

Report for: Cabinet 8th of March 2022

Title: Response to report by the Local Government and Social Care Ombudsman

Report

Authorised by: David Joyce, Director of Housing, Regeneration and Planning
Fiona Alderman, Monitoring Officer

Lead Officer: Robbie Erbmman, Assistant Director of Housing/ Fiona Alderman, Monitoring Officer.

Ward(s) affected: All

Report for Key/
Non-Key Decision: Non-Key Decision

1. Describe the issue under consideration

- 1.1. The Local Government and Social Care Ombudsman issued a report on 10 January 2022 in response to a complaint from a resident of the borough (Mr X) with regard to the Council's decision not to acquire his home, the manner in which this decision was made and the communication from the Council to Mr X.
- 1.2. The Ombudsman made recommendations to the Council with regard to the appropriate next steps. The Council is implementing these recommendations.

2. Cabinet Member Introduction

I just want to again take the opportunity to apologise to Mr X for the stress and uncertainty we have caused him. The Council is committed to implementing the Ombudsman's recommendations in full.

We have already issued a formal letter of apology to Mr X and paid him £1,000. Later, at tonight's Cabinet meeting, we will reconsider all possible options for the development site at Cranwood and Woodside Avenue.

However we also need to make sure that nothing like this ever happens again. That's why I have asked our new Chief Executive to review arrangements for how property decisions are taken in the future and acquisitions are made to make sure that the decision-making process is robust, transparent and accountable. I have also convened an independent external investigation into historical arrangements for property transactions.

3. Recommendations

- 3.1. It is recommended that Cabinet:
- 3.2. Note the findings and recommendations of the Ombudsman in the report shown at Appendix 1.

3.3 Notes the implementation of the Ombudsman's recommendations as set out in paragraphs 6.2 and 6.3.

3.4 Adopts this report as the Council's formal response under s.31 Local Government Act 1974, to be communicated to the Ombudsman.

4 Reasons for decision

4.1.1 As set out in the Ombudsman's report, Mr X has been found to have suffered injustice as a result of faults on behalf of the Council.

4.1.2 Where a report such as this is made by the Ombudsman, it must be laid before the authority (s.31 Local Government Act 1974). In cases such as this where the Council is operating executive arrangements, "the authority" means the executive, i.e. Cabinet (s.25(4ZA) Local Government Act 1974).

5 Alternative options considered

The Council could choose not to implement any of the recommendations made by the Ombudsman.

6 Background

6.1 The full background is set out in paragraphs 7 to 20 of the Ombudsman's report, as shown at Appendix 1. In summary, Mr X's complaints relate to the manner in which the Council communicated with him with regard to its potential acquisition of his house, in order to develop a neighbouring site, and the manner in which the Council made decisions regarding the acquisition of homes and the delivery of new homes. The Ombudsman has found that the Council's decision-making process was flawed and that the Council failed to communicate appropriately with Mr X.

6.2 The Ombudsman has made two recommendations following on from its investigation. The first recommendation is for the Council to 'apologise to Mr X for the faults found and the injustice caused to him and pay him £1,000 for the stress and uncertainty'. The Council has written to Mr X to apologise and has paid him £1,000.

6.3 The second recommendation is for the council to reconsider the proposals for the development of the site. A full report is being brought to Cabinet on the 8th of March a 2022 for Cabinet to consider the proposals and this is at Item 17.

6.4 The Council has therefore implemented both of the Ombudsman's recommendations. In addition, the Council has fully considered the Ombudsman's report and noted areas where it fell short, in particular with regard to its communication to residents and its decision-making process. These are areas where improvements have already been made since the events set out in the Ombudsman's report.

7 Contribution to strategic outcomes

The recommendations in the report contribute to the outcomes of the Borough Plan in particular Priority 5 – Your Council, which sets out under Outcome 17 that Haringey will be ‘17 A council that engages effectively with its residents and businesses.’

8 Statutory Officer Comments

Finance

- 8.1 As set out above the compensation payment has been made to Mr X and there is a further report on the Cabinet agenda taking forward recommendation from the LGO report on consideration of the proposals for the development of the site of the Former Care Home at 100 Woodside Avenue and the terraces at 102 to 108 and 110 to 116 Woodside Avenue and this contains appropriate finance comments.

Legal

- 8.2.1 Under the Local Government Act 1974 (the Act), the LGSCO has the power to investigate the complaint and to issue a report where there has been maladministration causing injustice; a failure to provide a service that it was the Council's function to provide; and a total failure to provide such service. The LGSCO has the power to make recommendations to the Council on how to improve its services and to put things right for the complainant. However, these recommendations are not mandatory and the Council does not have to accept or follow them.
- 8.2.2 Within 2 weeks of receiving the LGSCO's report, the Council is required to give public notice by advertisements in newspapers stating that copies of the report will be available to inspect by the public at the Council's offices for a period of three weeks (s.30 of the Government Act 1974).
- 8.2.3 The Act provides that the report shall be laid before the “authority” for consideration. In the case of a local authority operating executive arrangements (as in Haringey), “the authority” means the executive, i.e. Cabinet (s.25 (4) and (4ZA) Local Government Act 1974).
- 8.2.4 The Council's Monitoring Officer is obliged to prepare a report for Cabinet following the LGSCO findings and to consult with the Head of Paid Service and Chief Finance Officer for this purpose. This report must be sent to each member of the Council and Cabinet must meet within 21 days thereafter. The implementation of the proposal or decision must be suspended until after the report has been considered by Cabinet (s.5A Local Government and Housing Act 1989). Cabinet is required to consider this Monitoring Officer report on the findings of and response to the LGSCO's report.
- 8.2.5 Where Cabinet considers a LGSCO's report and it is considered that a payment should be made or other benefit given to a person who has suffered injustice, such expenditure may be incurred as appears appropriate (s.31(3) Local Government Act 1974).

8.2.6 Within 3 months of receiving the LGSCO's report or such longer period as may be agreed in writing with the LGSCO, the Council must notify the LGSCO of the action which the Council have taken or propose to take (s.31(2) Local Government Act 1974). If the LGSCO is not satisfied with the action which the Council has taken or propose to take, the LGSCO shall make a further report. The LGSCO can also require the Council to make a public statement in any two editions of a newspaper circulating the area within a fortnight (s.31(2A) and (2D) Local Government Act 1974).

8.2.7 An Ombudsman's report should not normally name or identify any person (s.30 Local Government Act 1974). Therefore, the complainant is referred to as 'Mr X.'

Procurement

8.3 Procurement comments

Equalities

8.4 Procurement notes the contents of the report which is not procurement decision.

9 Use of appendices

Appendix 1: Report by the Local Government and Social Care Ombudsman, Investigation into a complaint about London Borough of Haringey (reference number: 20 006 289)

10 Local Government (Access to Information) Act 1985

None