

## **REPORT TO AUDIT AND GOVERNANCE COMMITTEE**

Date of Meeting: 11<sup>th</sup> February 2026

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

No

### **1. What is the report about?**

1.1 The report explains the role of the Local Government & Social Care Ombudsman (LGO) in investigating and making recommendations concerning complaints about local authorities. It also presents the LGO's annual review of complaints about Exeter City Council for the year ending 31 March 2025, as well as a summary of complaints dealt with by the Housing Ombudsman.

### **2. Recommendations:**

3. That Members note the content of this report and the complaints considered by the LGO.

### **4. Reasons for the recommendation:**

5. The Monitoring Officer is required to communicate to elected members the council's performance in relation to LGO investigations.

### **6. What are the resource implications including non-financial resources:**

6.1 There are no resource implications, and no compensation was paid as a result of an Ombudsman decision.

### **7. Section 151 Officer comments:**

5.1 There are no financial implications contained in this report.

### **8. What are the legal aspects?**

8.1 There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the council's Monitoring Officer to prepare a formal report to the council (Audit and Governance Committee) on all Ombudsman complaint decisions.

8.2 The LGO considers that this duty is satisfactorily discharged if the Monitoring Officer makes a periodic report summarising the findings on all upheld complaints over a specific period. This may be adequately addressed through an annual report on complaints to members, hence this report.

8.3 The LGO has the power to issue a 'Formal Public Report' if a local authority, or any part of it:

- has acted or is likely to act in such a manner as to constitute maladministration or service failure perhaps because of the scale of the fault or injustice, or the number of people affected; and
- where the LGO has conducted an investigation in relation to the matter.

8.4 Under the provisions of The Local Government Act 1974, whenever the LGO issues a Formal Public Report, the Council is obliged to lay that report before the Council for consideration and respond within three months setting out the action taken, or proposed to be taken, in response to the report. The LGO has not issued any Formal Public Reports in relation to Exeter City Council.

8.5 In the unlikely event that an authority is minded not to comply with the LGO's recommendations following a finding of maladministration, the Ombudsman would expect the Monitoring Officer to report this to members under section 5 of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

## **9. Monitoring Officer's comments:**

7.1 Members will note the legal aspects set out above.

7.2 Out of the eight cases considered by the LGO, one case was investigated and upheld. Members will note from this report that the decision concerning a minor error in a planning report considered by the Planning Committee which had no effect on the decision made by Planning Committee.

## **10. Equality Act 2010 (The Act)**

8.1 The report is for information only

## **11. Carbon Footprint (Environmental) Implications:**

9.1 This report is for information only

## 12. Report details:

12.1 The LGO investigates complaints from the public about councils and some other bodies providing public services in England. The LGO investigates alleged or apparent maladministration or service failure that have caused injustice to the complainant. Most council services can be investigated including planning, council tax and housing benefit and some areas of housing. Maladministration in broad terms might include:

- flaws in policies or decision making;
- poor administrative practice;
- failure to adhere to or consider properly statutory guidelines;
- failing to consider properly the exceptional circumstances of an individual or a situation;
- not properly considering statutory powers or duties; and
- failing to give an adequate service.

12.2 The LGO will usually only become involved after a council's complaints procedure has been exhausted. If the LGO finds the council acted with fault, which caused the person an injustice, it will recommend a remedy to put things right. The LGO's remedies are aimed at putting the person back in the position they would have been had the fault not occurred. Where appropriate it also recommends action to avoid similar issues affecting other people - such as reviewing practice and procedure - and can recommend remedies for other persons affected by faults found in an individual complaint

12.3 Details of the complaints received by the LGO about Exeter City Council, and the decisions made by the LGO on those complaints, for the year ending 31st March 2024 are set out in the attached document. Members will note that the Local Government Ombudsman dealt with 8 cases;

- 5 of those cases were closed after initial enquiries;
- 2 were not for the Ombudsman to investigate
- 1 case was investigated and upheld. A copy of the Ombudsman's Final Decision Notices this case is included in Appendix A and briefly outline in 10.3

10.4 The Ombudsman found a minor fault in a Council planning report, where housing density was presented using a gross rather than net figure. However, this did not affect the Planning Committee's decision, as councillors clearly understood the scale of the development.

No fault was found regarding councillors' participation, engagement with the developer, site visits, or the independence of the stage 2 complaint review.

Outcome: No significant injustice; no further action required.

10.5 Adjusted for Exeter City Council's population, this represents 0.7 upheld decisions per 100,000. The average for similar authorities is 1.1 upheld decisions per 100,000 residents

12.6 In the year ending 31<sup>st</sup> March 2025 one referral had been made to the Housing Ombudsman. As this investigation was not completed until the following year, the outcome will be listed in the report for the year ending 31<sup>st</sup> March 2026

### **13. How does the decision contribute to the Council's Corporate Plan?**

11.1 Effective handling of complaints and following due process are aspects of a well-run council.

### **14. What risks are there and how can they be reduced?**

12.1 No risks identified

### **15. Are there any other options?**

13.1 Not Applicable

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### **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

None

List of Appendices:

- Appendix A: Summary of complaints received by Ombudsman