

PART A

Report to: Cabinet
Date of meeting: 5 March 2018
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 13 February 2018 the Council received the Ombudsman's final decision in a matter relating to recovery action the Council took in respect of business rates. The Ombudsman's Decision is attached at Appendix 1

2.0 Risks

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(Treat, tolerate, terminate, transfer)</i>	Risk Rating (the combination of severity and likelihood)
The Council does not comply with the Ombudsman's recommendation	The Council gets a bad reputation with the Ombudsman	The Council complies with the recommendation	1	1
The Council does not learn lessons from this case	Further findings of maladministration by the ombudsman	Revenues and Benefits reviews its procedures on undertaking recovery action	2	1

3.0 Recommendation

That the decision be noted.

Contact Officer:

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4.0 Detailed proposal

- 4.1 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.
- 4.2 On 13 February 2018 the Council received the final decision of the Ombudsman in relation to a complaint about how the Revenues and Benefits Department had instigated recovery action for business rates in a case where the complainant had told the council that he was converting the premises to residential.
- 4.3 A copy of the Ombudsman's decision is attached as Appendix 1. Following the investigation of the complaint the Council has accepted the Ombudsman's recommendations and has also accepted that in this case it should have put recovery action on hold until it had received the decision of the Valuation Office.
- 4.4 The Head of Revenues and Benefits comments that whilst we are disappointed with the Ombudsman's overall decision, given that the Council has to legally demand either business rates or council tax on properties, domestic or non-domestic, that are listed by the Valuation Office Agency (VOA), lessons have been learned with regards having a better working relationship with the VOA, and by placing temporary holds on any such accounts with similar circumstances with immediate effect.
- 4.5 The Ombudsman now publishes all decisions so her decision will be available on Local Government Ombudsman web site.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that the payment can be accommodated within existing budgets.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 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

5.3 **Equalities/Human Rights**

5.3.1 There are no direct equalities impacts arising from this report.

Appendices

Appendix 1 Ombudsman's final decision

Background Papers

No papers were used in the preparation of this report

File Reference

None.