

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 AUGUST 2006

**REPORT OF
CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

CORPORATE - Lead Cabinet Member - Councillor Coleman

COMPLAINT TO THE LOCAL GOVERNMENT OMBUDSMAN

1. Summary

The Local Government Ombudsman has issued a report following an investigation into a complaint about the Council's handling of a grant application to the Football Association. The Ombudsman has found that the complainant has suffered injustice as a result of maladministration. The Council is therefore required to consider the Ombudsman's report and let the Ombudsman know what action it proposes to take as a result of the findings.

A copy of the investigation report has been placed in the Members' Library and this report summarises the main issues and recommends the proposed action to be taken as suggested by the Ombudsman.

The Ombudsman is not permitted to name or identify the complainant or individuals in her report and therefore the names used in this report are not the real names of the people and the places involved.

2. Recommendations

It is recommended that:-

1. The Council should offer appropriate apologies as referred to in the Local Government Ombudsman's report and make a further request for a nomination from the Residents Association to sit on the Project Steering Group;
2. Procedures are reviewed to ensure accurate information is provided to applicants for grant funding in situations like this;
3. The Ombudsman be notified of the action taken in response to the report.

3. Reasons for the Recommendations/Decision(s)

To ensure that all Members of the Council are informed of the Ombudsman's findings and the action to be taken in response to the complaint.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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COUNCIL DECISION

CORPORATE - Lead Cabinet Member - Councillor D Coleman

COMPLAINT TO THE LOCAL GOVERNMENT OMBUDSMAN

SUMMARY

The Local Government Ombudsman has issued a report following an investigation into a complaint about the Council's handling of a grant application to the Football Association in respect of a Council owned sports ground. The Ombudsman has found that the complainants have suffered injustice as a result of maladministration. The Council is therefore required to consider the Ombudsman's report and let the Ombudsman know what action it proposes to take as a result of the findings.

This report summarises the main issues and recommends the proposed action to be taken as suggested by the Ombudsman.

The Ombudsman is not permitted to name or identify the complainant or individuals in her report and therefore this report does not reveal the names of the people or the places involved.

RECOMMENDATIONS

It is recommended that:-

1. The Council should offer appropriate apologies as referred to in the Local Government Ombudsman's report and make a further request for a representative of the Residents Association to be nominated to sit on the Steering Group;
2. Procedures are reviewed to ensure accurate information is provided to applicants for grant funding in situations like this;
3. The Ombudsman be notified of the action taken in response to the report.

DETAIL

1. The Ombudsman has completed an investigation into the way in which the Council dealt with a grant application for improvements to a Council owned sports ground.
2. A copy of the report has been made available for public inspection at the Council's Offices and a notice was published in the Evening Gazette and Northern Echo on 11 July 2006 as required by the Local Government Act 1974. A copy has also been placed in the Members Library.
3. The Ombudsman found that the Complainants had suffered injustice as a result of maladministration. The maladministration related to:-
 - a failure to keep the Steering Group properly informed
 - a failure to carry out work on the project for over six months in 2004
 - a failure to explain why the Project Steering Group was effectively suspended in February 2004
4. Officers accept that there were difficulties in submitting a bid for funding for the Council-owned sports ground at a time when the Council also supported an application for a private sector bid in respect of a sports ground in close proximity to the Council-owned ground. Ultimately the private sector bid was successful and the Council's bid for its own sports ground was not pursued further. The Ombudsman has noted that the Council has gone some way to make up for this by recently approving a £50,000 capital allocation to help in obtaining additional funding from external sources to make improvements at the Council-owned sports ground. The Ombudsman has also acknowledged that the failure to secure grant funding from the Football Association was not due to any maladministration by the Council.
5. The Ombudsman considers that the publication of her report and the publicity it will receive to be an appropriate remedy for the maladministration identified. The Ombudsman hopes that the Council will tender appropriate apologies and re-offer a place on the Project Steering Group to the Residents' Association, in addition to reviewing its procedures to ensure accurate information is given in situations like this.
6. The Head of Direct Services has endorsed the Ombudsman's suggested remedy and will take the recommended action.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

7. There are no cost implications arising from or related to the Ombudsman's report. Cabinet has previously approved a capital allocation of £50,000 towards the provision of changing facilities at the sports ground.

Legal

8. The Cabinet report and the recommendations satisfy the requirements of the Local Government and Housing Act 1989 (Section 5A) and the Local Government Act 1974 (Section 31(2)).

RISK ASSESSMENT

9. The failings identified in the report represent a low risk because the failure to secure grant funding from the Football Association was not due to any maladministration by the Council.

The publication of the Ombudsman's report and a review of procedures will minimise the risk of any further potential failures to provide accurate information to applicants.

CONSULTATION INCLUDING WARD COUNCILLORS

10. The Ombudsman's report has been brought to the attention of Officers and relevant Cabinet Members and is available for inspection by all other Members. The Cabinet report has also been discussed with the Chief Executive and the Corporate Director of Neighbourhood & Development Services. The Ombudsman's report has also been made available for public inspection following the publication of a notice in the Evening Gazette and the Northern Echo.

Head of Legal Services

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Background Papers:	Ombudsman's report
Ward(s) and Ward Councillors:	Ward Councillors have received a copy of the Ombudsman's report
Property Implications:	None