

The Ombudsman's final decision

Summary: We will not investigate this complaint about the Council's decision not to prosecute a kennel for an alleged breach of licensing conditions. There is insufficient evidence of fault.

The complaint

1. The complainant, who I shall call Mr X, complains the Council has failed to prosecute a boarding kennel which he says has breached the conditions of its licence.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We do not start or may decide not to continue with an investigation if we decide there is not enough evidence of fault to justify investigating. (*Local Government Act 1974, section 24A(6)*)

How I considered this complaint

3. I considered the information provided by Mr X and the Council.
4. I considered the Ombudsman's Assessment Code.

My assessment

5. Mr X contacted the Council to report concerns that a boarding kennel had breached the conditions of its licence after his dog had to sadly be euthanised after a stay there. The Council investigated and recommended for minor improvements. However, it says there was no evidence that it had breached the conditions of its licence and therefore it could not take any further action.
6. I will not investigate Mr X's complaint. This is because there is not enough evidence of fault in how the Council dealt with his concerns. The Council says it visited the kennel and inspected relevant records and policies. It spoke to staff involved with the care of Mr X's dog. The Council also considered information Mr X provided including records from the vet. Without evidence of fault in the process, we cannot question the merits of the Council's decision that no breach had taken place.
7. While Mr X strongly disagrees with the Council this does not mean it is at fault.

Final decision

8. We will not investigate Mr X's complaint because there is not enough evidence of fault in the Council's actions.

Investigator's decision on behalf of the Ombudsman