



Full Council	Tuesday, 02 October 2018	Matter for Information
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Report Title: **Finding of Maladministration by the Local Government and Social Care Ombudsman**

Report Author(s): **David Gill (Head of Law & Governance / Monitoring Officer)**

Purpose of Report:	To report to Council a finding of maladministration by the Local Government and Social Care Ombudsman (LGSCO).
Report Summary:	The Local Government and Social Care Ombudsman has decided that the Council failed to deal with a noise complaint by a resident appropriately and required the Council to undertake further noise monitoring and pay compensation in the sum of £200.00.
Recommendation(s):	That the content of the report and appendix be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Anne Court (Chief Executive) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk
Corporate Priorities:	Wellbeing for All (CP5)
Vision and Values:	Accountability (V1) Respect (V2) Customer Focus (V5)
Report Implications:-	
Legal:	The implications are as set out in the report.
Financial:	The monitoring required will incur an unbudgeted expenditure.
Corporate Risk Management:	Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	The finding engages consideration of the European Convention of Human Rights, Article 8 (Right to respect for private and family life).
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	None.
Background Papers:	European Convention of Human Rights, Article 8
Appendices:	1. The Ombudsman’s Final Decision Letter, 14 August 2018

1. Background

- 1.1 On 14 August 2018, the Council received a Final Decision from the Local Government and Social Care Ombudsman (LGSCO) who had found that the Council had failed to take suitable action to investigate and prevent noise nuisance from a nearby leisure centre.
- 1.2 A copy of that Decision Letter is attached at **Appendix 1**.
- 1.3 The LGSCO required that the Council:
 - (a) Apologise to “Mr & Mrs B” and pay £200, within the next month;
 - (b) Arrange visits by a Senior Officer, or somebody independent from the Council, to monitor the noise on a Saturday evening. The visits to take place on four consecutive Saturdays as the noise complained of is intermittent in nature; and
 - (c) That a Senior Officer of the Council meet with the complainants to discuss the issues and attempt to rebuild rapport and trust between the residents and the Council.

2. Current Position

- 2.1 The current position is as follows:
- 2.2 On 29 August 2018, the payment of £200.00 was made to the complainants.
- 2.3 A meeting between the complainants and the Director of Finance & Transformation was arranged for Thursday 6 September. This meeting was postponed at the complainants’ request and will now take place on a future date to be arranged.
- 2.4 Between 8 September 2018 and 06 October 2018, experienced Environmental Health Officers from another local authority are undertaking noise monitoring at the leisure centre and the complainants’ home address. A verbal update on the findings of those Officers to date will be provided at the Council meeting.

3. Recommendation

- 3.1 That Council notes the content of the report and appendix.