

04 august 2025

Complaint reference:
25 004 748

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: We will not investigate this complaint about a Public Spaces Protection Order. That is because the complaint is late.

The complaint

1. Ms X complained about the Council's decision to introduce a Public Spaces Protection Order (PSPO), requiring people to walking dogs on-lead only on the local recreation ground. She said the Council had not followed statutory guidance by failing to consider the impact the restrictions would have on elderly and disabled people exercising their dogs. She wants the Council to review its decision.

The Ombudsman's role and powers

2. The Local Government Act 1974 sets out our powers but also imposes restrictions on what we can investigate.
3. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (Local Government Act 1974, sections 26B and 34D, as amended)

How I considered this complaint

4. I considered information provided by the complainant and the Council.
5. I considered the Ombudsman's Assessment Code.

My assessment

6. We will not investigate Ms X's complaint the Council failed to consult properly before introducing a PSPO. That is because the Council introduced the PSPO in 2023, however, Ms X did not complain to the Ombudsman until 2025. Therefore, any complaint around the consultation process is late and there is no good reason to exercise discretion to consider it now.
7. In addition, the Council has recently reviewed and amended the PSPO. The new PSPO supersedes the previous order. If Ms X has any complaints about how the Council consulted on the most recent review, that would need to be a new complaint before we could consider the matter.

Final decision

8. We will not investigate Ms X's complaint because the matter is late.

Investigator's decision on behalf of the Ombudsman