

Regulation and Review Committee Panel

5 April 2017

Present: Councillor K Osborne (Chair)
Councillor P Earley, D McMeekan and W Lott

RQ73/04/17 Apologies for Absence

Apologies for absence were received from Councillor M Madden.

RQ74/04/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ75/04/17 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ76/04/17 Stage Three Corporate Complaint - Ref: 101883804

The committee met to consider a complaint submitted against the Authority's Environment, Housing and Leisure Service. It had been agreed that the complaint proceed to Stage 3 of the Council's Corporate Complaints Procedure, which involved a hearing by the committee.

The complainant attended the meeting accompanied by a friend.

The officers in attendance from the service area were Dawn Statham, Neighbourhood Operations Manager, and Louise Foster, Service Development Officer. An officer from the Council's Customer, Member, Governor and Registration Services team was also present.

On behalf of the Environment, Housing and Leisure Service, Ms Foster set out a summary of the complaint which had been received on 30 November 2016 and related to the response of Housing Services to complaints from the complainant about another local authority tenant in a neighbouring maisonette, and the actions they had taken in response.

The complainant was given the opportunity to ask questions of the officers and did so.

Members also asked questions of the officer and sought clarification on a number of points.

The complainant was then invited to explain why they remained dissatisfied with the response to the complaint and what action was required to resolve the complaint in their opinion.

After the complainant's presentation, officers from the Environment, Housing and Leisure Service were given the opportunity to ask questions.

Members then asked questions and sought clarifications.

The officers from the Environment, Housing and Leisure Service and the complainant were all given the opportunity to sum up their respective cases and then left the meeting to enable the committee to determine the complaint in private.

The committee considered all the evidence presented at the meeting both written and verbal and noted the steps that had been taken to resolve the complaint at stages 1 and 2 of the complaints process. After receiving some legal advice on tenancy agreements the committee concluded:

- a) That it was a very difficult situation and it was clear officers had tried to find a resolution to the problem taking into account the personal circumstances of the other tenant which had required a deviation from the usual procedure on dealing with such matters.
- b) The decision to operate outside the usual procedure was a reasonable and appropriate response to the situation and the service had taken appropriate legal advice at every stage.
- c) Whilst understanding that it was frustrating for the complainant, the committee considered that the housing service had kept them informed in an appropriate way throughout.
- d) However, the situation had become untenable and as the behaviour of the other tenant was a breach of their tenancy agreement action needed to be taken.

The committee did not consider it appropriate to make any recommendations which related to the neighbouring tenant's home, this included the front garden, but were concerned about the fire and other risks identified within the home. Members agreed to encourage officers to use the following recommendations as an opportunity to address the issues inside the neighbouring tenant's home and to ensure that any action taken to reduce the risks within the property did not impact on the communal areas.

Resolved that the Head of Environment, Housing and Leisure be recommended to:

- (1) instruct Housing Services that on or by 1 May 2017 the tenant of the neighbouring property to the complainant be issued with a notice requiring the removal of the items stored in the communal hallway within seven days from the notice or the Authority would clear the hallway;
- (2) instruct Housing Services that on or by 1 May 2017 the tenant of the neighbouring property to the complainant be issued with a notice requiring the removal of the items stored in the shared rear yard within seven days from the notice or the Authority would clear the yard;
- (3) instruct Housing Services to consider fitting a device/making changes to the communal entrance of the property to ensure the door closes automatically and once closed can only be opened from the outside with a key; and
- (4) ensure that the action points detailed in the Safeguarding Assessment of the complainant's neighbour be followed up and completed in accordance with the timeframes agreed.