

AUDIT COMMITTEE

14th September 2016

Local Government Ombudsman's Annual Review Letter 2015/16

Report of Internal Audit and Assurance Manager

PURPOSE OF REPORT

To enable the Committee to consider the Local Government Ombudsman's Annual Review Letter for the year ending 31 March 2016.

This report is public

RECOMMENDATIONS

(1) That the report is noted.

1.0 Introduction

- 1.1 Members of the public can request the Local Government Ombudsman (LGO) for an independent review if they are not satisfied with a local authority's handling of, or conclusions from a complaint. If the LGO finds the local authority is at fault, she recommends actions for the local authority to remedy the fault.
- 1.2 The LGO sends an Annual Review letter to each local authority setting out statistics about complaints that have been referred to her about that authority during the financial year. The LGO also publishes an Annual Review of complaints statistics for all local authorities.

2.0 2015/16 Annual Review Letter

- 2.1 The LGO's Annual Review Letter for 2015/16 is appended to this report for Members' information. She received 12 complaints and enquiries against the Council in 2015/16, compared to 22 received in 2014/15. There were also 12 decisions made compared to 21 in 2014/15. It should be noted that not every decision relates to a complaint made within the 12 month period; some of the complaints registered within this period may not have been finalised and decisions made within this period may have been registered in the previous year.
- 2.2 These reductions in referrals and decisions are clearly encouraging. A high-level comparison with the other Lancashire district councils suggests that these levels are more in line with the norm and provide a reasonable benchmark to evaluate the Council's future performance in relation to complaints.
- 2.3 Members will note that 3 of the Ombudsman's decisions relate to complaints which she investigated in detail, 2 of which were upheld. This compares to 2 detailed investigations in 2014/15, 1 of which was upheld. A list of all the complaints with a summary of decisions is published on the LGO website at: <http://www.lgo.org.uk/decisions/>

- 2.4 The 2 complaints against the Council which were upheld by the LGO were:
- a) A complaint concerning the actions of the Council's contracted bailiffs when visiting a business property to recover outstanding business rates and costs. The Ombudsman found that, whilst some allegations concerning the manner of the bailiff's conduct were unfounded, there were three areas where his action was not in accordance with the relevant code of practice and/or the Council's and bailiffs' contract and own code of practice. The Ombudsman therefore concluded that there was some fault in the actions of the Council's bailiffs and a remedy was agreed that costs of £70 would be removed and that the bailiff's staff would be re-trained.
 - b) A complaint concerning the Council's reduction in the approved size of one of the Lancaster Charter Market stalls. The Ombudsman did not find the Council to be at fault over its instruction that the trader should reduce the size of his market stall or over allegations that a senior officer treated him unfairly. She did, however, find that the Council was at fault because it gave an incorrect reason for not investigating one part of the trader's complaint. As this fault did not give rise to any significant injustice, the Ombudsman did not recommend any remedy.

3.0 2015/16 Annual Review of Local Government Complaints

- 3.1 The Ombudsman's overall Annual Review of local government complaints is available online at <http://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>. The report indicates that the general number of complaints referred to the LGO increased by around 6% although this is at least partly explained by the number and type of organisation being included having also increased.

4.0 Conclusion

- 4.1 The report is for noting.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None directly arising from this report</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>None directly arising from this report</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 Officer has been consulted and has no further comments</p>	
<p>LEGAL IMPLICATIONS</p> <p>None directly arising from this report</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer has been consulted and has no further comments</p>	
<p>BACKGROUND PAPERS</p> <p>Ombudsman's Annual Review Letter 2015/16</p>	<p>Contact Officer: Derek Whiteway Telephone: 01524 582028 E-mail: dwhiteway@lancaster.gov.uk Ref: aud/comm/audit/160914LGO</p>