

# Public Document Pack



**Hinckley & Bosworth  
Borough Council**

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
**Chief Executive**

**Date: 05 November 2021**

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

Cllr R Webber-Jones (Chairman)  
Cllr SL Bray (Vice-Chairman)  
Cllr RG Allen  
Cllr DC Bill MBE  
Cllr MB Cartwright

Cllr MA Cook  
Cllr A Furlong  
Cllr L Hodgkins  
Cllr LJP O'Shea

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 **MONDAY, 15 NOVEMBER 2021** at **6.30 pm** 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 Manager

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

### Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

**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 12.
6. CORPORATE COMPLAINTS 2020-21 (Pages 3 - 18)  
To provide the annual corporate complaints report.
7. CODE OF CONDUCT REVIEW (To Follow)
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 UPDATE (Verbal Report)

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

1 SEPTEMBER 2021 AT 6.30 PM

PRESENT: Cllr R Webber-Jones - Chairman  
Cllr SL Bray – Vice-Chairman  
Cllr CM Allen (for Cllr LJP O'Shea), Cllr RG Allen, Cllr DC Bill MBE, Cllr MA Cook,  
Cllr KWP Lynch (for Cllr L Hodgkins) and Cllr LJ Mullaney (for Cllr MB Cartwright)

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

#### 131 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cartwright, Furlong, Hodgkins and O'Shea, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor C Allen for Councillor O'Shea  
Councillor Lynch for Councillor Hodgkins  
Councillor L Mullaney for Councillor Cartwright.

#### 132 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Bray, seconded by Councillor Bill and

RESOLVED – the minutes of the meeting held on 30 June be confirmed as a correct record.

#### 133 DECLARATIONS OF INTEREST

No interests were declared.

#### 134 STATUTORY SAFETY COMMITTEE MINUTES

The minutes were received for information.

#### 135 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Webber-Jones seconded by Councillor R Allen, 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.

#### 136 COMPLAINTS UPDATE

The Monitoring Officer provided an update on ongoing complaints, noting the following points:

- Complaint 2020/03: the investigation had concluded that no breach of the code of conduct had occurred on both matters. In accordance with the approved procedure, the matter was now closed
- Complaints about a parish council: in accordance with the approved procedure, the Monitoring Officer had closed the cases as no breach was found.

137 COMPLAINT 2021/17

Consideration was given to a fact finding report into complaint 2021/17. The Monitoring Officer shared further correspondence received from one of the subject members.

Members felt that there was no evidence in the information provided which would support the allegation that there had been a breach of the code of conduct and it was moved by Councillor Bray, seconded by Councillor Bill and

RESOLVED – No further action be taken.

(The Meeting closed at 6.45 pm)

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CHAIRMAN



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee     27 October 2021

Wards affected:     All wards

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### **CORPORATE COMPLAINTS 2020-21**

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Report of the Monitoring Officer

#### **1. Purpose of report**

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

#### **2. Recommendation**

- 2.1 The report be endorsed.

#### **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 action 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. The response should 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. The review ("stage 2") 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 and Social Care 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 complaints.
- 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 2020/21**

- 3.7 During the period 1 April 2020 – 31 March 2021 a total of 189 complaints were processed under the formal complaints procedure.

The number of complaints in 25 service categories is as below:

ASB/Environmental Health & Planning	2
Benefits (incl business grants)	12
Car Parks	3
Clean Neighbourhoods	15
Corporate Governance	5
Cultural Services	2
Customer Services	2
Democratic Services - Committees	1
Environmental Health	1
Estates	1
Finance - Insurance	1
General	1
Green Spaces	3
Housing Allocations	9
Housing Anti-Social Behaviour	6
Housing Repairs	20
Housing Tenancy Management	11
Housing & Planning – Building Control	2
IT (planning objection function)	1
Licensing	1
Markets	1
Planning & Development Management	46
Planning Enforcement	9
Refuse & Recycling	27
Revenues	7
Total number of complaints	189

