

# Public Document Pack

**MINUTES OF A MEETING OF THE  
ADJUDICATION AND REVIEW COMMITTEE  
MEMBER REVIEW PANEL  
Town Hall Main Road Romford  
15 October 2015 (6.30 - 7.25 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group**                      Garry Pain (Chairman)

**Residents' Group**                      Julie Wilkes

**East Havering  
Residents' Group**                      Linda Van den Hende

The Chairman reminded Members of the action to be taken in an emergency.

There were no declarations of pecuniary interest.

**1        EXCLUSION OF THE PUBLIC**

On a motion by the Chairman,

The Panel excluded the public.

**2        CONSIDERATION OF A COMPLAINT AGAINST THE HOUSING  
SERVICE CONTAINING EXEMPT INFORMATION**

The details of this complaint are contained within the exempt appendix to this Minute.

The essence of the complaint was that radiators had fallen from a hall wall and a wall in a bedroom and that escaping water had damaged carpets and personal property. The complainant did not have contents insurance saying she was unable to afford it and that the Council should compensate her for loss because it was due to the poor construction of the property that the radiators fell from the walls.

In addition to this claim, the complainant claimed that the Council had failed to record her contact with it properly, that it had failed to ensure that sub-contractors attended the property at times which suited her needs and that she had had to wait in for almost a week because of a lack of clarity from the Council and she wanted compensation for this as well.

Furthermore, she considered the Council failed to respond within its stated time-scales and had lied to her about the status of the repair work (saying it was completed when it was not).

Other issues appeared during the stages One and Two resulting in a complex set of allegations of mismanagement and poor quality workmanship.

The Panel **DECIDED**:

1. Not to uphold the complaint because no evidence had been provided in support of the claim that the property had been poorly constructed.
2. In addition the Panel considered that the Council was not liable to provide compensation for damage to carpets or personal property as these ought to have been insured and the decision not to do this was a choice the tenant made having been fully informed of the risks. It did not agree to compensate the complainant for time taken from work because no verified claim had been provided for it to consider.
3. Furthermore it was for the complainant to show that she had contacted the Council when she claimed she had as the Council could find no evidence on its records that she had and the Panel had seen nothing from either party to either support the claim that sub-contractors had called but had found no-one home or refute that assertion.
4. The Panel considered that the Council had provided its response within the corporate time-scales even though the complainant did not receive it within the 15 working day period and
5. The Council did not have the authority to direct how sub-contractors managed their workloads or planned visits, so the Panel could not determine this as it was ultra-vires.

The Panel **RECOMMENDED** that:

1. The Head of Housing take steps to ensure that sub-contractors provided clear information about the work undertaken and the materials used to rectify problems and that jobs were not signed-off and paid until these had been checked and authorised by a qualified engineer/building specialist.
2. The Head of Housing consider any findings arising from the report which might have an impact on similar properties and that any routine checks incorporate any additional instructions to ensure that similar problems did not surface to cause other tenants problems in the future.
3. The Head of Housing liaise with the Council's sub-contractors to ensure that they improve their records to show clearly when visits

were made, by whom and if the operatives had failed to gain access, provide specific information about what steps were taken.

4. In future, the wording of the acknowledgement letters be changed to allow for the Council to use all of its 15 working days to prepare its response without compromising its compliance with the Complaints procedure. In this case the delay was exacerbated because the letter was written on a Friday and a weekend followed. The Panel considered that as the response had been completed within the corporate time-frame it was technically correct. The weekend skewed the delivery time and the remaining one day (the complainant had received the response on Tuesday) was not a material consideration and caused her no injustice as she was not kept waiting unduly for the response.

Furthermore, the Panel **DIRECTED** that:

1. The Head of Housing to arrange a surveyor to visit the complainant's property and to check the condition of the walls and to verify the current mounting of the radiators and to provide her with a full survey report and
2. If the survey revealed anything of structural significance, these be rectified.

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**Chairman**

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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