



Title: **Report on an Investigation into Complaint No 10 002 564  
Against Torbay Council**

Wards Affected: **All**

To: **Council** On: **13 July 2011**

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## **1. Key points and Summary**

- 1.1 Following a complaint from Mr Castle (a false name used by the Ombudsman in their report (Appendix 1)) to the Local Government Ombudsman, a finding of maladministration causing injustice has been found against the Council.
- 1.2 The Ombudsman report is required to be noted by the Full Council.

## **2. Introduction**

- 2.1 The Local Government Ombudsman received a complaint that the Council took bankruptcy proceedings against the complainant in response to a Council Tax debt of £2,248 without having proper regard to the personal circumstance of the complainant in particular his mental health.
- 2.2 The Ombudsman concluded that the Council had not followed due process in making Mr Castle bankrupt. The Ombudsman found the Council failed to document its decision making in respect of the recovery action by way of bankruptcy and failed to reconsider its decision to pursue bankruptcy when information came to light that Mr Castle might be considered suicidal. As such the Ombudsman considered that had such failings not occurred the Council would not have continued with the bankruptcy proceedings against Mr Castle and would not have incurred high punitive costs of some £24,000 associated with that action.
- 2.3 The Council has until 4 August 2011 to respond to the report of the Local Government Ombudsman

**Anthony Butler**  
**Monitoring Officer**

## **Appendices**

Appendix 1            Local Government Ombudsman Report