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Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

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

Date: 20 October 2016

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

Mr LJP O'Shea (Chairman)  
Mr CW Boothby  
Mr MB Cartwright  
Mr WJ Crooks  
Mr MR Lay

Mr K Morrell  
Mr M Nickerson  
Ms BM Witherford  
Ms AV Wright

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 **FRIDAY, 28 OCTOBER 2016 at 10.00 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. CORPORATE COMPLAINTS 2015-16 (Pages 3 - 8)

To inform members of the number of complaints received under the corporate complaints procedure and via the Local Government Ombudsman, and the outcome of these.

7. STATUTORY SAFETY COMMITTEE MINUTES (Pages 9 - 10)

Minutes of the council's Statutory Safety Committee, for information.

8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

9. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 10 of Schedule 12A of the 1972 Act.

10. COMPLAINTS 2016/04, 05 & 06 (Pages 11 - 12)

Members are asked to consider complaints 2016/04, 05 and 06 which are combined into a single report as they relate to the same matter.

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

16 MARCH 2016 AT 10.30 AM

PRESENT:

Mr SL Rooney (Vice-Chair, in the Chair), Mr DC Bill MBE (for Mr MB Cartwright), Mrs MA Cook, Mr MA Hall (for Mr LJP O'Shea), Mrs J Kirby (for Mrs R Camamile), Mrs MJ Surtees, Mr P Wallace and Ms BM Witherford

Also in attendance: Gordon Grimes

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

440 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 Bill for Councillor Cartwright  
Councillor Hall for Councillor O'Shea  
Councillor Kirby for Councillor Camamile.

441 MINUTES OF PREVIOUS MEETING

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

RESOLVED – the minutes of the meeting held on 20 January 2016 be confirmed and signed by the Chairman.

442 DECLARATIONS OF INTEREST

No interests were declared at this stage.

443 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Witherford, 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 items of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

444 COMPLAINT 2015/31

Councillor Bill arrived 10:35am.

Members received a report summarising a complaint made against a parish councillor. Whilst members appreciated that the action taken by the parish councillor required greater consideration on his part, there was a general consensus that the subject member had accepted his wrongdoing on the matter. It was moved by Councillor Witherford, seconded by Councillor Bill and

RESOLVED – no further action be taken.

445 COMPLAINT 2016/01

The Committee received a fact finding report which considered whether a parish councillor had discredited two fellow councillors by his continual questioning on parish council matters.

It was moved by Councillor Rooney, seconded by Councillor Hall and

RESOLVED - the matter be referred to the Monitoring Officer for further investigation.

446 COMPLAINT 2016/03

The Committee received a fact finding report which considered whether a parish councillor had failed to treat a member of the public and his family with respect and that the subject member had improperly used resources for political purposes, including misleading constituents by falsifying information.

On the motion of Councillor Witherford, seconded by Councillor Bill, it was

RESOLVED – the matter be referred to the Monitoring Officer for further investigation.

(The Meeting closed at 11.04 am)

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CHAIRMAN



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE 28 OCTOBER 2016

WARDS AFFECTED: ALL WARDS

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## CORPORATE COMPLAINTS 2015-16

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### **Report of the Monitoring Officer**

#### 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.

#### 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 should 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 or an officer from a different service area who has not been involved in the case.
- 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 – 2015/16

- 3.7 During the period 1 April 2015 to 31 March 2016, a total of 107 complaints were processed under the formal complaints procedure. The number of complaints categorised by service is below:

Car Parks:	1
Community Safety:	2
Cultural Services:	1
Customer Services:	2
Democratic Services/Planning:	1
Electoral Registration:	4
Environmental Health:	3
Estates & Assets:	1
Housing:	15
Housing Repairs:	25
Housing / Housing repairs	1
Housing / repairs / Council tax:	1
Planning:	13
Planning / Environmental Health:	2
Private Sector Housing:	1
Revenues & Benefits:	9 (benefits: 4; Revenues: 5)
Safeguarding:	1
Streetscene services:	24 (bulky waste: 1; green waste: 6; recycling: 5; refuse: 7; green spaces: 2; refuse & recycling (ie both bins): 3)

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

2015/16	107	2010/11	39
2014/15	96	2009/10	37
2013/14	74	2008/09	31
2012/13	54	2007/08	28
2011/12	39	2006/07	27

- 3.9 In addition to the 107 complaints received as listed above, there were several received and, following initial enquiries, sent onto other agencies as being out of our remit. The above figures are affected by a change in reporting as in previous years the total number of complaints included those that were not dealt with under the complaints process but forwarded to other agencies, whereas the 107 complaints for 2015/16 does not include these.

