



15 September 2017

Dear Sir/Madam

A meeting of the Governance, Audit and Standards Committee will be held on Monday 25 September 2017 in the New Council Chamber, Town Hall, Beeston commencing at 7.00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: E H Atherton (Vice Chair) S A Bagshaw
 T P Brindley J C Goold
 J W Handley (Chair) S Kerry
 J W McGrath J M Owen
 J C Patrick K E Rigby

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 2

The Committee is asked to confirm as a correct record the minutes of the meeting held on 26 June 2017.

4. AUDIT OF ACCOUNTS 2016/17 AND ASSOCIATED MATTERS

The Council's external auditors, KPMG, will be present at the meeting to present the documents referred to above, which will be circulated in due course.

5. INTERNAL AUDIT PROGRESS REPORT PAGES 3 - 19

To inform the Committee of the recent work completed by Internal Audit.

6. REVIEW OF STRATEGIC RISK REGISTER PAGES 20 - 26

To recommend approval of amendments to the Strategic Risk Register and the action plans identified to mitigate risks.

7. COMPLAINTS REPORT 2016/17 PAGES 27 - 45

To provide members with a summary of complaints made against the Council.

8. LOCAL GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN SERVICE ANNUAL REVIEW LETTERS PAGES 46 - 54

To present the Local Government Ombudsman's (LGO) annual review letter and the Housing Ombudsman Service annual report to the Council and thereby promote all the Council's objectives.

To present a statutory report of the Monitoring Officer regarding an upheld complaint decision of 'maladministration, no injustice' determined by the LGO (see appendix 3).

9. WORK PROGRAMME PAGE 55

To consider items for inclusion in the Work Programme for future meetings.

GOVERNANCE, AUDIT AND STANDARDS COMMITTEE

26 JUNE 2017

Present: Councillor J W Handley, Chair

Councillors: E H Atherton
D A Elliott (substitute)
J C Goold
S Kerry
J M Owen
P J Owen (substitute)
J C Patrick
K E Rigby

Apologies for absence were received from Councillors T P Brindley, M J Crow and R I Jackson.

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

2. **MINUTES**

The minutes of the meeting held on 27 March 2017 were confirmed and signed.

3. **CORPORATE GOVERNANCE ARRANGEMENTS**

Under the Council's constitution this Committee is responsible for overseeing the maintenance of the Council's internal control environment and for monitoring and making recommendations regarding the Council's corporate governance arrangements.

The Committee noted the Council's compliance with the code on delivering good governance in local government and was informed of action taken to develop and comply with statutory obligations regarding corporate governance and to seek approval for the Annual Governance Statement for inclusion in the Council's published financial accounts for 2016/17. The following comments were amongst those raised:

- One in four people had responded to a survey stating their dissatisfaction with Council services. The Council should note this accordingly.
- The Action Plan required more detail including an indication of how outcomes would be achieved. Members were informed that a more detailed document would be regularly presented to them.

RESOLVED that the Annual Governance Statement as shown in appendix 2 of the report be approved in principle for inclusion in the Council's Statement of Accounts as amended above.

4. INTERNAL AUDIT REVIEW 2016/17

In accordance with the Public Sector Internal Audit Standards, developed by the Chartered Institute of Public Finance and Accountancy and the Chartered Institute of Internal Auditors, the Chief Audit and Control Officer must deliver an annual internal audit opinion and report that can be used by the authority to inform its Annual Governance Statement.

5. INTERNAL AUDIT PROGRESS REPORT

Under the Council's Constitution and as part of the overall corporate governance arrangements the Committee noted a report informing of the work of Internal Audit.

6. REVIEW OF STRATEGIC RISK REGISTER

Following the report to the last meeting of the Committee, and in accordance with the timescales set out in the Risk Management Strategy, the Strategic Risk Management Group met on 10 May 2017 to review the Strategic Risk Register. Members requested more detailed information in order to understand underlying causes of risks, in addition to lists being ranked in risk order.

RESOLVED that the amendments to the Strategic Risk Register and the action plans to mitigate risks, as set out in the appendix to the report, be approved.

7. WORK PROGRAMME

RESOLVED that the Work Programme be approved.

Report of the Chief Audit and Control Officer

INTERNAL AUDIT PROGRESS REPORT1. Purpose of report

To inform the Committee of the recent work completed by Internal Audit.

2. Detail

Under the Council's Constitution and as part of the overall corporate governance arrangements, this Committee is responsible for monitoring the performance of Internal Audit.

A summary of the reports issued since March 2017 and progress against the agreed annual Internal Audit Plan for 2017/18 is included at appendix 1. A brief narrative of the work completed by Internal Audit since the previous meeting of this Committee is also summarised at appendix 1. The summary includes reports in respect of audits outstanding at the end of 2016/17 and completed in this financial year.

