

PART A

Report to: Cabinet
Date of meeting: 5th December 2016
Report of: Head of Democracy and Governance
Title: Ombudsman's Decision

1.0 Summary

- 1.1 Under the Local Government and Housing Act 1989 the Council's Monitoring Officer is legally obliged to make a report to Cabinet of any finding by the Local Government Ombudsman of maladministration.
- 1.2 On 21 November 2016 the Council received the Ombudsman's final decision in a matter relating to incorrect information on its web site about small business rate relief. The Decision is attached at Appendix 1

2.0 Recommendations

- 2.1 That the Ombudsman's decision be noted.

Contact Officer: For further information on this report please contact: Carol Chen Telephone extension: 8350, carol.chen@watford.gov.uk

Report approved by: Managing Director

3.0 Detailed Proposal

- 3.1 Under s5A of the Local Government Act 1989 the Council's Monitoring Officer is legally obliged to report to cabinet any findings of maladministration by the Local Government Ombudsman.
- 3.2 On 21 November 2016 the Council received the Ombudsman's final decision in relation to a complaint made by a local businessman regarding incorrect information on the councils web site regarding small business rate relief
- 3.3 The full decision is attached at Appendix 1.
The Council has accepted that the website was wrong, and corrected it as soon as the error was brought to its attention by the complainant. Initially the Council offered the complainant an extra discount but not the amount he would have received based on

the information on the web site. The complainant was not happy with the offer and was referred to the Ombudsman.

- 3.4 The Ombudsman has concluded that as a result of the incorrect information on the web site there has been maladministration by the Council and also that the complainant has suffered an injustice as he based his calculations on the information on the web site.
- 3.5 Following the Ombudsman's investigation the Council has agreed to recalculate the complainant's business rates for the period in question and require him to only pay the sum as advertised on the web site.
- 3.6 As stated in the Ombudsman's decision no other similar complaints have been received in relation to the incorrect information.
- 3.7 The Ombudsman now publishes all decisions so her decision will be available on Local Government Ombudsman web site.
- 3.8 As a result of this case the process for publishing, changing and maintaining revenues and benefits information on the council's website has been reviewed and improved. The Head of Service now has the final signoff and check for the process going forward.

4.0 **Implications**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that the difference between the amount originally billed and the revised amount will be written off.

4.2 **Legal Issues (Monitoring Officer)**

- 4.2.1 The Head of Democracy and Governance comments that as stated in the report all findings of maladministration are required to be reported to cabinet by virtue of the Local Government and Housing Act 1989

4.3 **Equalities**

There are no direct equalities impacts arising from this report.

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Web site not kept up to date leading to further complaints	2	4	8
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>			

Appendix 1. Ombudsman's final decision 21 November 2016

Background Papers

None

File Reference

- None