

Gloucester City Council

Meeting:	Audit and Governance Committee	Date:	23 November 2015
Subject:	Local Government Ombudsman decisions		
Report Of:	Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Report of the Local Government Ombudsman no 14 018 495		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider the report of the Ombudsman in respect of one recent Ombudsman investigation resulting in a finding of fault or injustice on the part of the Council.

2.0 Recommendations

- 2.1 Audit and Governance Committee is asked to **RESOLVE** that:

- (1) The contents of the report be noted;
- (2) It is satisfied that appropriate steps have been taken to address the findings and that no further action needs to be taken by the Council.

3.0 Background and Key Issues

- 3.1 The Local Government Ombudsman investigates and reports on complaints from members of the public who claim to have sustained injustice as a result of maladministration. Maladministration can encompass a number of failings by a local authority, including inattention, neglect and delay. Where the Ombudsman decides that injustice has been caused by an authority's maladministration, the authority concerned must consider the Ombudsman's report. In this case, the Ombudsman's final report was published on 18 June 2015.
- 3.2 The Council has 3 months from the publication of the final report to notify the Ombudsman of the action that has been taken or will be taken in response to the report; however, on 4 August, before the Council had formally responded, the Ombudsman informed the Council that the complainant had requested a review of the decision. The review was concluded on 20 August and Council is now in a position to formally respond in respect of the action taken in response to the report.

Complaint by Mrs A (on behalf of Mr A)

- 3.3 In this case, Mrs A complained on behalf of her husband Mr. A that the Council denied receiving his payments for council tax arrears even though he had receipts. Mrs A also complained that the Council has given different amounts and has now sent a bill addressed to her when she did not own the property at the time.
- 3.4 The Ombudsman found that there was fault by the City Council regarding recovery of Council tax from Mr and Mrs A, specifically in respect of the recovery of fees relating to Mr A. The Council was at fault in not withdrawing the costs and the Ombudsman recommended that the Council deducted £177.50 from Mr A's outstanding balance in respect of summons costs and bailiff fees. The Ombudsman, however, found that there was no fault by the Council regarding missing payments and considered that the Council had offered a reasonable resolution by inviting Mrs A to bring in evidence of any missing payments.
- 3.5 The former Head of Legal and Policy Development agreed to comply with the Ombudsman's recommendations and £177.50 was removed from Mr A's account.
- 3.6 In considering the Ombudsman's decision, officers have concluded that it was an unusual set of circumstances, but that it has not been necessary to change any processes as a result of the decision. However, staff have been briefed to ensure that they consider the issues of fees and charges incurred when re-billing customers to ensure that they remain reasonable.
- 3.7 On 4 August 2015 the Ombudsman commenced a review of the decision at the request the complainant and on 20 August confirmed that the case would not be re-investigated. The Ombudsman also encouraged the customer to take up the Council's offer to attend the offices to resolve the dispute.

4.0 Alternative Options Considered

- 4.1 There are no alternative options relevant to this matter.

5.0 Reasons for Recommendations

- 5.1 There is a statutory requirement to respond to an Ombudsman report that identifies maladministration and a need for the Council to consider what action needs to be taken as a result of the report.
- 5.2 Audit and Governance Committee is responsible for reviewing the Council's corporate governance arrangements and for monitoring the operation of the Council's codes and protocols and the Council's complaints process and to advise the Council on the adoption or revision of such codes.

6.0 Future Work and Conclusions

- 6.1 On this occasion there is no intention to review processes; however, staff have been briefed in respect of this case as a learning exercise.
- 6.2 The Council's offer to review her evidence in respect of missing payments remains open to Mrs. A, however, she has so far declined to meet with Council officers.

7.0 Financial Implications

7.1 The agreed amount of £177.50 has been deducted from Mr A's outstanding Council Tax account.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 The Local Government and Housing Act 1989 places a duty on the Monitoring Officer to report the Ombudsman's findings to the Council and send a copy of her report to each Member of the Council in accordance with the Council's procedural requirements.

8.2 The Ombudsman's reports are available for members of the public to inspect.

8.3 The Ombudsman's recommendations are not legally enforceable although it is extremely unusual for an authority not to accept them. If the Ombudsman is not satisfied with the action proposed, she can publish a further report and can compel an authority to publicise her views.

8.4 In this instance, Officers have accepted the findings of the Ombudsman and have made the necessary deduction from Mr and Mrs A's account.

(One Legal have been consulted in the preparation of this report)

9.0 Risk & Opportunity Management Implications

9.1 The findings highlight the need to be mindful of recovery costs in respect of council tax arrears.

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 There are no community safety implications.

Sustainability

11.2 There are no sustainability implications.

Staffing & Trade Union

11.3 There are no staffing implications.

Background Documents: None.