

Complaint reference:
16 008 536

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr X's complaint about the Council's revision of a parish boundary as part of a decision to create a new parish and parish council. The Council's decision has not caused Mr X significant injustice and it is unlikely the Ombudsman would find fault in the way it was reached.

The complaint

1. The complainant, whom I shall refer to as Mr X, complains about the Council's decision not to include his property within the new parish boundary of West Hill.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. She provides a free service, but must use public money carefully. She may decide not to start or continue with an investigation if she believes:
 - it is unlikely she would find fault, or
 - the fault has not caused injustice to the person who complained, or
 - the injustice is not significant enough to justify her involvement.

(Local Government Act 1974, section 24A(6))

3. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. She must consider whether there was fault in the way the decision was reached. *(Local Government Act 1974, section 34(3))*

How I considered this complaint

4. I considered the details of Mr X's complaint and the Council's final response to it. I also reviewed details of the Council's Community Governance Review and the new parish boundary on its website. I shared my draft decision with Mr X and invited his comments.

What I found

5. In response to a request from the West Hill Parish Council Campaign, and in line with the Local Government and Public Involvement in Health Act 2007, the Council conducted a community governance review into arrangements for the

parish of Ottery St Mary. The review looked at revising parish boundaries and creating a new parish of West Hill, served by a new parish council.

6. The Council consulted with local residents and Mr X and his family objected to the change in the parish boundary. This was because it excluded their property and they wished to be a part of the new West Hill parish. The Council considered Mr X's objection, and others, but approved the boundary revision. Mr X therefore complained.
7. The Ombudsman will not investigate this complaint as it is unlikely she would find fault by the Council causing Mr X significant personal injustice. The Council's decision on the new parish boundary is one of professional judgement and the Ombudsman cannot question its merits. While Mr X disagrees with it, he has not provided any evidence of fault in the way it was reached and it is therefore unlikely the Ombudsman could criticise it. Mr X will also still have access to services from his new parish and the revised parish boundary does not present a barrier to accessing shops and facilities in West Hill itself. So the Ombudsman cannot say the decision has caused him a significant injustice. She also cannot achieve the outcome Mr X hopes for, which is for the Council to revise the boundary line again to include his property within the new parish of West Hill. The extent of the new parish is a matter for the Council to decide and the Ombudsman cannot instruct the Council to change it as Mr X wishes.

Final decision

8. The Ombudsman will not investigate this complaint as there is not enough evidence of fault causing Mr X a significant personal injustice.

Investigator's decision on behalf of the Ombudsman