YORKSHIRE DALES NATIONAL PARK AUTHORITY	**ITEM 9**
Committee:	**AUDIT AND REVIEW**
Date:	**11th July 2023**
Report:	**OMBUDSMAN CASE**

Purpose of the report

1. To provide Members with details of a recent complaint upheld by the Local Government and Social Care Ombudsman ('the Ombudsman'), and the steps the Authority has taken in response.

RECOMMENDATION

2. That the report is noted.

Strategic Planning Framework

3. The information and recommendation contained in this report is consistent with the Authority's statutory purposes and its approved strategic planning framework:

> ***Corporate Plan 2022/23 Action 35****: Provide high quality, efficient and effective services and communications to the public and other stakeholders, and so maintain the Customer Service Excellence standard every year.*

Consideration

4. Members will be aware that complaints and compliments are reported annually to the A&R Committee. The 2022-23 report (April 2023) referenced an ongoing case that was still under consideration by the Ombudsman. As the report noted, the complaint was that comments made on a planning application had not been noted in the officer's report, which the complainant felt was maladministration and invalidated the decision. The complainant called for the quashing of the decision to approve the application, and for reimbursement of legal expenses.

5. The Ombudsman's investigation has now been completed. The Ombudsman concluded that there was evidence of fault causing injustice to the complainant – but that this was remedied by the Authority's apology. A full copy of the Ombudsman's report is attached as an **annex**.

6. Paragraph 47 of the Ombudsman's report sets out three further actions that the Authority undertook to carry out to help prevent similar issues occurring in future. These have now been completed, as follows:

a. The Case Officer's report on the planning Citizen's portal was amended to include a section explaining that the complainant had originally objected to the proposal and the grounds of the objection were set out and assessed. This section will remain on the report as a public record.

b. The Head of Development Management has reviewed the Authority's planning processes for reporting planning decisions. Sections of the case officer reports (e.g. comments from consultees) are generated automatically by our planning software system (Agile). The system has been amended to include a field within the report that automatically records the number of neighbour responses, either submitted through the portal or input by officers. This will ensure that the number of responses are always recorded but also acts as a prompt for the report author to address the responses in the report, and a prompt for the senior planning officer checking the report and making the delegated decision. Planning staff and managers have also been made aware of the complaint and reminded to ensure reports record responses.

c. By virtue of this report, informing Members of the Audit and Review Committee at the next available meeting of the outcome of the Ombudsman's investigation and the changes made to our procedures as a result.

Conclusion

7. The Ombudsman found evidence of fault in this case but concluded that this was remedied by the two apologies provided by the Authority. As well as publicly reporting the fault and correcting the record, the Authority has also changed its processes to prevent similar incidents occurring in future.

Gary Smith
Director of Conservation and Community