



# LEIGHTON-LINSLADE TOWN COUNCIL

## Policy and Finance Committee

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**Date:** 25 July 2022

**Title:** Boundary Review Decision

**Purpose of the Report:** To receive information and to consider potential options regarding the resolution made by Council at its meeting held 27<sup>th</sup> June 2022

**Contact Officer:** Mark Saccoccio – Town Clerk

<b>Corporate Objective/s</b>		To ensure value for money and operational efficiency and a structure which will underpin current and future service delivery by the Town Council. This work will be primarily within the remit of the Policy and Finance Committee.
<b>Implications:</b>		
<b>Financial</b>	Yes	There will be a cost implication should the Policy and Finance Committee recommend to Council that the Judicial Review be considered.
<b>Operational/Service delivery</b>	Yes	Any course of action will have resource implications.

### 1. RECOMMENDATION

**Should the Policy and Finance Committee be minded:-**

#### 1.1 To note the report

### 2 BACKGROUND

2.1 At its meeting held 27<sup>th</sup> June 2022, Council resolved that:

**“Given the decision by Central Bedfordshire Council’s General Purposes Committee to recommend no change to the Eggington parish boundary, this Council instructs the Town Clerk to seek immediate advice from the office of the Local Government Ombudsman as to what steps can be taken to obtain a review of that Committee’s decision, which was made without any mention of this Council’s formal response to the Stage 1 consultation process in the Committee’s Report”.**

- 2.2 The Local Government and Social Care Ombudsman (LGSO) was set up by the Local Government Act 1974. Its purpose to conduct investigations into complaints from members of the public who consider that they have suffered injustice as a result of maladministration. The LGSO provides an independent complaint handling service for complaints from members of the public that have not been resolved by local authorities and adult social care providers.
- 2.3 The LGSO must look for maladministration in the way the council has provided its services. Examples include:
- Delay
  - Failure to follow procedures or the law
  - Failure to provide information
  - Misleading or inaccurate statements
  - Inadequate liaison
  - Inadequate consultation
  - Broken promises
- 2.4 Circumstances when the LGSO cannot investigate
- More than 12 months have passed since you were aware of the issue
  - The matter has not affected you personally or caused you an injustice
  - The issue affects most people in the council's area
- 2.5 Crucially, the law does not allow the LGSO to accept a complaint made by an authority constituted for the purposes of public service.
- 2.6 Before making a complaint to the LGSO, the complaint must first be put to the organisation concerned to give them a chance to resolve the complaint. This means going through the complaint's procedure of the local authority. If no response is received within what is considered a "reasonable time" (up to 12 weeks), the matter can then be passed to LGSO for it to assess whether it meets its criteria and is worthy of investigation.
- 2.7 In terms of potential redress, the LGSO can ask the organisation to:
- Apologise
  - Provide a service you ought to have had
  - Make a decision it should have done before
  - Reconsider a decision it did not take properly in the first place
  - Improve its procedures so similar problems do not happen again
  - Make a payment
- 2.8 The LGSO does not have the legal powers to force organisations they investigate to follow their recommendations. The LGSO will publish all decisions six weeks after the date of the decision. Any decision reached by the LGSO can be challenged by way of a judicial review on the grounds that its decision was flawed. The process is set out at Appendix A of this report.

**End.**