

The Ombudsman's final decision

Summary: We will not investigate this complaint about the Council's application of building regulations. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. There is not enough evidence of fault in the Council's actions to justify an investigation.

The complaint

1. The complainant, I shall call Mr X complains the Council is not enforcing building regulations equally. He says it allows the regulations to take priority over safety and equality rather than applying common sense.
2. Mr X says this creates unfair competition in the business sector in which he operates.

The Ombudsman's role and powers

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We do not start or may decide not to continue with an investigation if we decide there is not enough evidence of fault to justify investigating.

(Local Government Act 1974, section 24A(6), as amended, section 34(B))

How I considered this complaint

4. I considered information provided by Mr X.
5. I considered the Ombudsman's Assessment Code.

Final decision

6. We will not investigate Mr X's complaint because the Council has no authority to 'tighten up' the building regulations as requested by Mr X. The Council is required to follow the law. It cannot choose to apply what Mr X considers to be common sense rather than the building regulations as laid out in legislation.

Investigator's decision on behalf of the Ombudsman