

**Report of the Monitoring Officer**

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1. Purpose of Report

The Local Government Ombudsman (LGO) has made a finding of injustice in respect of the Council failing to intervene with a complaint regarding the eviction from an allotment association and the failure to correctly process the complaint at stage 1 of the Council's procedure.

2. Recommendation

**The Committee is asked to NOTE the report.**

3. Detail

In summary, the complainant contacted the Council to state that they had been evicted from their allotment by the association that ran the site and wanted the Council to intervene.

The Council reviewed the complainant's issue and determined that no further action could be undertaken by the Council as the decision to evict the complainant was within the rights of the allotment association to undertake. However, the LGO found fault that the Council had delayed this response and responded to the complainant outside of the timeframe specified by the Complaints Procedure. Furthermore, it was found as the owner of the allotment, the Council should have an appeals process in place in to deal with such disputes. As the Council did not have such a process, the LGO found further fault.

The LGO has ordered the Council to pay the complainant £100 compensation in recognition of the issues caused. It should be noted that despite several attempts by the Council to obtain the necessary bank details from the complainant to facilitate the payment, these details have not been provided.

This payment will remain available to the complainant should they wish to accept it and provide the necessary details.

As recommended by the LGO, the Environment Team has reviewed its procedures for the management of allotment sites.

The full report is attached as an appendix.

4. Financial Implications

The comments of the Head of Finance Services were as follows:

The cost of this compensation would be charged to the service budget when accepted by the complainant.

5. Legal Implications

The comments of the Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows:

N/A

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

N/A

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil