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**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
*Chief Executive*

Date: 16 November 2015

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**To: Members of the Ethical Governance and  
Personnel Committee**

Mr LJP O'Shea (Chairman)  
Mr SL Rooney (Vice-Chairman)  
Mrs R Camamile  
Mr MB Cartwright  
Mrs MA Cook

Mr MR Lay  
Mrs MJ Surtees  
Mr P Wallace  
Ms BM Witherford

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 24 NOVEMBER 2015** at **10.30 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES OF PREVIOUS MEETING (Pages 1 - 2)  
To confirm the minutes of the previous meeting.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES  
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST  
To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS  
To hear any questions received in accordance with Council Procedure Rule 10.
6. COMPLAINTS 2014-15 (Pages 3 - 6)  
Report of the Monitoring Officer providing an annual update on corporate complaints.
7. LOCAL JOINT AND SAFETY PANEL  
To update members on the future of the panel.
8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

30 SEPTEMBER 2015 AT 10.30 AM

**PRESENT:**

Mr SL Rooney (Vice-Chair, in the Chair), Mrs MA Cook, Mrs MJ Surtees, Mr P Wallace, Ms BM Witherford, Mr E Hollick (for Mr MB Cartwright), Mr C Ladkin (for Mrs R Camamile) and Mrs J Richards (for Mr LJP O'Shea)

Also in attendance: Gordon Grimes (Independent Person)

Officers in attendance: Julie Kenny, Joseph Matharu and Rebecca Owen

193 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Camamile, Cartwright and O'Shea, with the following substitutions authorised in accordance with Council Procedure Rules 4.2 and 4.3:

Councillor Ladkin for Councillor Camamile  
Councillor Hollick for Councillor Cartwright  
Councillor Richards for Councillor O'Shea.

194 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Wallace, seconded by Councillor Cook and

RESOLVED – the minutes of the meeting held on 17 July 2015 be confirmed and signed by the Chairman.

195 DECLARATIONS OF INTEREST

No interests were declared at this stage.

196 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Wallace seconded by Councillor Cook, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1 and 10 of Part I of Schedule 12A of that Act.

197 COMPLAINT 2015/11-14

Members received a report summarising a complaint made against a councillor. Whilst members appreciated the comment made was not helpful, there was a general consensus that the subject member did not breach the code of conduct. It was moved by Councillor Witherford, seconded by Councillor Cook and

RESOLVED – the officer's recommendation be supported and no further action be taken.

Councillor Richards wished it to be recorded that she abstained from voting.

198 COMPLAINTS 2015/16-19 AND 22-25

Members were presented with an investigative report surrounding a complaint and counter-complaint involving members of Ratby Parish Council.

The Monitoring Officer reported that Councillor K Hunnybun's behaviour breached the Parish Council's Code of Conduct; however as Councillor K Hunnybun is keen to apologise, she was of the view that appropriate steps had been taken to remedy the situation. It was also heard that there was nothing to substantiate the counter-claims made by Cllrs Hunnybun that Councillors Tasker, Joyce and O'Shea (Mrs) had breached the Code of Conduct and therefore no further action was required for either matter.

There was widespread acceptance amongst members that Councillor K Hunnybun had breached the Code of Conduct but concern was expressed as to what more the subject Councillor could do to remedy the situation.

Concern was also heard on whether preventative measures were in place to prevent such incidents from occurring and that Councillor K Hunnybun needed warning of his future conduct.

Notwithstanding the officer's first recommendation, it was moved by Councillor Richards, seconded by Councillor Wallace and

RESOLVED – the matter be referred to the Monitoring Officer for other action, which may include mediation or other dispute resolution techniques.

Regarding the second recommendation in relation to the counter-complaint, it was moved by Councillor Wallace, seconded by Councillor Witherford and

RESOLVED – the officer's recommendation be supported and no further action need be taken.

(The Meeting closed at 11.02 am)

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CHAIRMAN

**ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE – 24  
NOVEMBER 2015**



Hinckley & Bosworth  
Borough Council

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**COUNCIL COMPLAINTS 2014-15  
REPORT OF THE MONITORING OFFICER**

**WARDS AFFECTED: ALL WARDS**

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1. PURPOSE OF REPORT

- 1.1 To inform of numbers of complaints received under the Council's two-stage complaints process and the outcome of these, and complaints received via the Local Government Ombudsman and Housing Ombudsman.

2. RECOMMENDATION

- 2.1 The report be noted.