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

2019/20	163	2012/13	54
2018/19	177	2011/12	39
2017/18	181	2010/11	39
2016/17	174	2009/10	37
2015/16	107	2008/09	31
2014/15	96	2007/08	28
2013/14	74	2006/07	27

- 3.9 There has been a 16% increase in complaints to the authority this year. For the previous two years, despite the national trend of an increase, complaints to this authority had decreased for the second year in a row. It should also be noted that we have received positive comments during this period, particularly in relation to the Councils' response to the covid pandemic. In previous years, complaints increased in part due to the introduction of an online complaints form, which made accessibility easier for customers to make a complaint. This led to an increase in complaints that would previously have been dealt with in the course of business following a phone call to Customer Services or the appropriate team.

- 3.10 Of the 189 complaints processed, the following outcomes were recorded:

Complaint upheld	40
Complaint upheld in part	17
Complaint not upheld	131
Other	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:

ASB/Environmental Health & Planning	1
Benefits (incl business grants)	2
Car Parks	1
Clean Neighbourhoods	10
Corporate Governance	1
Customer Services	1
Environmental Health	1
Estates	1
Green Spaces	3
Housing Anti-Social Behaviour	1
Housing Repairs	9
Housing Tenancy Management	3
Licensing	1
Planning	1
Planning Enforcement	3
Refuse & Recycling	15

Revenues	3
Total upheld or upheld in part	57

- 3.12 Compensation was offered as a result of a stage 1 complaint during 2020/21 with a value of £1540.83 (£357.20 compensation and write-off of a recharge to the value of £1188.63).
- 3.13 Of the 189 complaints received, 145 went no further than stage 1, suggesting that the complainant was satisfied with the response, and 44 were reviewed at stage 2.

These stage 2 complaints related to the following service areas:

Anti Social Behaviour/Env. Health/Planning	2
Benefits	2
Car Parks	1
Clean Neighbourhoods	1
Corporate Governance	5
Cultural Services	2
Democratic Services (Committees)	1
Housing Anti-Social Behaviour	1
Housing Allocations	3
Housing Repairs	4
Housing Tenancy Management	7
Markets	1
Planning	4
Planning Development Management	4
Planning Enforcement	4
Refuse & Recycling	2
Total	44

### **Learning from Complaints**

- 3.14 The Ombudsman requests that when reporting on local complaints, authorities should focus on learning and on implementing recommendations for improvements that can help prevent the same thing going wrong again. Complaints are a valuable source of information which helps to identify recurring or underlying problems and potential improvements.
- 3.15 All of the complaints where the complaint was upheld and fault has been found have been reviewed to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Due to the nature of the complaints that were upheld, measures to resolve the complaint are largely corrective action where we have been at fault for poor service.

Corrective action typically consists of both individual redress, for example an apology, carrying out overdue work, reminder to staff of policies and procedures or additional training identified and the complaint is then resolved.

3.16 Service improvements were implemented in two cases of the upheld complaints and changes to operational practice were identified and developed as a result of these complaints.

- (i) Complaint about a driver causing confusion in a moving vehicle because he had failed to operate his vehicle correctly by using hazard lights incorrectly and a suggestion that he not been trained by the council correctly.

As this was a breach of the council's Health and Safety policy the driver received a warning and was re-issued with all relevant driving risk assessments and the council's driving policy. In addition, all relevant staff received a tool box talk which highlighted safe driving practice including the use of the hazard lights and the importance of when and how to use these.

- (ii) Complaint about the "spinney" being mown and damaged, allegedly killing wildlife.

Whilst the reasons for the mowing of the meadow were explained, the points raised were acknowledged and changes to maintenance practices were agreed.

### **Local Government and Social Care Ombudsman (LGSCO) complaints**

3.17 During 2020/21 six complaints about this authority were lodged with the LGSCO (not including complaints received by the Ombudsman but dismissed at an early stage without asking us for information). This was four fewer than the previous year.

