

REPORT FOR DECISION

Agenda Item

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					
TYPE OF DECISION:	COMMITTEE					
REPORT STATUS:	OPEN					
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.						
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 $\Box \checkmark$ No \Box						
Are there any legal implications? Yes \square No \square \checkmark						
Considered by Monitoring Officer: Yes $\square \checkmark$ 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 and E-Government:	Finance	A payment of £ complainants in		made to the		
Staffing/ICT/Property:		N/A				

Wards Affected:	N/A
Scrutiny Interest:	N/A

TRACKING/PROCESS SERVICES

DIRECTOR: LEGAL AND DEMOCRATIC

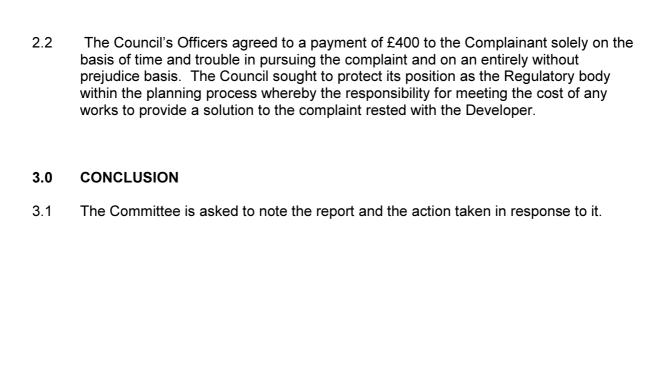
Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
YES	NO	NO	NO
Scrutiny Panel	Executive	Committee	Council
NO	NO	YES	NO

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.



List of Background Papers: Nil

Contact Details: - Chris Shillitto, Democratic Services.

Telephone 0161 253 5041 Email – c.shillitto@bury.gov.uk'