

COUNCIL

28 NOVEMBER 2023

REPORT OF THE MONITORING OFFICER

A.10 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDING

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. This report concerns an omission that the Local Government and Social Ombudsman ('the Ombudsman') has determined was maladministration.

The complaint concerned the way the Council handled a planning application for the change of use of land near the complainant's home. The Ombudsman's conclusion on this point was that there was no fault in the Council's consideration of the change of use application. However, the Ombudsman did find fault in the failure to include a specific condition limiting activities around that new use of the site.

The Council has acknowledged the frustration and uncertainty caused to the complainant by the failure to attach the specific condition referred to above. The Council has also reaffirmed its commitment to investigate any noise nuisance complaints, which may arise from the land with the approved change of use.

No financial payment was made to the complainant in respect of the finding and the Ombudsman did not recommend such a payment.

The Council publishes details of the number of complaints to the Ombudsman and the findings of the Ombudsman on its 'transparency' pages on its website. The web address for those pages is here: <https://www.tendringdc.gov.uk/council/performance-spending/transparency-%E2%80%93-making-public-information-available-everyone>

This item is submitted for **INFORMATION ONLY**.

LISA HASTINGS
MONITORING OFFICER