

## Record of Officer's Decision

### The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Date of Decision:</b>	12 <sup>th</sup> August 2024
<b>Decision Maker (Officer):</b>	Ian Davidson
<b>Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):</b>	<p>Part 3, Schedule 2 – Responsibility for Council non-executive Functions delegated to Officers, Chief Executive No. 10 (part 3.9) power to authorise compensation payments up to a maximum of £5,000 as a result of Local government.</p> <p>The Chief Executive 'Ian Davidson' has delegated operational matters relating to the Stage 2 Complaints and Ombudsman responses.</p>
<b>Identify which Portfolio Holder(s)/Committee Chairman consulted?</b>	Not applicable – although the Portfolio Holder for Housing and Planning has been advised of the Housing Ombudsman's determination referenced in this decision.
<b>Ward Member(s) consulted?</b>	N/A
<b>Is it a Key Decision?</b>	No
<b>Is it subject to call-in?</b>	No
<b>Decision Made:</b>	To accept the recommendation of the Housing Ombudsman in respect of a complaint investigated and determined by it – including to authorise a payment in the sum of £300 to the tenant concerned (reference 202302247).
<b>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</b>	<p>There had been service failure in the landlord's handling of the complaint, for the time, trouble distress and inconvenience caused by the landlords ineffective complaint handling.</p> <p>The recommendation from the Housing Ombudsman that a payment in the sum referenced be made to the tenant. The recommendations have been accepted.</p>

<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>N/A</p>																		
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>The non-payment of the proposed sum was considered and rejected as an option. The Housing Ombudsman investigation determined the extent of the service failure and has independently evaluated the extent of payment to the tenant. The recommendations have been accepted in full and, consequently, the Council's agreement with the Housing Ombudsman could not be fulfilled without making the payment concerned.</p>																		
<p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>N/A</p>																		
<p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><b><u>and</u></b></p> <p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p>	<table border="1"> <tr> <td data-bbox="576 1111 635 1151"></td> <td data-bbox="635 1111 1382 1151"> <p>Not applicable</p> </td> </tr> <tr> <td data-bbox="576 1151 635 1223"></td> <td data-bbox="635 1151 1382 1223"> <p><del>If Report is not to be published — tick one of the following boxes:</del></p> </td> </tr> <tr> <td data-bbox="576 1223 635 1294"></td> <td data-bbox="635 1223 1382 1294"> <p><del>The report supporting the Decision contains confidential information</del></p> </td> </tr> <tr> <td data-bbox="576 1294 635 1406"></td> <td data-bbox="635 1294 1382 1406"> <p><del>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</del></p> </td> </tr> <tr> <td data-bbox="576 1406 635 1447"> <p>Y</p> </td> <td data-bbox="635 1406 1382 1447"> <ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul> </td> </tr> <tr> <td data-bbox="576 1447 635 1487"> <p>Y</p> </td> <td data-bbox="635 1447 1382 1487"> <ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul> </td> </tr> <tr> <td data-bbox="576 1487 635 1599"> <p>Y</p> </td> <td data-bbox="635 1487 1382 1599"> <ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul> </td> </tr> <tr> <td data-bbox="576 1599 635 1711"></td> <td data-bbox="635 1599 1382 1711"> <ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul> </td> </tr> <tr> <td data-bbox="576 1711 635 1942"></td> <td data-bbox="635 1711 1382 1942"> <ul style="list-style-type: none"> <li>• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment</li> </ul> </td> </tr> </table>		<p>Not applicable</p>		<p><del>If Report is not to be published — tick one of the following boxes:</del></p>		<p><del>The report supporting the Decision contains confidential information</del></p>		<p><del>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</del></p>	<p>Y</p>	<ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul>	<p>Y</p>	<ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul>	<p>Y</p>	<ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul>		<ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul>		<ul style="list-style-type: none"> <li>• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment</li> </ul>
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	<ul style="list-style-type: none"> <li>• <del>Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</del></li> </ul>
	<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: The Council has given undertakings not to disclose the detail of the tenant in public. These undertakings are deemed important to the Housing Ombudsman's role in independently considering complaints and the freedom of individuals to raise concerns without the prospect of their details being placed into the public domain.</p> <p>An anonymised report summarising the issues involved in this case will also be reported to the Cabinet in due course to support learning in respect of the matters addressed in the complaint. This learning is considered to represent the wider public interest in this matter.</p>

**Officers**

Signed:



Title: Chief Executive

Date: 19/08/2024