

DECISION TO AWARD COMPENSATION AS PART OF COMPLAINT RESOLUTION
COUNCILLOR STEVE ALLEN - Cabinet Member for Housing, Culture and Recreation
JULY 2019
Deadline date: N/A

Cabinet portfolio holder: Responsible Director:	Cllr Steve Allen – Cabinet Member for Housing, Culture & Recreation Adrian Chapman – Service Director – Communities & Safety
Is this a Key Decision?	NO
Is this decision eligible for call-in?	NO
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

R E C O M M E N D A T I O N S
The Cabinet Member is recommended to authorise the payment of the recommended settlement amount.

1. PURPOSE OF THIS REPORT

1.1 This report is for the Cabinet Member for Housing, Culture & Recreation to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (b).

Authority is required for settlements over £1,000. Under Part 3, Delegations, Section 3, Executive Functions, para 3.13.5 (g) the Chief Executive/Director of People and Communities can only pay such settlements up to a value of £1,000.

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. BACKGROUND AND KEY ISSUES

3.1 The Cabinet Member is requested to approve the award of compensation agreed

4. CONSULTATION

4.1 This decision does not require any public consultation.

5. ANTICIPATED OUTCOMES OR IMPACT

5.1 It is anticipated that the Cabinet Member will approve or reject award of the recommended level of compensation as agreed as part of settlement of a complaint made in relation to the support offered while the council worked with the client in relation to their homelessness.

6. REASON FOR THE RECOMMENDATION

6.1 Client A approached the council as homeless as they were unable to continue to reside at their property as they were the victim of harassment. An application was accepted and a full housing duty was accepted. In October 2017 client A was offered what the council considered to be suitable accommodation in discharge of its homelessness duties. Client A refused the offer of accommodation and our duty to secure permanent accommodation was brought to an end.

In January 2019 the Council received representations from client A's solicitor requesting the Council consider undertaking an out of time review of their case as they believed that the Council had erred in law in making its decision to discharge its homelessness duty.

The Council agreed to undertake the review and on receipt of supporting evidence from the clients decided to overturn the decision that was made in October 2017 and to reinstate the full housing duty.

Following notification of our decision to overturn the decision, client A complained to the Council that following our discharge of duty they had to place their belongings into storage and they experienced financial hardship as a result. The Council decided that as they had agreed that the original decision to discharge their homelessness decision was incorrect it was unreasonable for client A to foot the bill for these costs and agreed to reimburse.

The costs were £144 per month for 15 months for the period November 2017 to February 2019 inclusive. $£144 \times 15 = £2160.00$

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 This is a final payment to resolve a complaint made against the Council. If not made the complainant could escalate their complaint to The Local Government Ombudsman who would investigate the complaint and would publish a report into their findings.

The likely outcome of their report would be that the Council should reimburse the client for costs accrued during the period that the homelessness duty was discharged.

8. IMPLICATIONS

Financial Implications

8.1 The amount of £2160.00 will be paid from the 2019/20 financial year.

Legal Implications

8.2 There are no legal implications arising from this decision.

Equalities Implications

8.3 There are no equalities implications arising from this decision.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

9.1 None.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

10.1 None.

11. APPENDICES

11.1 None.