

**COMMITTEE: ADMINISTRATION COMMITTEE**

**DATE: 11<sup>th</sup> FEBRUARY 2009**

**SUBJECT: LOCAL GOVERNMENT OMBUDSMAN  
RECOMMENDATION**

**REPORT BY: HEAD OF STREET SERVICES**

**CONTACT OFFICER: CELIA ROBB**

**IMPLICATIONS:**

<b>LEGAL</b>	<b>✓</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>✓</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>	<b>✓</b>	<b>OTHER</b>

**WARDS AFFECTED: NONE**

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### **PURPOSE**

1. To inform the Administration Committee of the Local Government Ombudsman's ("LGO") finding of maladministration by Luton Borough Council and his recommendation that the Council pay the complainants £30,320 in compensation. A copy of the LGO's report is appended to this report.

### **RECOMMENDATION(S)**

2. That Administration Committee consider the LGO's report and decide whether the Council should follow the recommendation to pay the complainants the sum of £30,320 or whether an alternative course of action should be pursued.

### **BACKGROUND**

3. The LGO has investigated a complaint that the Council wrongly gave consent for a vehicle crossover to the complainants' property. When Officers realised that there had been a mistake, the permission was

withdrawn. The complaint was that, as a result of the erroneous permission, the complainants incurred significant costs in altering and landscaping their garden to accommodate a vehicle parking and turning area.

4. In correspondence with the LGO, Officers accepted that the Council had made an error in granting permission for the vehicle crossover and that this constituted maladministration. However Officers did not agree that the amount of compensation sought by the complainants was reasonable. This was because Officers believed that the complainants had been informed of the error at an early stage and nevertheless continued to work on the property. Furthermore, the Officers considered that some of the compensation sought went further than that incurred by consequence of the wrongly granted permission.

### **REPORT**

5. The LGO reported his findings on 15<sup>th</sup> December 2008. He concluded that the Council's error constituted maladministration causing injustice. The LGO recommended that the Council pay the complainants a contribution towards the costs of borrowing money to finance the project, the costs of modifying the project, their legal fees in pursuing the complaint, two thirds of the costs of landscaping and the sum of £1,000 for raised expectations and distress.
6. The Council is required to advise the LGO, within 3 months of receiving the report, of the action it has taken or proposes to take in response to it.

### **PROPOSAL/OPTION**

7. That Administration Committee consider the LGO's report and decide whether the Council should follow the recommendation to pay the complainants the sum of £30,320 or whether an alternative course of action should be pursued.

### **FINANCIAL IMPLICATIONS**

8. The LGO recommendation is that the Council pay the complainants £30,320. This report was agreed by the Head of Finance on 29<sup>th</sup> January 2009.

### **LEGAL IMPLICATIONS**

9. There are the following legal implications to this report and this has been agreed by Mary Cormack in Legal Services on 4<sup>th</sup> February 2009.
10. It is for Administration Committee to decide whether the Council should pay the complainants £30,320 as recommended by the LGO. If the Administration Committee decides that the Council should not pay the

recommended compensation then the LGO can produce a further report with recommendations that would need to be considered by Full Council.

11. The Solicitor attending the meeting will be available to advise the Committee in private on the Council's legal position. The Committee will need to resolve to exclude the public for this to be done.

### **HR IMPLICATIONS**

12. There are no HR implications as agreed with Head of Human Resources on 4<sup>th</sup> February 2009.

### **APPENDIX**

Appendix A: Report by the Local Government Ombudsman against Luton Borough Council, 15<sup>th</sup> December 2008.

### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

There are no background papers to this report.