

INCREASE IN COMPLAINTS ABOUT LOCAL AUTHORITIES TO THE OMBUDSMAN

There was a significant increase in the number of complaints about local authorities made to Ireland's Ombudsman Peter Tyndall, with Dublin City Council receiving the highest number of complaints (109), followed by Cork County Council with 72, according to the findings of his annual report for 2017.

Ombudsman Peter Tyndall received an increased number of complaints about the local authority sector in 2017, mainly as a result of the rise in planning enforcement complaints (114 in 2017 compared with 95 in 2016) and housing cases (379 compared with 364 in 2016).

CASE STUDIES

A number of complaints upheld, summarised in Chapter 4 of the Ombudsman's Annual Report, include the following:

***Council refused full heritage grant after failure to use Irish thatch**

Background: A man complained to the Ombudsman about Tipperary County Council's decision to only pay him half the grant the council had provisionally approved under the Built Heritage Investment Scheme, on the grounds that a specific condition requiring native Irish materials had not been met.

The man said that neither the application form nor the guidance circular provided with the application form specified that the materials used must be of Irish origin. He only became aware of this months after his application had been submitted and only at the time that the provisional grant was offered.

At that stage the man had already sourced the materials required and booked a thatcher. It was too late for him to source the quantity of reed necessary from that winter's Irish harvest, and so he had to proceed with his thatcher's sourcing of the necessary materials.

Examination: The application form, accompanying guidelines, and information booklet on the scheme did not have a specific condition stating explicitly that 'native Irish materials' had to be used. The Ombudsman was satisfied that the man met the requirements as laid out in the relevant documentation at the time of submitting his application.

Outcome: The council revised its decision and paid the man the remainder of the original sum it offered him of €2,500.



Ombudsman Peter Tyndall's recent report to the Dáil and Seanad is the 34th Annual Report submitted in relation to the work of the Ombudsman's Office since it was established in 1984.

***Woman charged €€0,950 development fees despite town council waiving charge**

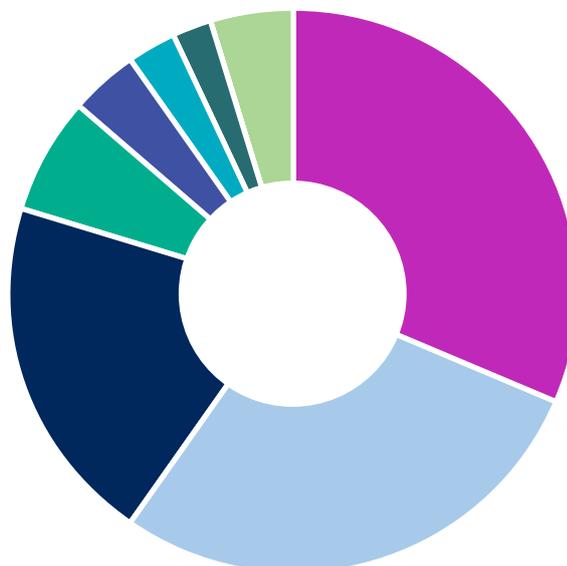
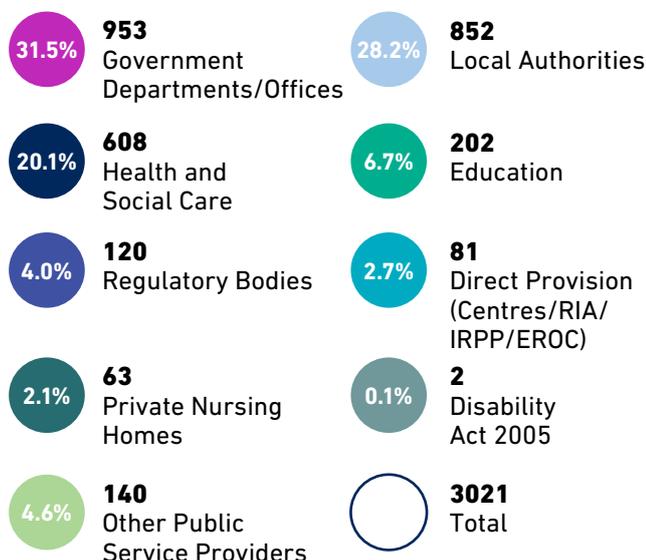
Background: A woman said that at the time of the sale of a property her solicitor had paid €10,950 to Kildare County Council in error and that the council was refusing to refund it. She explained that this money was for development contributions.

However, she had been informed in 2009 that a portion of these contributions (€6,824) had been written off by Naas Town Council as they had already been paid by a previous developer.

Though a portion of these contributions had been written off in 2009 the woman's solicitor mistakenly paid the full €10,950 to Kildare County Council (who had since assumed the responsibilities of Naas Town Council) when finalising the planning permission in 2016.

Examination: The woman had appealed a decision by the Town Council in 2007 in relation to certain planning permission conditions to An Bord Pleanála (ABP). ABP's decision in 2008 was to remove certain conditions and attach a condition for development contributions of €10,950.

Complaints Received by Sector



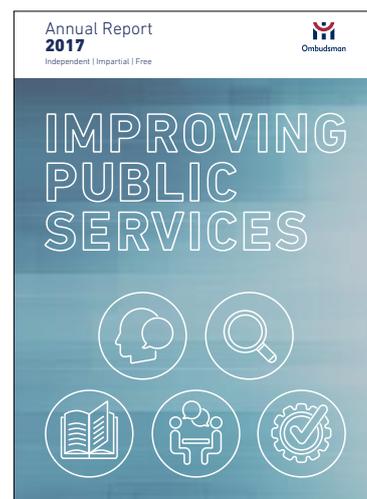
However, the Town Council had already made an order removing a portion of the contributions as they were considered to be a duplication of previous contributions. This was made while the appeal was being considered and never conveyed to ABP.

Initially, on receipt of the money from the solicitor in 2016, the County Council said that it was correct in collecting the payment in accordance with the decision made by ABP. However, it

*New website for the Office of the Ombudsman
The Ombudsman has also launched a new website www.ombudsman.ie, in a bid to make it easier for people to make a complaint to his office, and it also provides advice and information to the public and service providers.*

The sectors most complained about:

- Government Departments/ Offices – 953 complaints
- Local Authorities – 852 complaints
- Health and Social Care Sector – 608 complaints



decided to examine the file, having taken over the duties for this area following the abolishment of town councils.

Kildare County Council decided that if the town council had applied the method used in accordance with the appropriate scheme at the time in calculating contributions, any previous payments should have been taken into account and deducted from the overall charge.

Outcome: The Ombudsman put it to Kildare County Council that the person should then be entitled to a refund of the balance of the amount paid. The council agreed and said that it would refund the woman this amount which was €6,824.

More case studies can be found in Chapter 4 of the Ombudsman's Annual Report. Visit www.ombudsman.ie for details.