

**Cabinet**

**5<sup>th</sup> March 2013**

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 provision of assistance in roofing works 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 provision of assistance on roofing works to a vulnerable elderly woman's home was inadequate. The Ombudsman says the Council, and the Agency acting on its behalf, wrongly included solid insulation in the schedule of works to be undertaken when the loft was already insulated, misled her into believing this was a requirement of her home appreciation loan, and allowed the works to be signed off when the woman did not know what document she had signed. The Ombudsman concludes that this, and other failures, caused the woman "a significant degree of distress and anxiety. The Council has agreed to pay compensation of £2000. The Ombudsman recommended this as an appropriate remedy.
4. Under sections 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 Ombudsman.
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** 18/02/13

**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**

Report of Local Government Ombudsman