3.20 The outcome of the six complaints was as follows:

- No fault
- Not investigated as no evidence or fault
- Not investigated
- Not investigated as did not cause personal injustice
- Not investigated as complaint was from a public body
- Not investigated as unlikely to find fault, not caused injustice and cannot achieve desired outcome

3.21 The annual review letter from the LGSCO is attached as an appendix. The data may not align with our own records due to the number of complaints dismissed without having contacted us for any information and the conclusion of complaints from the previous year within the figures.

## **Housing Ombudsman complaints**

- 3.22 One complaint was lodged with the Housing Ombudsman during 2020/21.
- 3.23 The investigation into the complaint found service failure and recommended paying compensation of £300 and training for complaint handlers.

## **Persistent and unreasonable complainant behaviour policy**

- 3.24 The Persistent and unreasonable complainant behaviour policy is in place to address unreasonable behaviour where the frequency or nature of a complainant's contact with the council takes up unjustifiable officer time and resources, making it hard for officers to handle their complaint and/or those of other people, or where their behaviour is offensive or abusive.
- 3.25 The policy has been applied to one person in 2020/21.

## **4. Exemptions in accordance with the Access to Information procedure rules**

- 4.1 This report is to be taken in open session.

## **5. Financial implications (IB)**

- 5.1 None.

## **6. Legal implications (MR)**

- 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 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. Climate implications**

- 11.1 This report is not proposing a new policy or service and therefore has no impact on climate change.

## **12. Corporate implications**

- 12.1 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, Democratic Services Manager, ext 5879

Executive member: Councillor S Bray

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# Local Government & Social Care OMBUDSMAN

21 July 2021

*By email*

Mr Cullen  
Chief Executive  
Hinckley & Bosworth Borough Council

Dear Mr Cullen

## **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

## **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

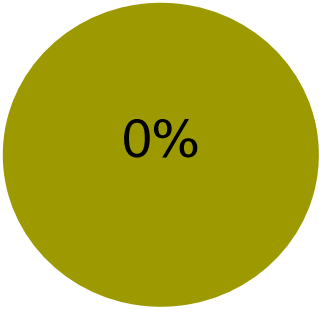
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>0%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>53%</b> in similar authorities.</p>	<p><b>0</b> upheld decisions</p> <p>Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
No recommendations were due for compliance in this period		
Satisfactory remedy provided by the authority		
The Ombudsman did not uphold any detailed investigations during this period		

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

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Reference	Authority	Category	Received
19016912	Hinckley & Bosworth Borough Council	Planning & Development	10 Jul 2020
20000719	Hinckley & Bosworth Borough Council	Other	30 Jun 2020
20008952	Hinckley & Bosworth Borough Council	Corporate & Other Services	03 Dec 2020
20009105	Hinckley & Bosworth Borough Council	Planning & Development	08 Dec 2020
20011451	Hinckley & Bosworth Borough Council	Planning & Development	01 Feb 2021
20012208	Hinckley & Bosworth Borough Council	Housing	08 Mar 2021
20013553	Hinckley & Bosworth Borough Council	Planning & Development	10 Mar 2021
20006277	Hinckley & Bosworth Borough Council	Planning & Development	12 Oct 2020
20014129	Hinckley & Bosworth Borough Council	Planning & Development	24 Mar 2021

Category	Decided	Decision	Decison Reason	Remedy	Service improvement recommendations
Housing	28 Aug 2020	Not Upheld	no mal		
Planning & Development	03 Sep 2020	Not Upheld	no mal		
Planning & Development	30 Jul 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Other	30 Jun 2020	Referred back for local resolution	Premature Decision - advice given		
Corporate & Other Services	22 Jan 2021	Closed after initial enquiries	Not warranted by alleged injustice		
Planning & Development	03 Feb 2021	Closed after initial enquiries	S27 not by member of the public		
Planning & Development	16 Mar 2021	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Housing	08 Mar 2021	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Planning & Development	10 Mar 2021	Incomplete/Invalid	Insufficient information to proceed and PA advised		

Reference	Authority	Category	Decided
No compliance data recorded during the period			

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