

Item No	Referred from:	Cabinet
8c	Date:	14 January 2025
	Title of item:	Local Government and Social Care Ombudsman's report of failings in the investigation of statutory noise nuisance by North Hertfordshire District Council (ref. no.: 23 014 065)
To be considered alongside agenda item:		Agenda Item 14

The report considered by Cabinet at the meeting held on 14 January 2025 can be viewed here: [Agenda for Cabinet on Tuesday, 14th January, 2025, 7.30 pm | North Herts Council](#)

RECOMMENDED TO COUNCIL: The revisions to section 14 of the Constitution relating to LGO decisions and payments, as detailed under section 8.5 of this report [extract as follows deletion/amendment underlined]

8.5 In terms of recommendation 2.5, the proposed wording to amend section 14.6.5/ 14.6.13 of the Constitution, would assist with ensuring that this matter is discussed between the three statutory officers (Head of Paid Service, Section 151 and Monitoring Officers), with the removal of the settlement limit to reflect the increasing awards now being made by the LGO. It should be noted that at the time the compensation payment of £3,000 was made, this was not in line with the original delegation (albeit under the Managing Director's general delegation to make such a payment above £2,000, on urgency grounds, under section 14.6.5(a)(iv)). **The proposed amended wording would be:**

14.6.5(a)(xiii) Managing Director's delegation, to be amended (as underlined):
"(xiii) To consider any report of the Local Government Ombudsman and to settle any compensation payments ~~up to £2000~~ (in conjunction with the section 151 Officer and Monitoring Officer)"

14.6.13 Proper Officers Schedule to be amended as (as underlined):
"Local Government Act 1974 S.30(5) To give notice and that copies of an Ombudsman's report, in draft and final ~~are available to the~~ Managing Director, and Monitoring Officer (where maladministration identified)"

REASON FOR RECOMMENDATION:

- (1) Recommendation 2.5 is to recognise the wider involvement of the statutory officers in such matters and specifically in relation to the issue of compensation, to increase notification and flexibility.

Audio recording 32 minutes 26 seconds

The Monitoring Officer presented the report entitled 'Local Government and Social Care Ombudsman's Report of Failings in the Investigation of Statutory Noise Nuisance by North Hertfordshire District Council (Ref No: 23 014 065)' and advised that:

- The Monitoring Officer was required to present this report as detailed in the legal implications section of the report.
- The full LGO report was set out at Appendix A.
- The recommendations made by the LGO were set out in paragraphs 7.2 and 7.3 of the report.
- The compliance information was detailed in paragraph 7.3.
- A review of the Comments, Compliments and Complaints policy of the Council would commence in March or April this year and would then be presented at the Overview and Scrutiny Committee and/or Cabinet in June or July depending on the schedule of meetings.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Mick Debenham

Points raised during the debate included:

- Members accepted the findings in the report.
- Lessons had been learnt and this would be of benefit to the Council in the future.

Councillor Val Bryant proposed and Councillor Dave Winstanley seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Considered the LGO report.
- (2) Noted the LGO recommended action compliance information as in para 7.2 – 7.3 below.
- (3) Considered the measures that the Environmental Health Service has put / will put in place to prevent the recurrence of the failings.
- (4) Noted that the Council's Comments, Compliments and Complaints Policy and Procedure will be reviewed in 2025, to potentially include remedies, and supporting guidance will be issued for Officers.

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