

Lancashire County Council

Corporate Complaints Committee

Monday, 23rd January, 2017 at 10.00 am in Cabinet Room 'D' - The Henry Bolingbroke Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No.	Item
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1.	Apologies
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2.	Constitution: Chair and Deputy Chair; Membership; Terms of Reference	(Pages 1 - 4)
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3.	Disclosure of Pecuniary and Non-Pecuniary Interests
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Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

4.	Minutes of the Meeting held on 13 April 2015	(Pages 5 - 8)
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5.	Procedure of Hearing	(Pages 9 - 10)
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6.	Urgent Business
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

7.	Date of Next Meeting
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The next meeting of the Committee will be held on 27 February 2017 at 10am in Cabinet Room D, County Hall, Preston.

8. Exclusion of Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading to the item.

PART II

(Not open to Press and Public)

9. Mr W NoWcard

(Pages 11 - 56)

(Not for Publication – Exempt information as defined in Paragraphs (1) and (2) of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Item 2

Corporate Complaints Committee

Meeting to be held on 23 January 2017

Electoral Division affected: None

Constitution, Membership and Terms of Reference

(Appendix A refers)

Contact for further information: Samantha Parker, Legal and Democratic Services, 01772 538221, sam.parker@lancashire.gov.uk

Executive Summary

This report sets out the constitution, membership and terms of reference of the Corporate Complaints Committee for the municipal year 2016/17.

Recommendation

The Committee is asked to note the report.

Background

i. Constitution and Membership

The Full Council at its Annual Meeting on 26 May 2016 agreed that the Corporate Complaints Committee shall comprise 9 County Councillors (on the basis of 4 Labour members, 1 Liberal Democrat* member and 4 Conservative members). Nominations of County Councillors to serve on the Committee have been submitted to the Director of Governance, Finance and Public Services by the respective political groups.

The County Councillors (9) appointed to serve on the committee for the following year are:

M Barron	T Jones
T Brown	D Smith
D Clifford	G Wilkins
M Dad	M Iqbal

*1 Liberal Democrat member to be confirmed

ii. Terms of Reference

A copy of the Committee's Terms of Reference is attached at Appendix A.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risks associated with this item.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
Agenda and minutes from Full County Council	26 May 2016	Janet Mather, Democratic Services, 01772 531123

Reason for inclusion in Part II, if appropriate

N/A

Corporate Complaints Committee

Composition and role

The Committee comprises of nine County Councillors and its role is to consider complaints made by members of the public against the Council under its Corporate Complaints Procedure.

This Committee will normally be dealing with confidential information and consequently the greater part of its meetings will be in private.

Terms of Reference

The Committee shall carry out the following function:

Complaints

1. To consider any complaint made against the Council by a member of the public, when the complaint has not been satisfactorily resolved by the Service Area, to whom the complaint was made, and the complaint is referred to the Committee for their consideration in accordance with the Council's Corporate Complaints Procedure.

2. To continually improve the service it delivers the Complaints

Committee may annually assess how complaints were dealt with on a random sampling basis.

(NOTE: The Committee do not consider Complaints relating to Children's and Adult's Social Care functions for which separate, statutory procedures exist).

Lancashire County Council

Corporate Complaints Committee

Minutes of the Meeting held on Monday, 13th April, 2015 at 10.00 am in Cabinet Room 'D' - County Hall, Preston

Present:

County Councillor Mohammed Iqbal (Chair)

County Councillors

M Barron
T Brown
D Clifford

A Jones
D T Smith
G Wilkins

1. Apologies

Apologies for absence were presented on behalf of CC Munsif Dad.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Minutes of the Meeting held on 16 March 2015

Resolved: That the minutes of the meeting held on 16 March 2015 be confirmed as a correct record and signed by the Chair.

4. Procedure of Hearing

Resolved: That the procedure for the conduct of the hearing be noted.

5. Urgent Business

There was no urgent business.

6. Date of Next Meeting

It was noted that the next meeting of the Committee would be held on 18 May 2015 at 10am at County Hall, Preston.

7. Exclusion of Press and Public

Resolved: That the press and members of the public be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of schedule 12A to the Local Government Act, 1972, indicated against the heading to the item. It was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

8. Complaint by Mr WL and Mrs JN

(Exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The meeting considered a complaint about a matter relating to the provision of an amended statement of special educational needs.

The Complainant attended the meeting to present the complaint. The Committee considered very carefully the points raised by the complainant in the correspondence submitted by him together with other documentation provided to it, which had also been copied to the complainant. The Committee also considered responses from officers of the County Council, who attended the meeting.

Resolved: That:

- i. the complaint be upheld.
- ii. the apologies of the committee be added to the apologies already given by the authority for the difficulties caused to the complainant
- iii. the reasons for this decision, as discussed and agreed at the meeting, be conveyed to the complainant in writing.

9. Complaint by Mr and Mrs R

(Exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The meeting considered a complaint about a matter relating to the provision of musical instrument lessons.

The complainant was unable to attend the meeting but said that it could go ahead in his absence. The Committee considered very carefully the points raised by the complainant in the correspondence submitted together with other documentation provided to it, which had also been copied to the complainant. The Committee

also considered responses from an officer of the county council, who attended the meeting.

Resolved: That:

- i. the complaint be not upheld.
- ii. the reasons for this decision, as discussed and agreed at the meeting, be conveyed to the complainant in writing.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

COMPLAINTS COMMITTEE – APPEALS PROCEDURE

PROCEDURE FOR HEARING BEFORE THE COMMITTEE

1. All papers will be provided to Members of the Committee the complainant and the service involved five clear working days before the meeting.
2. The complainant and an officer from the service concerned will be given the opportunity to attend the meeting of the Committee.
3. The Chairman of the Committee will introduce the members of the Committee and the persons present at the meeting to the complainant and the officer of the service involved.
4. The complainant, if attending, will be given the opportunity to address the Committee (20 mins max).
5. The service manager/representative will be given the opportunity to address the Committee (20 mins max).
6. Members of the Committee may ask the complainant or the service manager/representative questions at any convenient time in the process.
7. Witnesses may not be called nor will legal or other representation be permitted. If a person feels aggrieved or disadvantaged by this they may ask the Committee to consider the matter.
8. The Committee will come to a decision in the absence of the complainant and the officer of the service concerned but in the presence of the Clerk to the Committee who will advise the Committee if required on matters of procedure or law.
9. The complainant and service involved will be informed in writing of the Committee's decision.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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