Internal Audit has undertaken a review of progress made by management in implementing agreed actions within six months of the completion of the audit. Details of this follow-up work are included at appendix 2. Where agreed actions to address significant internal control weaknesses have not been implemented this may have implications for the Council. A key role of the Committee is to review the outcome of audit work and oversee the prompt implementation of agreed actions to help ensure that risks are adequately managed.

Further progress reports will be submitted to each future meeting of this Committee. A final report will be prepared for Members' consideration after the end of the financial year detailing the overall performance and productivity of Internal Audit for 2017/18.

Recommendation

The Committee is asked to CONSIDER the report.

Background papers

Nil

APPENDIX 1

INTERNAL AUDIT REPORTS ISSUED SINCE MARCH 2017

No	Audit Title	SIA	Report Issued	Opinion	Actions		IA Plan 2017/18 Complete
					Significant	Merits Attention	
27	Key Reconciliations 2016/17	WL	20/04/17	Substantial	0	1 (1)	-
28	Rent Arrears – Evictions 2016/17	WL	21/04/17	Substantial	-	-	-
29	Erewhash BC - Risk Management	CF	21/04/17	n/a	-	-	-
30	Rents 2016/17	WL	24/04/17	Substantial	0	0	-
31	Bank Reconciliation 2016/17	WL	24/04/17	Substantial	0	0	-
01	Erewhash BC – Health and Safety	CF	09/05/17	n/a	-	-	-
32	Flexi-time Management 2016/17	CF	11/05/17	Reasonable	1	2 (1)	-
33	Information Management 2016/17	CF	12/05/17	Reasonable	0	4 (3)	-
34	Shared Services 2016/17	CF	23/05/17	Substantial	0	0	-
35	Benefits 2016/17	CF	24/05/17	Reasonable	1	1 (1)	-
36	Beeston Square 2016/17	WL	05/07/17	Reasonable	0	3 (3)	-
02	Capita OPEN Housing System Users	WL	10/07/17	n/a	-	-	-
37	Chilwell Olympia 2016/17	WL	20/07/17	Substantial	0	0	-
03	Cash Receipting	CF	31/07/17	Reasonable	1	3 (2)	3%
38	Sundry Debtors 2016/17	CF	10/08/17	Reasonable	1	0	-
04	Local Auth. Housing Statistics Return	WL	08/09/17	Substantial	0	0	-
05	Asset Register (Estates Management)	CF	15/09/17	Reasonable	1	2 (2)	6%
06	Creditors and Purchasing	WL	15/09/17	Reasonable	1	2 (2)	8%
07	Land Charges	CF	15/09/17	Substantial	0	0	11%
08	Payroll	WL	15/09/17	Reasonable	1	1 (1)	14%
09	Car Parking	CF	15/09/17	Substantial	0	1	17%

REMAINING INTERNAL AUDIT PLAN 2017/18

No	Audit Title	SIA/ Days	Progress	IA Plan 2017/18 Complete
	Computer/ICT	WL	Draft report issued	19%
	Capital Works (Building Maintenance)	CF	Ongoing (Nearing completion)	22%
	Housing Repairs	CF	Ongoing (Nearing completion)	25%
	Planning Applications and Income	CF	Ongoing (Nearing completion)	28%
	Private Sector Housing/DFGs	WL	Ongoing (Nearing completion)	31%
	Parks and Grounds Maintenance	WL	Ongoing (Nearing completion)	33%
	Trade Waste Refuse Collection	CF	Commenced	36%
	HMO Licences	WL	Commenced	39%
	Stores	8	Expected to commence in Q2	42%
	Communications	5	Expected to commence in Q2	44%
	Administration - Miscellaneous	5	Expected to commence in Q2	47%
	Financial Resilience	8	Expected to commence in Q3	50%
	Choice Based Lettings	12	Expected to commence in Q3	53%
	Leisure Membership Scheme	2	Expected to commence in Q3	56%
	Kimberley Leisure Centre	8	Expected to commence in Q3	58%
	Corporate Governance	8	Expected to commence in Q3	61%

REMAINING INTERNAL AUDIT PLAN 2017/18 (Continued)

No	Audit Title	SIA/ Days	Progress	IA Plan 2017/18 Complete
	Human Resources	8	Expected to commence in Q3	64%
	Local Authority Trading Company	5	Expected to commence in Q3	67%
	CCTV	5	Expected to commence in Q3	69%
	Treasury Management	6	Expected to commence in Q3	72%
	Procurement	10	Expected to commence in Q4	75%
	Risk Management/Business Continuity	5	Expected to commence in Q4	78%
	NNDR	10	Expected to commence in Q4	81%
	Rents	10	Expected to commence in Q4	83%
	Information Governance (Management)	8	Expected to commence in Q4	86%
	Council Tax	15	Expected to commence in Q4	89%
	Bank Reconciliation	3	Expected to commence in Q4	92%
	Key Reconciliations	2	Expected to commence in Q4	94%
	Benefits	20	Expected to commence in Q4	97%
	Sundry Debtors	15	Expected to commence in Q4	100%

COMPLETED AUDITS

A report is prepared for each audit assignment that is issued by the Chief Audit and Control Officer to the appropriate senior managers at the conclusion of a review. This report will:

- include an overall opinion on the adequacy of controls within the system to provide assurance that risks material to the achievement of objectives are adequately managed – the opinion being ranked as either ‘Substantial’, ‘Reasonable’, ‘Limited’ or ‘Little’ assurance;
- identify inadequately addressed risks and non-effective control processes;
- detail the actions agreed with management and the timescales for completing those actions, and;
- identify issues of good practice.

