

PART A

Report to: Cabinet
Date of meeting: 3rd July 2017
Report of: Head of Democracy and Governance
Title: Ombudsman Complaint

1.0 **Summary**

- 1.1 Under section 31 of the Local Government Act 1974 the Cabinet is obliged to consider any report from the Local Government Ombudsman that makes a finding of fault.
- 1.2 Attached at appendix 1 is a report of the Ombudsman relating to the way in which the Council dealt with an issue relating to Council Tax benefit. The complainants' details have been anonymised for the purposes of the decision letter as it is published on the Ombudsman's website.

2.0 **Recommendations**

- 2.1 That Cabinet notes the report and agrees with the recommendation set out in the decision letter.

Contact Officer:

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3.0 **Detailed proposal**

- 3.1 Under the Local Government Act 1974 any report of the Local Government Ombudsman finding fault (which for the Ombudsman's purposes means either maladministration or service failure) must be reported to members.
- 3.2 Attached at appendix 1 is a decision received from the Ombudsman of fault in the way the Revenues and Benefits service has dealt with an issue of calculating the council tax liability of an individual and their right to Council Tax Benefit and to appeal.
- 3.3 The Head of Revenues and Benefits has agreed with the Ombudsman's proposed recommendation and will contact the complainant to request the relevant financial information to assess their entitlement to Council Tax Benefit and give them a right of appeal.
- 3.4 This has been a particularly complicated case over a number of years. The Ombudsman was invited to the office to go through the detailed documentation but unfortunately did not accept this offer. The Ombudsman's comments and recommendation as a remedy will be acted upon.
- 3.5 As all Ombudsman decisions are published on their web site the complainants have been anonymised.

4.0 **Implications**

4.1 **Financial**

- 4.1.1 There are no financial implications in this report.

4.2 **Legal Issues (Monitoring Officer)**

- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the report.

4.3 **Equalities/Human Rights**

- 4.3.1 By agreeing to the Ombudsman's recommendation the Council will allow the complainant a statutory right of appeal to the VOA.

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Complainant not happy after council has reviewed their case	2	2	4

Appendices

Ombudsman Report

Background Papers

- No papers were used in the preparation of this report

File Reference

- None