- 3.10 Of the 107 stage 1 complaints processed, the following outcomes were recorded:

Complaint upheld:	42
Complaint upheld in part:	3

Complaint not upheld: 60  
 Further information requested to enable response, but not received: 1  
 No response: 1

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:

Car Parks:	1
Community Safety:	2
Customer Services:	2
Electoral Registration:	2
Environmental Health:	1
Housing:	1
Housing repairs:	18
Planning:	2
Planning / Environmental Health:	1
Revenues & Benefits:	5 (revenues: 3; benefits: 2)
Streetscene:	10 (refuse: 3; recycling: 2; refuse & recycling: 3; green space: 2)

3.12 No compensation was paid during 2015/16 as a result of a stage 1 complaint.

3.13 80 complaints went no further than stage 1, suggesting that the complainant was satisfied with the response, and 27 were reviewed at stage 2. These stage two complaints relate to the following areas:

Cultural Services:	1
Environmental Health:	1
Housing:	4
Housing repairs:	1
Housing & Housing repairs	1
Housing/repairs/revenues	1
Planning:	8
Planning/Environmental Health	2
Private sector housing	1
Revenues & benefits	3 (Benefits: 1; revenues: 2)
Streetscene:	4 (Recycling: 1; Garden waste: 2; refuse & recycling: 1)

3.14 In relation to the stage 1 complaints, the areas with high numbers have been examined to look for common themes. Themes identified are:

- Housing: the largest number of complaints were about feeling unsupported, and almost as many about decisions (banding, allocations)
- Housing repairs: almost half of the complaints were about a particular contractor or damage/delays caused by them
- Planning: No trend found, variety of reasons for complaints including delays, dissatisfaction with decisions or advice
- Revenues & Benefits: Most complaints relate to lack of response to communication or failure to update details
- Streetscene: in relation to garden waste, the majority of complaints (five) were submitted towards the end of the year and were in relation to the charge. There was no trend amongst other complaints submitted about Streetscene services.

- 3.15 In relation to response times for stage 1 complaints, 11 did not receive responses within ten working days (not including those where a letter had been sent explaining the reasons for a delay in the response and when a response could be expected). These related to the following services:

Housing:	5 (33%)
Housing Repairs:	1 (4%)
Planning:	3 (23%)
Private Sector Housing:	1 (100%)
Revenues & benefits:	1 (11%).

#### Local Government Ombudsman complaints

- 3.16 Ten complaints about this authority were lodged with the Ombudsman during 2015/16 (this does not include complaints made to the Ombudsman but dismissed at an early stage without asking us for information). This was an increase from three during 2014/15, five during 2013/14, but a decrease on the 11 in 2012/13. Of the ten lodged during 2015/16, three were closed after initial enquiries without investigation, five were not upheld, and two identified injustice due to delays, resulting in compensation payments of £250 and £400. No complaints were received by the Housing Ombudsman.

#### 4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 No exemptions.

#### 5. FINANCIAL IMPLICATIONS (IB)

- 5.1 None.

#### 6. LEGAL IMPLICATIONS (AR)

- 6.1 None.

#### 7. CORPORATE PLAN IMPLICATIONS

- 7.1 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.

#### 8. CONSULTATION

- 8.1 None.

#### 9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

- 9.2 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.

- 9.3 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	Service Managers

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

- 10.1 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.
- 10.2 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.
- 10.3 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.

