

MINUTES OF MEETING Cabinet Member Signing HELD ON Wednesday, 26th April, 2023, 10.30 am

PRESENT:

Councillors: Sarah Williams

ALSO ATTENDING: David Graaff (Head of Service Delivery) and Felicity Foley (Committees Manager)

1. APOLOGIES FOR ABSENCE

None

2. DECLARATIONS OF INTEREST

None

3. AWARD OF CONTRACT FOR SAP HOSTING AND SUPPORT SERVICES

This item was withdrawn to an error in the report.

4. AMENDMENT TO CABINET APPROVAL FOR LEGAL COSTS FOLLOWING AN OMBUDSMAN DECISION

The Cabinet Member for Finance and Local Investment considered the report which sought approval to negotiate and settle legal costs in relation to annulment of the bankruptcy of Ms B (recommended by the Ombudsman), further to a decision made by Cabinet on 10 December 2019. Since the original decision was made by Cabinet, the level of trustees costs had risen, which required further approval by the Cabinet Member.

The Cabinet Member for Finance and Local Investment RESOLVED

- 1.** To note that the level of legal costs has increased from the initial cabinet report for the reasons set out in section 4, and as set out in the exempt appendix.
- 2.** To authorise the Assistant Director Resident Experience, in consultation with the Cabinet Member for Finance and Local Investment, to conclude negotiations with the Trustees to agree and then to pay the costs in order to allow the bankruptcy annulment to proceed.

Reasons for decision

The remedies proposed by the Ombudsman were agreed by Cabinet on the 10th December 2019 and have been actioned, with the exception of the annulment of the bankruptcy.

The Trustee's costs were estimated to be in the region of £15,000, but these have since escalated. The bankruptcy cannot be annulled until the Trustees costs have been settled

The Trustee's costs have escalated from the initial estimates due to procedural requirements and delays due to COVID:

There was an requirement to communicate with the complainant and set out the consequences of the bankruptcy annulment relating to this debt and other debts to third parties. This took time to arrange and conclude discussions

All the Courts were closed for an extended period due to Covid so it was not possible to progress matters

The Trustees were still required to comply with a procedural timetable in the absence of the Courts, which led to activity and increased cost attributable to that activity

Negotiations to reduce the level of costs payable have been time consuming and have led to some delay

Alternative options considered

There are no alternatives available.

5. EXCLUSION OF THE PRESS AND PUBLIC

Item 6 is not available for publication as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. EXEMPT - AMENDMENT TO CABINET APPROVAL FOR LEGAL COSTS FOLLOWING AN OMBUDSMAN DECISION

The exempt information was noted.

CHAIR: Councillor Sarah Williams

Signed by Chair

Date