3. BACKGROUND TO THE REPORT

- 3.1 The Council operates a two-stage complaints procedure which deals with complaints about Council services (including those carried out on behalf of the Council by contractors or partners) and actions or lack of actions by the authority or its officers.
- 3.2 At the first stage a complaint will be sent to the relevant manager for a response, which must be provided within ten working days (as recommended by Internal Audit in 2011). The response must usually state whether or not the complaint is upheld and give reasons for the decision. If, due to the level of investigation required, it is not possible to respond within this timescale, the responding officer must contact the complainant to explain the reasons for this and to let them know when they may expect a response.
- 3.3 If a complainant is not satisfied with the response received to their complaint at stage 1, they may request a review of the matter. When this request for a review (stage 2) is received the matter is reviewed by a more senior officer.
- 3.4 Should the complainant remain dissatisfied after stage 2 of the process, they have the opportunity to put their complaint to the Local Government Ombudsman or the Housing Ombudsman, who will usually contact us to ask for further details of the case, copies of correspondence and later in the process, a response from officers.
- 3.5 The complaints and Ombudsman process is administered by Democratic Services, and a record is kept which includes a summary of the complaint and the outcome in order to monitor patterns and learn from the information.
- 3.6 Under the Constitution, monitoring of the complaints process is the responsibility of the Ethical Governance & Personnel Committee, and as such these reports are brought to the committee annually.

Breakdown of complaints received under the council's complaints process – 2014/15

- 3.7 During the period 1 April 2014 to 31 March 2015, a total of 96 complaints were received under the formal complaints procedure. The number of complaints categorised by service is below:

Car Parks:	1
Cultural Services:	2

Democratic Services:	1
Electoral Registration:	4
Environmental Health:	3
Estates & Assets:	3
Housing:	9
Housing Repairs:	13
Legal:	1
Planning:	10
Private Sector Housing:	1
Procurement:	1
Revenues & Benefits:	18 (benefits: 7; Revenues: 11)
Streetscene services:	29 (green waste: 4; recycling: 14; refuse: 4; green spaces: 1; other: 6)

3.8 The number of complaints received compares with previous years as follows:

2014/15	96
2013/14	74
2012/13	54
2011/12	39
2010/11	39
2009/10	37
2008/09	31
2007/08	28
2006/07	27

This increase is in line with the national trend and is a lower figure per resident than the majority of other authorities.

3.9 Of the 96 complaints received as listed above, following initial enquiries two were sent onto other agencies as being out of our remit and four were dealt with in the course of business (outside of the complaints process). 90 were processed under our complaints procedure.

3.10 Of the 90 stage 1 complaints processed, the following outcomes were recorded:

Complaint upheld:	35
Complaint upheld in part:	5
Complaint not upheld:	46
Other:	4

3.11 In order to learn from complaints and more importantly the instances where complaints have been upheld (or upheld in part), these can be broken down as follows:

Electoral Registration:	2
Estates:	3
Housing:	2
Housing repairs:	5
Legal:	1
Planning:	2
Refuse, recycling & green waste:	12
Revenues & Benefits:	10
Streetscene (inc Green Space):	3

3.12 No compensation was paid during 2014/15 as a result of a stage 1 complaint.

- 3.13 79 complaints went no further than stage 1, suggesting that the complainant was satisfied with the response, and 11 were reviewed at stage 2. These stage two complaints relate to the following areas:

Cultural Services:	1
Environmental Health:	1
Estates:	1
Housing:	1
Housing repairs:	2
Housing & Housing repairs	1
Planning:	3
Streetscene:	1

#### Local Government Ombudsman complaints

- 3.14 Three complaints about this authority were lodged with the Ombudsman during 2014/15. This was a reduction from five during 2013/14, and 11 in 2012/13. Of the three lodged during 2014/15, one was closed after initial enquiries without investigation, one was not upheld, and one was upheld in part (no fault was found, but delays were identified). No complaints were received by the Housing Ombudsman.
- 3.15 During 2014/15, one judgement was issued on a complaint received but not determined the previous year, which was also not upheld.
- 3.16 No costs were awarded arising from any complaints determined by the Local Government Ombudsman.

#### 4. FINANCIAL IMPLICATIONS (DW)

- 4.1 The complaints process is carried out using existing resources. There were no financial settlements made during 2014/15 relating to complaints as noted in paragraphs 3.12 and 3.16 above.

#### 5. LEGAL IMPLICATIONS (JB)

- 5.1 None.

#### 6. CORPORATE PLAN IMPLICATIONS

- 6.1 This report supports all aims and objectives by ensuring the public and external organisations have the opportunity to raise issues with the authority which assist in improving services to the public.

#### 7. CONSULTATION

- 7.1 None.

#### 8. RISK IMPLICATIONS

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to provide satisfactory services or service improvements	Ensure service areas learn from complaints	R Owen / Service Managers

## 9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The complaints process about which this report is written is in place to ensure equality in service provision and to protect the rights of the individual. The complaints process is set as part of the Constitution and is administered as set out therein. The process is available and accessible to all customers.

9.2 Assistance is offered and provided to support complainants in completing the form and in providing all relevant information, and complaints are accepted in the format that is most appropriate for the individual.

9.3 Where there is a proposed new service, change of service, or a new or reviewed policy, an Equality Impact Assessment is required and has been undertaken and can be viewed here: None required – this is not a new service or a review of policy.

## 10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

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Background papers: None

Contact Officer: Rebecca Owen, ext 5879

Executive Member: Councillor A Wright