

**Teignbridge District Council
Full Council
14 February 2023**

Part 1

**Report by the Local Government and Social Care Ombudsman
Reference Number: 21 004 645**

Purpose of Report

To present to members the findings of the Local Government and Social Care Ombudsman as detailed in his final report – reference number 21 004 645 (the Report).

Recommendation(s)

That the Council notes (and accepts) the content of the Report and the recommendations made therein to such extent as the law allows.

Namely that it;

1. Apologises to Cllr Daws, for any procedural failings and,
2. Agrees to remove the decision notice dated 22 July 2020, replacing it with a statement stating that the notice has been withdrawn following an investigation and a link to the Report.
3. Refer the Report to the Standards Committee for further consideration at its next meeting.

Financial Implications

There are no financial implications arising from this report.

Martin Flitcroft
Head of Corporate Services
Email: martin.flitcroft@teignbridge.gov.uk

Legal Implications

There are no specific legal implications arising out of this report. However, there are potentially grounds for Judicial Review of the procedure followed and substance of the Report. The logistics of taking such a course of action carry disadvantages

which could outweigh any tangible benefit.

Paul Woodhead Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Risk Assessment

The Ombudsman cannot compel the Council to comply with his recommendations. However, failure to comply with the findings of the report would expose the Council to reputational harm.

Paul Woodhead Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Environmental/ Climate Change Implications

There are no Environmental/Climate Change Implications arising out of this report

Paul Woodhead Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Report Author

Paul Woodhead Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Member

Cllr Linda Petherick – Chair of Standards Committee

1. Background

- 1.1 This report arises as a consequence of the receipt of a Report by and from the Local Government and Social Care Ombudsman.
- 1.2 The Report details the circumstances of the complaint investigated by the Ombudsman and his subsequent findings. The Report is attached for ease of reference.
- 1.3 Members will be aware that the Ombudsman's findings relate to the matter investigated only. His findings should not be construed as being an indication that any other determinations made by the Standards Committee were irregular.

- 1.4 On 18 March 2022, the Standards Committee reviewed its processes and adopted a new procedure. Consequently, the issues referred to at paragraph 75 of the Report have already been addressed.

Link to report [21 004 645 - Local Government and Social Care Ombudsman](#)