

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

Summary: Ms X complains that the Council has placed its actions against her concerning planning enforcement complaints on its website. The Ombudsman will not investigate this complaint because there is no evidence of fault.

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## **The complaint**

1. Ms X complains that the Council has placed its actions concerning planning enforcement complaints against her on its website.

## **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 would find fault. (*Local Government Act 1974, section 24A(6), as amended*)
3. The Information Commissioner's Office considers complaints about freedom of information. Its decision notices may be appealed to the First Tier Tribunal (Information Rights). So, where we receive complaints about freedom of information, we normally consider it reasonable to expect the person to refer the matter to the Information Commissioner.

## **How I considered this complaint**

4. I have considered the complainant's comments and the Council's comments and Ms X has commented on the draft decision.

## **What I found**

5. Ms X says that the Council has placed information on its website about planning enforcement investigations about alleged planning breaches on her land. As a result, she says that potential purchasers have been put off from buying the land.
6. She says that one of the references is inaccurate as it relates to land owned by another person. She says that the Council refuses to remove this.
7. The Local Government Ombudsman would not be critical of transparency in the planning process. Nevertheless, if Ms X feels that the information on the website

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is wrong or that the provision of that information is illegal, then she should pursue the matter with the Information Commissioner.

### **Final decision**

8. The Ombudsman will not investigate this complaint. This is because this is a matter for the Information Commissioner and there is no evidence of fault by the Council.

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