

Details of local settlements reached in respect of Ombudsman complaints in 2007/08

Details of complaint	Outcome/details of local settlement	Lessons Learned/Action Taken
<p>The Council failed to take action on complaints about rodents and other infestation and related nuisance arising from a neighbouring house in the Council's ownership.</p>	<p>Council undertook to eradicate all rodents from the properties it owns in Woodyers Close and to undertake all outstanding maintenance work at the complainant's home.</p>	<p>As indicated in previous column</p>
<p>The Council:</p> <ul style="list-style-type: none"> • Failed to consider properly the representations made by the complainant against the issue of an excess charge notice and to respond properly to those representations; • Failed to notify the complainant that she had a right to contest the charge in a magistrates court; • Wrongly threatened action for debt recovery before the matter had been decided by a court of law. 	<p>There was a difference of opinion between the Council and the Ombudsman on the extent to which the complainant had a right to challenge the excess charge notice in court. The Council took the view that there was no right to contest the charge in the courts. While the Ombudsman did not accept this view, he agreed to discontinue the investigations since the Council was about to move to a decriminalized system of parking enforcement. As a gesture of goodwill, the Council waived the excess charge notice.</p>	<p>As indicated in previous column.</p>

Details of complaint	Outcome/details of local settlement	Lessons learned/Action taken
<p>The Council failed to deal properly with the complainant's concerns about pupil numbers at a local independent school and a possible breach of a legal agreement signed when the school was granted planning permission for an extension.</p>	<p>The Council paid the complainant £100 as compensation for the delay in dealing with their correspondence.</p>	<p>The complaint highlighted the need to monitor more closely the implementation of Section 106 agreements, since in this case it was considered too late to take enforcement action to ensure compliance. It also highlighted the fact that the condition limiting pupil numbers at the school, that was attached to the original planning consent, was extremely difficult to enforce. The Planning Service now has a Compliance Officer who closely monitors all Section 106 agreements.</p>
<p>The Council failed to deal properly with the assessment of the complainant's daughter's liability to pay council tax arrears, and with his concerns about the matter.</p>	<p>The Ombudsman initially recorded the outcome of this complaint as no or insufficient evidence of maladministration by the Council. However, he subsequently changed this to a local settlement, asking the Council to pay £50 to the complainant to compensate him for the fact that on two occasions after the complaint had been closed, the Council erroneously issued a reminder to his daughter, despite an agreement that further recovery action would be put on hold.</p>	<p>As a result of this case, officers in the Council Tax Section have worked more closely with student landlords with a view to ensuring that Waverley is made aware of the exact date on which students vacate a rented property in the last year of their studies.</p>

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