

Meeting:	Audit and Governance Committee	Date:	18 January 2016
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 15 007 314		
	2. Report of the Local Government Ombudsman no 15 009 401		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider the report of the Ombudsman in respect of two recent Ombudsman investigations 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 in each case 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. The Ombudsman's final reports on the cases referred to in this report were published on 23 November 2015 and 8 December 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.

Complaint by Mr A - 15 007 314

- 3.3 In this case, Mr A complained that the Council failed to properly handle a dispute about his council tax liability after his property was damaged by a fire in May 2013 which led to enforcement action being taken against him for unpaid council tax.
- 3.4 Mr A's case continued over an extended period of time and there was a complicated chain of communication; however, the Council has accepted that the communication it received from Mr A should have led to his account being put on hold instead of recovery action being taken. In recognition of this fault the Council has refunded all of the costs relating to recovery on the account totalling £133.
- 3.5 The Council has also acknowledged the inconvenience its delays in responding to his correspondence caused to the complainant and has paid Mr A a further £47 as a goodwill gesture.
- 3.6 The Ombudsman's decision was that there was fault by the Council which caused injustice to Mr A, but they were happy that the Council had taken appropriate steps to rectify situation and did not require that any further action be taken.

Complaint by Mr A - 15 009 401

- 3.7 Mr A complained about the Council's handling of matters relating to his council tax liability for two properties he rents out to tenants. He considered that the Council had wrongly held him liable for a specific period of time when, in his view, it was the tenants who were liable. He also complained that the Council had failed to deal with his complaint about the matter in a timely manner.
- 3.8 On being notified of the complaint by the Ombudsman, the Council reviewed its handling of Mr A's case and, while decision with regards to liability was confirmed, officers realised that they had failed to inform him of his right to appeal against its decision to the Valuation Tribunal. In recognition of this fault the Council has paid Mr A £50 as a goodwill gesture and advised him he can still appeal to the Tribunal.
- 3.9 The Ombudsman's decision was that there was fault by the Council in its handling of Mr A's council tax complaint, but they considered that the steps taken to rectify the situation was satisfactory and that no further action was required.

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 In respect of Case 15 007 314, there is no intention to review processes; however, staff have been briefed in respect of this case as a learning exercise to highlight the importance of judging each case individually on its merits.
- 6.2 In respect of Case 15 009 401, the failure to inform the complainant of his right of appeal to the Valuation Tribunal was a human error and staff have made aware of importance of considering whether a the right of appeal exists.

7.0 Financial Implications

- 7.1 In both cases the relevant costs and goodwill gestures have been paid to the complainants and the details are contained in the main body of the report.

(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.
- 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 both cases, Officers identified the faults, reimbursed costs incurred and awarded compensation prior to knowing the Ombudsman's decisions. The Ombudsman was satisfied with the Council's actions in both cases and required no further action to be taken.

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

9.0 Risk & Opportunity Management Implications

- 9.1 The findings highlight the need thoroughly consider all aspects of a complaint to ensure that all relevant factors are taken into account before any action is taken.

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.