

# Executive

## Authorisation of Supplementary Revenue Estimate

7 December 2009

### Report of the Head of Development Control and Major Developments

#### PURPOSE OF REPORT

To recommend authorisation of a budget for payment of compensation via a Supplementary Revenue Estimate to be funded from Development Control and Major Developments Reserve.

This report is public

#### Recommendations

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The Executive is recommended:

- (1) To note the attached report to the Planning Committee and the committee resolution to pay Mr Whithead and Ms Simons of the Marlborough Arms, Gatteridge Street Banbury £11,274.35 compensation for losses arising from the Council's maladministration.
- (2) To approve a Supplementary Revenue Estimate of £11,274.35 to be funded from Development Control and Major Developments reserve.

#### Executive Summary

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##### Introduction

The Planning Committee has agreed to pay £11,274.35 compensation to Mr Whithead and Ms Simons of the Marlborough Arms, Gatteridge Street, Banbury for losses arising from the Council's maladministration.

There is currently no financial provision for the proposed compensation and therefore budgets need to be made available to allow this payment to be made.

##### Proposal

It is proposed to fund the compensation from the Development Control Reserve via a Supplementary Revenue Estimate.

## **Conclusion**

So that budget is made available to pay the compensation a Supplementary Revenue Estimate should be put in place.

## **Background Information**

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See attached Report of Head Legal and Democratic Services and Head of Development Control and Major Developments dated 19 November 2009

Minute 118 of Planning Committee Meeting held on 19 November 2009

## **Implications**

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**Financial:** There is no financial provision for the proposed compensation and therefore it will have to be funded from the Development Control Reserve via a Supplementary Revenue Estimate.

Comments checked by Eric Meadows, Service Accountant, PH&E 01295 221552

**Legal:** As the Planning Committee has accepted that the Council is guilty of maladministration and has agreed to pay the complainants compensation, funds need to be made available to pay the agreed amount to the complainants.

Comments checked by Sue Watts, Legal Assistant 01295 221689

**Risk Management:** The Ombudsman has found the Council guilty of maladministration and this has been accepted by the planning committee. In the circumstances failure to pay compensation in respect of the complainants' costs arising directly from the Council's errors would have a damaging affect on the Council's reputation. The Ombudsman would proceed to write a full report recommending payment of compensation at a level he considers appropriate. Again the Council do not have to follow the Ombudsman's recommendation but it would damage the Council's reputation if it failed to do so.

Comments checked by Rosemary Watts, Risk Management and Insurance Manager 01295 221566

**Wards Affected**

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All

**Executive Portfolio**

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**Councillor Michael Gibbard**  
**Portfolio Holder for Planning and Housing**

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Report of Head Legal and Democratic Services and Head of Development Control and Major Developments dated 19 November 2009
Appendix 2	Minute 118 of Planning Committee Meeting held on 19 November 2009
<b>Background Papers</b>	
Letter from Local Government Ombudsman	
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