

Bolsover District Council

Executive

3rd October 2016

Local Government Ombudsman decision in the case of Mr X

Report of the Monitoring Officer

This report is public

Purpose of the Report

To provide information to Councillors in relation to the Ombudsman's decision.

1. Report details

The Local Government Ombudsman (LGO) investigated a complaint from Mr X and as a result, the LGO found fault. However, the LGO closed the case as the Council had identified the issue and rectified it.

The full decision notice is appended, however for background information, Mr X is a landlord whose tenant had previously had a safeguard, i.e. the rent was payable directly to Mr X's agent. This safeguard was at the tenant's own request, and not because of arrears. The tenant subsequently asked the Benefit Section to remove the safeguard as they felt able to manage their own affairs. This led to the rent not being paid to the landlord's agent for a period of 4 weeks.

2. Conclusions and Reasons for Recommendations

The Monitoring Officer is statutorily required to report to members any finding of maladministration or injustice to Executive, and is required to present a report to all Councillors.

The offer of an ex-gratia payment of £161.10 (equivalent to 2 weeks rent) had been made prior to the LGO's involvement.

3 Consultation and Equality Impact

There are no direct consultation or equality issues as a result of this report..

4 Alternative Options and Reasons for Rejection

Not applicable as a requirement to present information to Councillors.

5 Implications

5.1 Finance and Risk Implications

As detailed above the Council has paid Mr X the sum of £161.10 as an ex-gratia payment.

5.2 Legal Implications including Data Protection

The Monitoring Officer is statutorily required to report to members any finding of maladministration or injustice to Executive, and is required to present a report to all Councillors. This report ensures we are meeting our duties. No further risks have been identified

5.3 Human Resources Implications

None within the content of this report.

6 Recommendations

1. That Executive note the findings of the Local Government Ombudsman.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	Barlborough
Links to Corporate Plan priorities or Policy Framework	Compliments/ Comments and Complaints Policy.

8 Document Information

Appendix No	Title
Appendix 1	Local Government Ombudsman decision notice and covering letter
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Monitoring Officer	BDC: 2414/ NEDDC: 7057
Customer Standards & Complaints Officer	BDC: 2353

Report Reference –