

CORPORATE AFFAIRS COMMITTEE

A meeting of the Corporate Affairs Committee was held on 3 September 2009.

PRESENT: Councillor Clark (Chair), Councillors Brunton, Cox (as substitute for Councillor Elder), McIntyre, McPartland and Purvis.

OFFICERS: C Davies and S Harker.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Elder and Mrs H Pearson OBE.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

****MINUTES**

The minutes of the meeting held on 4 August 2009 were taken as read and approved as a correct record.

LOCAL GOVERNMENT OMBUDSMAN: STANDARD STATEMENTS OF REASONS

A report of the Director of Legal and Democratic Services was presented in relation to the Local Government Ombudsman: Standard Statement of Reasons. A copy of the Local Government Ombudsman (LGO) consultation document regarding 'Statements of Reasons' was attached at Appendix 1 to the submitted report.

The LGO investigated complaints against the Council where a complainant had been through the Council's Corporate Complaints procedure but remained dissatisfied with the outcome of their complaint. At present, the LGO only issued a full, public report where there was a finding of maladministration against the Council. Middlesbrough had only had one such finding since 2001.

In all other cases, for example where no maladministration was found, or where the Council agreed a local settlement, the only way that the complainant and the Council was notified was by letter. A local settlement was where the Council agreed a course of action with the Ombudsman. This might be an apology to the complainant, or might include actions to remedy the complaint, including financial recompense. Local settlements were only made when, in effect, the Council agreed that it had acted in a way that might have resulted in maladministration.

The intention was that in future Statements of Reasons would be published by the LGO in respect of all complaints investigated and would be available publicly. An example Statement of Reasons was attached at Appendix 1 to the submitted report. The Statement of Reasons included a summary of the case, the Ombudsman's decision and the findings.

The LGO intended to publish the Statements of Reasons on their website. This would build up a reference work of decisions that would be generally available to the Council and to the public. Whilst not constituting precedent in a legal sense, it would be helpful to the Council to be able to refer to similar cases from other Authorities.

The publication of Statements of Reasons might also be helpful in terms of advising complainants. If a decision of the Council was properly made it did not constitute maladministration even though the complainant might not be happy with that decision. This was one of the major misunderstandings of the public regarding the role of the LGO. At present, letters received concerning individual complaints were confidential and could not be released to other complainants. It would therefore be useful in future to be able to provide complainants with examples of decisions published by the LGO and the reasons for the decisions.

ORDERED that the Council respond positively to the consultation document and welcome the proposal to publish Statements of Reasons in respect of future LGO investigations.