

ANGUS COUNCIL

SCRUTINY & AUDIT COMMITTEE – 21 NOVEMBER 2017

**COMPLAINTS RAISED WITH SCOTTISH PUBLIC SERVICES OMBUDSMAN
1 APRIL 2017 – 30 SEPTEMBER 2017**

SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This report provides information about complaints made to the Scottish Public Services Ombudsman (SPSO) in respect of Angus Council during the period 1 April 2017 – 30 September 2017.

1. RECOMMENDATION(S)

It is recommended that the Committee:

- (i) notes the findings of the SPSO; and
- (ii) agrees that the actions taken in respect of the SPSO recommendations are appropriate.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report supports services in the delivery of all outcomes contained within the Angus Community Plan, the Single Outcome Agreement and the Corporate Plan.

3. INVESTIGATION REPORTS AND DECISION LETTERS – 1 APRIL 2017– 30 SEPTEMBER 2017

This report provides details of all complaints received by the SPSO in respect of Angus Council between 1 April 2017 and 30 September 2017. Members are advised that report No 223/17 notified members of the number and outcome of complaints received between 1 October 2016 and 31 March 2017. The Council adopted the SPSO national complaints handling procedure in December 2012 (Report 703/12). The purpose behind a national procedure is to enable councils to compare the number and type of complaints with other local authorities but also to enable councils to learn from complaints and to use them to drive improvement within our services.

During the period 1 April 2017 to 30 September 2017 in total three letters of complaint were received by the SPSO in relation to Angus Council. All three complaints were not pursued although the SPSO made enquiries regarding one complaint. Brief details of these complaints are detailed in **Appendix 1**.

4. RISKS

This report does not require any specific risks to be addressed.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix:

Appendix 1: Complaints Received 1 April 2017 to 30 September 2017

COMPLAINTS RECEIVED 1 APRIL 2017 - 30 SEPTEMBER 2017

Complaint 1 201608157
Date Complaint Received 13 April 2017
Complaint Council failed to take reasonable action when unauthorised development was brought to their attention in May 2016.
Date decision received 13 April 2017
Decision SPSO closed complaint as this is not the fault or failure on the Council's part. The question was considered on what the Council did when this unauthorised development was reported to them and the evidence shows the Council responded reasonably.

Complaint 2 201700639
Date Complaint Received 17 May 2017
Complaint Conduct of a planning meeting that Complainant attended as an objector in December 2016. The Complainant was restricted to speaking for 5 minutes although an officer of the council had advised the previous day they would have 10 minutes.
Date decision received 17 May 2017
Decision Advice given by officer was maladministration but no action required as council gave immediate apology and explained the officer who spoke to the complainant did not usually deal with development standards issues and gave the wrong information.

Complaint 3 201607741
Date Complaint Received 15 June 2017
Complaint Length of time taken by Council for a response to be provided to complainant which was made in May 2014 and a second issue related to the substance of the complaint and felt that the Council had carried out a campaign against the complainant, despite the complainant's work passing assessments by independent trade bodies.
Date decision received 15 June 2017
Decision The delay in providing the complainant with a response was lengthy and was primarily caused by the court proceedings which was explained by the Council in 2014. The SPSO do not consider that the delay was grounds for an investigation, further investigation by SPSO is unlikely to lead to significant new finding or recommendations that are in the public interest. The second aspect of the complaint is about what the complainant believed to be an attempt to pervert the course of justice by a council officer. The Council have rejected this, as the case has been considered in court. The Council's view was that the Sheriff had the

opportunity to consider this as part of the judgement. The issue of whether a council officer has attempted to pervert the course of justice is one which can only be determined through the legal process. The officer in question gave evidence over several days during the proceedings in Sheriff Court and in the SPSO's view it would be for the Sheriff to determine whether there were issues with the evidence he was presented with.

Total Number of Complaints 1 April 2017 – 30 September 2017	3
NOT UPHELD	2
UPHELD	1
ONGOING	0