



City of Westminster

# General Purposes Committee Report

<b>Meeting or Decision Maker:</b>	General Purposes Committee
<b>Date:</b>	22 January 2023
<b>Classification:</b>	General Release  Appendices A-D not for publication
<b>Title:</b>	Approval of compensation Payment over £2000
<b>Wards Affected:</b>	N/A
<b>Fairer Westminster Strategy:</b>	Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.
<b>Financial Summary:</b>	A compensation payment of £3,175 is required to a resident from the Housing Revenue Account
<b>Report of:</b>	Debbie Jackson, Executive Director for Growth, Planning and Housing

## 1. Executive Summary

- 1.1 Following a complaint from a leaseholder through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £3,175 is required to the leaseholder from the Housing Revenue Account. As the level of compensation awarded is in excess of £2,000 a report is required to come to the General Purposes Committee.
- 1.2 The complaint concerns failure to undertake repairing responsibilities.

## 2. Recommendations

- 2.1 That the committee notes the payment of compensation over £2,000 to comply with the Stage 2 complaint award and the Housing Ombudsman's order.

## 3. Reasons for Decision

- 3.1 Compensation payments awarded which exceed £2,000 need to come before the General Purposes Committee in order to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

#### **4. Background, including Policy Context**

- 4.1 The leaseholder submitted a Stage 1 complaint to the Council on 7 October 2020 regarding repeated leaks into the property from the walkway above. The leaks had caused considerable damage to the property and the leaseholder requested the walkway and all of the patios above be lifted, waterproofed and re-laid.
- 4.2 The Stage 1 response explained that all of the previous reports had been attended to and repairs carried out. A repair order was raised on 8 October to investigate the source of the latest leak and provide a quote for works to remedy. This order was first raised to the wrong trade causing a delay of one day. The quote was approved on 27 October 2020 and the work was carried out. £20 compensation was awarded for the delay.
- 4.3 A Stage 2 complaint was submitted on 10 December after a further leak occurred which was the worst leak in several years, with water affecting the light fitting in the bedroom. The leaseholder was particularly distressed as the property had been rewired in April 2020 following previous leaks. They complained that £20 awarded at Stage 1 was insufficient and demanded a full long-term repair and a compensation that is more befitting of the physical and financial inconveniences suffered.
- 4.4 At Stage 2 the complainant was awarded £3,175 compensation broken down as follows:

<b>Award</b>	<b>Service failure</b>
£1,500	Distress and inconvenience over 36 months (based on £500 per year pro-rata)
£1,500	Delay in carrying out the work required to fix the leaks
£105	Time and trouble in pursuing the repair
£50	For providing an inadequate response to the complaint at Stage 1
£20	Awarded at Stage 1 for raising the job on the wrong trade, causing a delay of 1 day.

#### **5. Investigation by the Housing Ombudsman:**

- 5.1 The Housing Ombudsman reviewed the case and reported on 25 April 2022 that there was reasonable redress offered by the landlord for its maladministration regarding its response to the resident's reports of water ingress at his property. It was recommended that the landlord should write to the resident within four weeks of the date of the determination and reiterate its offer of compensation.
- 5.2 The resident has since accepted the offer of compensation and payment is now due.

#### **6. Post complaint follow-up work**

- 6.1 Due to staff changes, at the time the compensation was offered, the team were not aware of the requirement to notify the committee approval prior to making any offer exceeding £2,000. The Housing Complaints team and service managers have now been briefed on the approval process for compensation payments exceeding £2000.

## **7. Financial Implications**

- 7.1 The compensation awarded will be paid from the HRA budget established for the purpose.

## **8. Legal Implications**

- 8.1 The Housing Ombudsman recommended the Local Authority renew its offer of £3175 compensation previously offered. The report sets out the action taken following the recommendations of the Housing Ombudsman.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact:**

*Jayson Sandiford, Housing Complaints & Service Improvement Manager  
jsandiford@westminster.gov.uk*

### **BACKGROUND PAPERS:**

Appendix A Stage 1 complaint response

Appendix B Stage 2 complaint response

Appendix C Housing Ombudsman investigation report

Appendix D Housing Ombudsman determination letter