## 11. CORPORATE IMPLICATIONS

- 11.1 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: Previous years' complaints reports

Contact Officer: Rebecca Owen, ext 5879  
Executive Member: Councillor A Wright

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## STAUTORY SAFETY COMMITTEE MINUTES

11 August 2016 (2)

**Attending:** Adrian Wykes, Ian Pinfold, Tony Cunnington, Darren Moore, Lisa Kirby, Rob Smart

Item	Minute		Action
1.		<b>APOLOGIES</b> – Ged Hickey, Daniel Brookes, Rob Vaughan	
2.		<b>MINUTES OF PREVIOUS MEETING</b> – N/A.	
3.		<b>MATTERS ARISING:</b> <ul style="list-style-type: none"> <li>Covered in main meeting – Terms of Reference Feedback.</li> </ul>	
4.	A B C D	<p><b>DISCUSSION:</b></p> <ul style="list-style-type: none"> <li>The Committee elected Adrian Wykes as Chairperson. Proposer Rob Smart and Seconder Lisa Kirby. The Chairperson will serve in this capacity for one year.</li> <li>The Committee were informed about the agreed revision to the Terms of Reference with emphasis placed on: <ul style="list-style-type: none"> <li>Authority of the Committee;</li> <li>Reporting structure of the Committee;</li> <li>Membership of the Committee.</li> </ul> </li> <li>Discussion was commenced on the accident and incident statistics, January – July 2016. The Committee welcomed the reduction of accidents and incidents this year. <p>Special discussion was conducted concerning the accident to a member of the public in our communal area of a Sheltered Scheme. AWy informed the Committee of all actions taken to reduce this risk. Jo Baggott, Sheltered Housing Supervisor, to be asked if she could attend the next meeting to inform what has been completed to reduce this foreseeable risk. AWy to arrange.</p> </li> <li>Discussion on membership took place and the Committee decided that Marc Lee, Estates and Asset Management, would be invited to further meetings. AWy to organise.</li> </ul>	AWy    AWy

	E	<ul style="list-style-type: none"> <li>Discussion was had concerning lost / misused PPE. Can a charge be made to replenish lost / misused PPE. AWy states you can not charge for PPE if it is required by Risk Assessment and solely for use at work. AWy to research and report back.</li> </ul>	AWy
5.	F	<p><b>AOB:</b></p> <ul style="list-style-type: none"> <li>Discussion was had concerning the gas / smell present at the Jubilee. AWy explained what investigation had taken place, emphasised it was not a gas leak as the gas was switched off, and what would be occurring in the near future to eliminate the smell.</li> </ul> <p>The Committee decided that Marc Lee would be required to investigate the noxious fumes until such time it was eliminated. AWy was tasked with informing Marc Lee.</p>	MLe AWy
	G	<ul style="list-style-type: none"> <li>The Committee decided that they would like vehicle accidents to be reported to the Committee. AWy to arrange with Finance.</li> </ul>	AWy
	H	<ul style="list-style-type: none"> <li>Discussion was had concerning Hand Arm Vibration and metering. Our system is now over five years old and needs upgrading. Upgrading will cost £8-9,000. Enquiry was made whether other Services would like to buy into system. AWy to enquire from In-house.</li> </ul>	AWY and TCu
	I	<ul style="list-style-type: none"> <li>AWy asked the Committee if Pavilions had Fire Logs etc. Greenspaces said Yes. AWy asked if staff were utilising a Middlefield Lane Log book for Jubilee. Committee answered No. AWy agreed to conduct Pavilion Fire Risk Assessments with Tony Cunnington. The Jubilee representatives have asked that their Fire Log book be returned and stated it should not be taken off premises. AWy asked to contact Marc Lee.</li> </ul>	AWy
	J	<ul style="list-style-type: none"> <li>Discussion was commenced on first aid supplies. Services would complete an audit to find out what they require and inform AWy.</li> </ul>	All
	K	<ul style="list-style-type: none"> <li>AWy thanked the committee for a very productive meeting.</li> </ul>	
	L	<ul style="list-style-type: none"> <li>Next meeting to be arranged in two months. AWy to organise.</li> </ul>	AWy

By virtue of paragraph(s) 1, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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