

Decision Pathway – Report

PURPOSE: For reference

MEETING: Cabinet

DATE: 01 May 2018

TITLE	Monitoring Officer Referral of a report by the Local Government Ombudsman	
Ward(s)	<i>All</i>	
Author:	Shahzia Daya	Job title: Service Director – Legal and Democratic Services
Cabinet lead:	Mayor	Executive Director lead: Executive Director Communities
Proposal origin: <i>Other</i>		
Decision maker: Mayor Decision forum: <i>Cabinet</i>		
Timescales: The Local Government Ombudsman (LGO) report must be reported to the Cabinet as soon as possible		
Purpose of Report: Following the LGO recommendation this report is to consider and note the Report of the LGO issued on the 3 rd April 2018 and actions that have or are to be taken by the Council as a result.		
Evidence Base: The LGO has issued a report in respect of an investigation of a complaint against the Council and has made the following findings and recommendations		
LGO Finding		
<p>Mr X and his family lived in one room in a hotel with no cooking facilities from April 2014 to July 2017. There was fault by the Council that caused Mr X injustice. Many Departments across the Council knew of Mr X's housing circumstances but did not refer this to the Housing Department for help and advice. The Council opened a housing application in 2014 but did not make it active. It missed several opportunities to put this right and register an active application. When it did this in March 2017 Mr X made a successful bid in two months, so Mr X missed the opportunity of an earlier offer of suitable accommodation.</p> <p>The Council failed to take a homelessness application in April 2016 and did not do so until March 2017. It is not known what the outcome of the application would have been but Mr X missed the opportunity of suitable interim accommodation and an earlier active housing application.</p> <p>The Council wrongly stopped paying for the storage of Mr X's belongings in 2015 causing him time, trouble and distress and meaning he was without any access to his possessions.</p>		
LGO finding of injustice caused		
<p>If the Council had activated Mr X's 2014 housing application or contacted him about it, it is likely the Council would have assessed an application and allowed Mr X to bid for property. When the Council did assess an application from Mr X in March 2017, he made a successful bid within two months because of his high priority. It was concluded from this that Mr X missed the opportunity of an earlier offer of suitable settled accommodation and spent longer than necessary in the hotel room. On the balance of probabilities if the Council had properly assessed an application from Mr X in 2014 he would have made a successful bid within 12 months.</p> <p>If Mr X had received an earlier offer of social housing he would not have paid so much himself towards the rent. He would not have had to borrow money or from mid 2016 use his children's disability benefits to make up the shortfall in the cost of the hotel.</p>		

The failure of the Departments who did know about Mr X's housing but did nothing about it also caused delay in providing suitable, settled accommodation for the family. Children's Services were aware of the situation in November 2014.

The delay in taking a homelessness application meant Mr X missed the opportunity of moving to more suitable interim accommodation. It also meant he missed another opportunity to make a housing application.

The way the Council tried to end its duty to store Mr X's belongings in 2015 caused him injustice. He was put to unnecessary time and trouble. He suffered the frustration of the Council refusing to talk to him about the situation. He had to constantly negotiate with the storage company. He had no access to his belongings while in the hotel. He did not get his belongings back until two months after he moved into his new home and so had to live without some furniture.

A table of actions that have been completed and are in progress is attached at Appendix A
 Notices of the report were placed in the local media on the 17/4/18 and 19/4/18
 £9,000 was paid to the family on 12/4/18.

LGO recommendations and action required

Action	Deadline
1. Place two public notice announcements in local newspapers/newspaper websites and make paper copies available at one or more offices.	17 April 2018
2. Full Council, Cabinet or other appropriately delegated committee of elected members to consider the report and confirm the action the Council has taken or proposes to take.	As soon as possible
3. Pay Mr X £9,000. This is £350 a month (£8,400) for a delay of at least two years in the Council taking action to help the family find suitable accommodation. The other £600 is for the delay in taking a new homelessness application; and the time, trouble, frustration and distress it has caused.	3 July 2018
4. Confirm to the LGO that in future the Council will follow the law and not automatically end its duty to store the belongings of people it has found intentionally homeless.	3 July 2018
5. Send a formal written response to the LGO explaining what steps have been taken to comply with the recommendations in the report (with evidence) and provide evidence that the report has been considered by elected members as outlined above.	3 July 2018

Cabinet Member / Officer Recommendations:

That Cabinet note the report of the LGO issued on the 3rd April 2018 and actions that have or are to be taken by the Council as a result.

Corporate Strategy alignment: There is a legal requirement to put this before the Council

City Benefits: There is a legal requirement to put this before the Council

Consultation Details: Not Applicable

Revenue Cost	£9,000	Source of Revenue Funding	Housing Solutions
Capital Cost	£n/a	Source of Capital Funding	n/a.

One off cost Ongoing cost Saving Proposal Income generation proposal

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: Not sought. There is a legal requirement to put this before the Council.

Finance Business Partner: *n/a*.

2. Legal Advice:

S 31 (2) of the Local Government Act 1974 provides that where a Local Commissioner reports that injustice has been caused to a person in consequence of maladministration, the report must be referred to authority concerned and the Authority has a duty to consider the report and, within the period of three months beginning with the date on which they received the report, to notify the Local Commissioner of the action which the authority have taken or propose to take.

In this case, the Monitoring Officer Considers that it is appropriate for this matter to be referred to the Executive of the Authority through a Cabinet meeting.

Legal Team Leader: Shahzia Daya, Service Director Legal and Democratic Services

3. Implications on ICT: not sought.

ICT Team Leader: *n/a*

4. HR Advice: There are no HR implications in respect of the decision of the ombudsman. However, it will be essential that the implications of this case are carefully considered by managers so the organisational failures identified are not repeated.

HR Partner: Mark Williams 20th April 2018

EDM Sign-off	Shahzia Daya	20 th April 2018
Cabinet Member sign-off	Mayor	20 th April 2018
CLB Sign-off	Alison Comley	20 th April 2018
For Key Decisions - Mayor's Office sign-off	<i>n/a</i>	<i>n/a</i>

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	NO
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Combined Background papers	NO
Appendix J – Exempt Information	NO
Appendix K – HR advice	NO
Appendix L – ICT	NO