

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE - 18th SEPTEMBER 2013

DELEGATIONS IN RESPECT TO COMPLAINTS COMPENSATION PAYMENTS

REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY & PUBLIC PROTECTION

1 PURPOSE

- 1.1 This report seeks delegation from the Licensing Committee to Assistant Directors for the authorisation of complaints compensation payments up to £5,000.

2 RECOMMENDATIONS

- 2.1 That members of the Licensing Committee approve complaints compensation payments already made and approve the delegation as set out in paragraph 5.4.

3 SUMMARY

- 3.1 The Licensing Committee Terms of Reference include under “**MISCELLANEOUS**”
- 6. Power to make payments or provide other benefits in cases of maladministration etc*
- 3.2 The Council can make payments to service users following upheld/partly upheld complaints made to the Council, Ombudsman or under statutory complaints procedures in recognition of poor service, loss or inconvenience. In these cases maladministration has not been ruled against the Council but it has been recognised that services could have been provided better or dealt with more efficiently.
- 3.3 This report seeks retrospective approval and delegation from the Licensing Committee to Assistant Directors for the authorisation of complaints compensation payments up to £5,000. Delegation is not being sought for any payments to be made where maladministration has been ruled against the Council.

4 PREVIOUS MINUTES

- 4.1 None

5 BACKGROUND

- 5.1 The Council has a Comments, Compliments and Complaints process alongside statutory complaints processes in respect to Children’s, Adults and Public Health. Complaints are investigated through one of these processes and the Council can decide following the conclusion of the investigations to take various courses of action, including making a compensation payment but this is usually in exceptional

circumstances. Following the conclusion of the appropriate process if the customer is still not satisfied their final appeal is to the Local Government Ombudsman (LGO).

- 5.2 The LGO will assess each case against their statutory powers and investigate if within their remit. They will clarify what resolution the customer is seeking and then review the evidence from both parties, the processes followed and the conclusions reached and action taken. They will then issue a provisional decision which both parties can comment on and following consideration of any responses a final decision statement will be issued. Generally this process confirms the actions taken by the Council. Sometimes they will partly uphold the complaint and seek further improvement actions by the Council and infrequently recommend payment of compensation. The ultimate decision that they can rule is maladministration by the Council. Clearly this is a severe judgement.
- 5.3 To date complaints compensation payments where maladministration has not be ruled have been authorised by the appropriate Assistant Director or Director. The Licensing terms of reference were re-examined when a recent compensation payment was ruled by the Ombudsman. This re-examination of the terms of reference of the Committee concluded that they are not clear on these types of payments so the retrospective approvals and future delegation is sought.
- 5.4 To enable the efficient operation of these processes in future and clarify the application terms of reference the following delegation is proposed:
- a) Assistant Directors to be able to approve complaints compensation payments up to £5,000 from their service area budget.
- 5.5 The Licensing Committee will approve all complaints compensation payments over £5,000 and any payment (irrespective of value) where maladministration has been ruled by the Local Government Ombudsman.

6 OTHER CONSIDERATIONS

| AREA | COMMENTS |
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| Equal Opportunities | All complaints received are investigated ensuring that the equalities of those affected are maintained. |
| Environmental Impact | The Council will investigate any environmental issues identified as part of a complaint. |
| Legal Implications | The power to make compensation payments rests with Licensing Committee and the delegation sought would enable officers to make such payments in the circumstances described in the report. |
| Links with Corporate Priorities | An effective complaints process will help to ensure that the Council can recognise when things have gone wrong, put them right and change processes to avoid them occurring in the future. |
| Opportunities and Risks | The risks and opportunities associated with this report have been assessed and appropriate action to manage them will be taken. |

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| Financial Implications | There is no budget provision for complaints compensation payments. Any authorised will have to be funded from within existing service area budgets. Compensation payments over the last 5 years have been of values from £300 to £1,500. |
| Ward Implications | Borough wide. |

7 BACKGROUND PAPERS

Council's Constitution

Report by Jenny Marriott, Audit & Information Governance Manager 383101;
Helen Ward, Customer Quality Group Manager 389036