



Local Authority unreasonably created expectation concerning amenity design

Legislation	Ombudsmen Act 1975
Agency	Local Authority
Ombudsman	John Belgrave
Case number(s)	A11789 (previously unpublished)
Date	2007

Local Authority refused to redesign toilet block as promised—Ombudsman considered advice to complainant unreasonable—Council then agreed to redesign

A complaint was made about a Council's decision to decline the complainant's request for a re-design and re-construction of the roof of a toilet block. The decision about the design had been made by the full Council and therefore the Ombudsman could not look at that issue, however the Ombudsman could consider the actions of Council staff before the decision had been made.

The Ombudsman concluded that in its dealings with the complainants, the Council created an expectation that a compromise acceptable to the complainants would be given serious, favourable consideration. The Ombudsman found that this expectation was unrealistic because, unknown to the complainants, it was contrary to staff thinking at the time. It therefore stood little chance of being recommended to the Council for implementation.

When the complainant, at some cost, put forward its proposal, no steps were taken to clarify various issues of doubt, and the Operations Committee was given inadequate information as to the background. In the Ombudsman's opinion, that was unreasonable.

The Ombudsman considered an appropriate remedy. He noted that as the decision not to change the roof line of the toilet block in question was made by a Committee of the full Council, it was outside the Ombudsman's jurisdiction to make a recommendation that it be changed. Nevertheless, as that decision was based on information which the Ombudsman had concluded was inadequate, it was open to the Ombudsman to make a recommendation. In this

instance, the Council agreed in principle to change the design of the roof of the toilet block to a new agreed design. The construction and implementation were to be finalised. The Ombudsman considered that this remedy resolved the complaint and the investigation was closed.

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