with 11 plus three "inherited" complaints from former authorities in the 1996/97 year.

#### 3. COMPLAINTS OVER THE PERIOD 1 APRIL 1997 - 31 MARCH 1998

The eight complaints include two carried forward from the previous year. As it is generally not permissible to reveal the names of the persons complaining or of staff involved, the references in this Report are simply to the town/area where the complainers live, and to the general nature of the complaint.

Of the complaints made, two were in respect of planning issues, one regarding Council house sales, one regarding loss of trade during roadworks, one regarding crop damage by rabbits, another regarding environmental issues (dog fouling and dealing with E-coli), another with the upgrading of the A92 and PFI proposals and one on the allocation of golf season tickets and financial issues arising from development at Carnoustie.

This compares with 11 complaints made in 1996/97 where there were six in respect of planning issues, one in respect of Housing, two in respect of Social Work, one in respect of land acquisition and one in respect of traffic matters.

Of the complaints made, all have been resolved during the course of the year, although in the case of a Council house sale in Forfar an apology was made in respect of a mistake in the drawing up of a boundary and £400 was paid as an ex gratia payment. In another case concerning planning matters an apology in respect of failure to keep one of the parties informed was made in respect of a complaint regarding a development near Forfar.

In a number of the cases the complaints have required a considerable amount of additional investigation and the forwarding of detailed responses to the Ombudsman's Office. In a number of the cases, however, the Ombudsman's Office was able to resolve the matters at the preliminary investigation stage. Cases were not pursued because either the Ombudsman considered the cases were outside his remit or in one case because the Ombudsman considered that the Council's activity was a matter which affected all or most of the inhabitants of the area and he was therefore not permitted to investigate.

Local members are kept informed of cases as decisions are made by the Ombudsman but full details of any of complaints are available from the Chief Executive's Office on request.

#### **4. CONCLUSION**

The low level of complaints and the fact that none has resulted in a formal investigation suggests a generally satisfactory level of administrative procedure in the authority.

#### **5. CONSULTATION**

All Departments involved in any of the Ombudsman Reports have been consulted in the preparation of this Report.

**Note:** No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 other than any containing confidential or exempt information were replied upon to any material extent in preparing this report.

A B Watson  
Chief Executive

17 April 1998

IR/BAK

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