

Cabinet

6th November 2012

Report of the Monitoring Officer

Statutory Report of the Monitoring Officer

Summary

1. The Local Government Ombudsman has made a finding of maladministration in respect of the way the Council managed the housing allocation process for a resident. The Monitoring Officer is obliged under section 5 of the Local Government and Housing Act 1989 to report this finding to Cabinet.

Background

2. The report of the Local Government Ombudsman appears at Annex One to this report. In summary the Ombudsman has found that the Council placed the complainant and his family in a property which was too small for them. As a result the family lived in overcrowded conditions for over two years. The Council was not meeting its legal duties and delayed in recognising that this was the case. The family suffered significant distress as a result of the Council's failings.
3. The family have since been housed in a suitable property. The Council has agreed to pay compensation of £2000, to review its guidance and to give training to relevant Officers. The Ombudsman recommended this as an appropriate remedy.
4. Under section 5 of the Local Government and Housing Act 1989 the Monitoring Officer is under a duty to present a report to the Cabinet in the event of a finding of maladministration in respect of an executive function and the Cabinet is under a duty to consider that report. This report discharges that duty.
5. Under section 5A the Cabinet is obliged to consider the report and prepare a report which specifies:-

- (a) what action (if any) the executive has taken in response to the report;
 - (b) what action if (any) the executive proposes to take and when;
 - (c) the reasons for taking the action or, as the case may be, for taking no action.
6. As soon as practicable after the preparation of such a report, it must be sent to each member of the authority and the Monitoring Officer.
7. In addition to these requirements section 31 of the Local Government Act 1974 provides that where the Ombudsman reports that there has been maladministration, the report shall be laid before the authority concerned and that it shall be the duty of that authority to consider the report and within 3 months of the date of receipt of the report to notify the Ombudsman of the action which the authority has taken or which it proposes to take.

Consultation

8. *As required by the Act, the Chief Executive as Head of Paid Service and the Director of Customer and Business Support Services as s.151 officer have been consulted in the preparation of this report.*

Options

9. Cabinet may accept the recommendations in whole or in part and may agree additional actions

Analysis

10. The steps which have already been taken have been identified by the Local Government Ombudsman as representing an appropriate remedy.

Implications

11. Legal implications are contained within the body of the report. There are no other specific implications which need to be identified.

Risk Management

12. There are no additional risks associated with the recommendation.

Recommendations

13. Cabinet are asked to:

- 1) Note the Local Government Ombudsman's findings and recommendations and to endorse the steps already taken by Officers by way of offering a remedy.

Reason: To satisfy the legal requirement to consider the report and to confirm the appropriateness of the remedy recommended by the Ombudsman

- 2) Take no further action in relation to the matters set out in this report

Reason: The steps already taken have been accepted by the Ombudsman as representing an appropriate remedy

- 3) Adopt this report as the Council's formal response under section 5A of the Local Government and Housing Act 1989 and section 31 of the Local Government Act 1974 and arrange for it to be sent to every member of the Council and the Ombudsman.

Reason: To comply with legal requirements

Contact Details

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**Report
Approved**



Date 29/10/12

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 -Report of Local Government Ombudsman

Annex 2 – Service response (to follow)

[This annex was published on 6 November 2012]