

## Lancashire County Council

### Corporate Complaints Committee

Monday, 5th February, 2018 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. | <b>Apologies</b>  |               |
| 2. | <b>Constitution, Membership, Chair and Deputy Chair and Terms of Reference</b>  | (Pages 1 - 2) |
| 3. | <b>Disclosure of Pecuniary and Non-Pecuniary Interests</b>  |               |
|    | 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. | <b>Minutes of the Meeting held on 23 January 2017</b>   | (Pages 3 - 6) |
| 5. | <b>Procedure of Hearing</b>   | (Pages 7 - 8) |
| 6. | <b>Urgent Business</b>  |               |
|    | 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. | <b>Date of Next Meeting</b>   |               |
|    | The next meeting of the Committee will be held on 14 May 2018 at 10.00 a.m. 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. Complaint by Mr H**

(Pages 9 - 86)

(Not for Publication – Exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act, 1972.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).

County Hall  
Preston

L Sales  
Director of Corporate Services

**Corporate Complaints Committee**

Meeting to be held on 5 February 2018

Electoral Division affected: None
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**Constitution, Membership, Chair and Deputy Chair and Terms of Reference**

Contact for further information: Chris Mather, Democratic Services Manager, 01772 533559, [chris.mather@lancashire.gov.uk](mailto:chris.mather@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 2017/18.

**Recommendation**

The Committee is asked to note the report.

**Background****i. Constitution, Membership and Chair and Deputy Chair**

The Full Council at its Annual Meeting on 25 May 2017 agreed that the Corporate Complaints Committee shall comprise 7 County Councillors (on the basis of 4 Conservative members and 3 Labour members). Nominations of County Councillors to serve on the Committee were submitted to the former Director of Governance, Finance and Public Services by the respective political groups.

The County Councillors appointed to serve on the Committee for the following year are:

A Gardiner	G Oliver
J Cooney	J Purcell
T Aldridge	G Wilkins
Y Motala	

The Full Council appointed County Councillor G Wilkins and A Gardiner as chair and deputy chair of the Committee.

**ii. Terms of Reference**

The Committee shall carry out the following functions:

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 does not consider Complaints relating to Children's and Adult's Social Care functions for which separate, statutory procedures exist).

### **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
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Reason for inclusion in Part II, if appropriate

N/A

**Lancashire County Council**

**Corporate Complaints Committee**

**Minutes of the Meeting held on Monday, 23rd January, 2017 at 10.00 am in Cabinet Room 'D' - The Henry Bolingbroke Room, County Hall, Preston**

**Present:**

T Brown - Chair

**County Councillors**

M Barron  
D Clifford  
M Green

S Holgate  
G Wilkins

County Councillor Terry Brown chaired the meeting in the absence of County Councillor Mohammed Iqbal.

County Councillor Steven Holgate replaced County Councillor Mohammed Iqbal at this meeting.

**1. Apologies**

Apologies for absence were presented on behalf of County Councillor Munsif Dad.

**2. Constitution: Chair and Deputy Chair; Membership; Terms of Reference**

Members were advised that there were two updates to the report circulated with the agenda:

- County Councillor Dorothy Lord was confirmed as the Liberal Democrat representative on the Committee.
- County Councillor David Smith had been permanently replaced by County Councillor Michael Green.

**Resolved:** That the report and subsequent updates be noted.

**3. Disclosure of Pecuniary and Non-Pecuniary Interests**

None.

#### **4. Minutes of the Meeting held on 13 April 2015**

**Resolved:** That the minutes of the meeting held on the 13 April 2015 be confirmed and signed by the chair.

#### **5. Procedure of Hearing**

**Resolved:** That the procedure for the conduct of the meeting be noted.

#### **6. Urgent Business**

There were no items of urgent business.

#### **7. Date of Next Meeting**

It was noted that the next meeting of the Committee would be held on 27 February 2017 at 10am in Cabinet Room D, County Hall, Preston.

#### **8. 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.

#### **9. Mr W NoWcard**

(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 circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The meeting considered a complaint concerning a matter relating to the provision of NoWcard procedure for replacement card charges and the subsequent complaints process.

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, 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 partially upheld.

- ii. A recommendation be submitted to the Head of Service responsible for the Complaints Team that a review of the practices of the Team takes place to ensure more effective investigation of complaints.
- iii. 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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