

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....2nd August 2007

1. Title of Item/Report

Report of the Local Government Ombudsman

2. Record of the Decision

Members considered a report that provided an update on the position with regard to a finding of maladministration by the Local Government Ombudsman.

It was noted that the Cabinet considered a report on the 1 February 2007 concerning a finding of maladministration for failing to handle nuisance caused by drifting car wash spray. A recommendation was then made to Council to offer a sum of £1,000 for the Council's failure to impose a planning condition to control spray drift from the car and jet wash, together with a sum of £250 for the time and trouble in pursuing the complaint. The recommendation was accepted at a special meeting of Council held on 28 March 2007.

It was explained that as a result of the Council's decision the Local Government Ombudsman was minded to issue a further Report since the Council had not accepted her suggested remedy. However, before issuing a further Report she requested a meeting with the Chief Executive and relevant Officers. Members were advised that the meeting took place on 18 May 2007 and it was agreed that Officers would further recommend to Cabinet that a payment of £10,000 was to be made to the Complainant.

It was noted that whilst the earlier offer of compensation was considered appropriate, the Complainant and other neighbouring properties had continued to complain about alleged nuisance. The Ombudsman had also maintained the view that there had been a significant loss of amenity to the Complainant, particularly since the Council had been unable to negotiate with the garage owner to provide a permanent physical solution to the problem.

It was explained that if the Council was willing to increase its offer of compensation to £10,000, the Ombudsman had confirmed that she would not publish a further report and would not require the Council to

instruct the District Valuer to advise on whether the Complainant's property had been devalued as a result of spray drift. Officers therefore considered this to be an acceptable way forward.

RECOMMENDED to Council that:-

The Council's earlier offer of compensation to the Complainant is revised and replaced with an offer of £10,000 (ten thousand pounds) in full and final settlement of the complaint.

3. Reasons for the Decision

To comply with Section 31(2) of the Local Government Act 1974 and to inform the Local government Ombudsman of the action the Council proposes to take in response to her findings.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

Not Applicable

Proper Officer  
06 July 2007