



Title: **Finding against the Council of Maladministration Causing Injustice in relation to bankruptcy proceedings in response to Council Tax Debt**

Wards Affected: **All**

To: **Standards Committee** On: **9 June 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.

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.

3. Conclusion

3.1 Members of the Standards Committee are requested to discuss the findings of the Local Government Ombudsman and suggest recommendations Members believe to be appropriate to the decision maker.

Anthony Butler
Monitoring Officer

Appendices

Appendix 1 Local Government Ombudsman Report