

**REPORT FOR DECISION**

Agenda Item	
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**MEETING:** STANDARDS COMMITTEE  
**DATE:** WEDNESDAY 28 APRIL 2004  
**SUBJECT:** OMBUDSMAN REPORT – COMPLAINT 02/C/04996  
**REPORT FROM:** MONITORING OFFICER  
**CONTACT OFFICER:** DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

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**TYPE OF DECISION:** COMMITTEE

**REPORT STATUS:** OPEN

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**PURPOSE/SUMMARY:** To present to Members a report of the Ombudsman in respect of a complaint against the Council.

**OPTIONS AND RECOMMENDED OPTION (with reasons):** The Committee is asked to note the report and the action taken by the Council in response to it.

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**IMPLICATIONS -**

**Financial Implications and Risk Considerations**

There are no such implications arising from this report

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes  ✓ No

Are there any legal implications? Yes  No  ✓

**Considered by Monitoring Officer:** Yes  ✓ When the Council receives a report from the Ombudsman which finds injustice as a result of maladministration, there is a requirement to make a press announcement and ensure that the report is available for public inspection.

**Statement by Director of Finance and E-Government:**

A payment of £400 has been made to the complainants in this case.

**Staffing/ICT/Property:**

N/A

**Wards Affected:** N/A

**Scrutiny Interest:** N/A

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**TRACKING/PROCESS SERVICES**

**DIRECTOR: LEGAL AND DEMOCRATIC**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Scrutiny Panel	Executive	Committee	Council
<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>

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**1.0 BACKGROUND**

- 1.1 The Ombudsman recently issued a report which found that the complainant had suffered maladministration causing injustice. The complaint was in respect of a planning and drainage issue and a copy of the Ombudsman's report is attached (Appendix 1).
- 1.2 The Ombudsman has defined Maladministration against fourteen categories which include delay, failure to take correct or appropriate action, failure to consult and failure to have regard to policies, procedures or legal requirements. Examples of injustice are:-
- Denial of benefit or service
  - Direct financial loss
  - Distress
  - Being put to avoidable time and trouble
- 1.3 In accordance with requirements set out under Section 30 of the Local Government Act 1974, a press announcement concerning the Report, and arrangements through which it could be inspected and copied, appeared in the Bury Times and the Prestwich and Whitefield Guide during the week beginning 1 March 2004. The Report was also on deposit at Bury Town Hall and Prestwich Library for a period of 3 weeks.

**2.0 ISSUES**

- 2.1 The Council receives a draft report for comment before it is made available to the public. The Council's Officers considered that a local solution to this case was possible but was concerned to ensure that the developer involved should be pursued and requested to undertake the drainage works required, including tree replacements. A proposed solution has been agreed with the Complainant and affected neighbours but a positive response from the developer is still awaited.

2.2 The Council's Officers agreed to a payment of £400 to the Complainant solely on the basis of time and trouble in pursuing the complaint and on an entirely without prejudice basis. The Council sought to protect its position as the Regulatory body within the planning process whereby the responsibility for meeting the cost of any works to provide a solution to the complaint rested with the Developer.

### 3.0 CONCLUSION

3.1 The Committee is asked to note the report and the action taken in response to it.

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**List of Background Papers: Nil**

**Contact Details:** - Chris Shillitto, Democratic Services.  
Telephone 0161 253 5041  
Email – c.shillitto@bury.gov.uk'

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