

**Complaint reference:**  
17 013 986

**Complaint against:**  
East Devon District Council

## **The Ombudsman's final decision**

Summary: The Ombudsman will not investigate this complaint about the actions of a Council Planning Enforcement Officer. This is because we could not add anything further to the Council's response. Additionally, other aspects of the complaint concern personnel matters and these are outside the Ombudsman's jurisdiction.

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## **The complaint**

1. Mrs B complains about the behaviour of a Council Planning Enforcement Officer who she says was aggressive, bullying and intimidating.

## **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe it is unlikely we could add to any previous investigation by the Council. (*Local Government Act 1974, section 24A(6), as amended*)
3. We cannot investigate a complaint if it is about a personnel issue. (*Local Government Act 1974, Schedule 5/5a, paragraph 4, as amended*)

## **How I considered this complaint**

4. I considered Mrs B's initial complaint and her complaints correspondence with the Council.
5. I gave Mrs B the opportunity to comment on my draft decision.

## **What I found**

### **What happened**

6. Mrs B lives in a Grade II listed building. A Council Planning Enforcement Officer carried out an unannounced visit to Mrs B's property to investigate whether she was carrying out works to her property without the necessary permissions.
7. Mrs B complained to the Council and said the Officer told her she was committing a criminal offence because she was building without planning permission and she could go to jail.

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8. The Council responded and said the Officer had a duty to explain the seriousness of unauthorised works. The Council apologised if the Officer's choice of words upset or intimidated her.
  9. Mrs B remained unhappy with the Council's response and complained again. The Council apologised again and accepted the Officer's behaviour may have made Mrs B feel intimidated and uncomfortable. The Council said the Officer's manager would monitor his contact with customers to see if he needed to attend a refresher course on customer services.
  10. Mrs B remained dissatisfied and complained to the Ombudsman.

### **Analysis**

11. The Ombudsman does not have the power to investigate personnel matters. Therefore, the Council's actions in dealing with staff matters are outside the Ombudsman's jurisdiction.
12. In any case, the Council has admitted the Officer made Mrs B feel intimidated, apologised and said what it will do to help avoid this happening again in future. The Ombudsman could not achieve anything more than this.

### **Final decision**

13. I do not intend to investigate this complaint. This is because we could not add anything further to the Council's response and personnel matters are outside the Ombudsman jurisdiction.

### **Investigator's decision on behalf of the Ombudsman**