The recommendations made by Internal Audit are risk assessed, with the agreed actions being categorised accordingly as follows:

- Fundamental – urgent action considered imperative to ensure that the Council is not exposed to high risks, such as breaches of legislation, policies or procedures
- Significant – action considered necessary to avoid exposure to significant risk.
- Merits Attention (Necessary Control) – action considered necessary and should result in enhanced control or better value for money.
- Merits Attention – action considered desirable to achieve enhanced control or better value for money.

2016/17 Audits completed

The following audit reports have been issued with the key findings being as follows:

1. Beeston Square Assurance Opinion – **Reasonable**

Internal Audit was pleased to report that the Council has an appropriate framework in place for the administration of operations in Beeston Square. The review indicated areas for improvement, with three ‘Merits Attention – Necessary Control’ actions being proposed. These related to the need to:

- Establish a robust protocol for the agreement of commercial rents in The Square to support the decision making process in the event of scrutiny or challenge. It was agreed that the Council would seek professional external commercial advice at two stages; when determining the Council’s initial negotiating position and before finalising the terms of any lease with prospective new tenants.
- Amend Financial Regulations to increase the value of delegated powers in respect of The Square that was subsequently approved by Policy and Performance Committee and ratified by full Council on 19 July 2017.
- Determine annual targets for rent income as a key performance indicator, in conjunction with occupancy rates, and to present an annual summary report of progress and performance for The Square to the Finance and Resources Committee.

An action plan was agreed by the Head of Property Services and the Estates Manager.

2. Chilwell Olympia Assurance Opinion – **Substantial**

No significant areas of concern were noted during the course of the audit.

Internal Audit was asked to perform an advisory-focussed review of new stock management arrangements for cleaning supplies. Although there were some inconsistencies found with the completeness of record keeping, the systems and procedures in place were considered to be satisfactory given the low level of financial risk associated with this area of operations. Internal Audit did recommend a number of key areas for management consideration and offered to provide further advice if required.

3. Sundry Debtors Assurance Opinion – **Reasonable**

The Council has an appropriate framework in place for the administration of operations in respect of Sundry Debtors. There was one ‘Significant’ action relating to the need to address weaknesses and improve the processes relating to the recovery of sundry debtors, as follows:

Objective

Internal Audit sought to ensure that invoiced amounts are efficiently collected and accounted for correctly.

Findings – Weaknesses within the Recovery Process

The recovery process for delinquent invoices rests between two teams. Initial efforts at recovery are managed by Quality and Control, referring accounts to a collection agent where the total amounts due from an individual debtor is less than £500. All other accounts are passed to Legal Services.

A number of specific issues have been noted, as follows:

- There is a significant backlog of aged debt where recovery action has stalled and/or there is little prospect of recovery.
- The financial information supplied to the Sundry Debt Performance Monitoring group, whilst serviceable, could be significantly improved in terms of data quality.
- There has been no progress on the reconciliation work between Civica Legal and the Sundry Debtors system.

The Sundry Debt Performance Monitoring group was aware of such weaknesses within the current recovery process and that steps are being taken (such as the scrapping of the £limit for referrals to a collection agent).

Agreed Actions (Significant)

The backlog of aged debt will be fully reviewed by the new Legal Assistant. Where appropriate, recovery action will be re-initiated or the balance submitted for potential write-off. The use of a collection agent for aged balances will also be considered as a recovery option.

Measures will be put in place to ensure that the backlog of aged debt does not continue to grow. Targets will be set for recovery rates and an action plan established for write-offs. The recovery process may include referral to a collection agent as the default action and consideration for write-off prior to commencing legal action. The Legal, Revenues and Housing teams will work together to understand the process.

The spreadsheet maintained by the Legal Assistant and used to monitor the performance of debt recovery will be reviewed and improved. This document will incorporate an accurate, detailed and regular reconciliation between the Civica Legal and Sundry Debtors systems.

The target date for completion is 31 December 2017.

Managers Responsible

Director of Legal and Planning Services

Chief Solicitor and Deputy Monitoring Officer

Head of Revenues and Benefits Shared Service/Quality and Control Manager

The actions were agreed by the Director of Legal and Planning Services and the Sundry Debt Performance Monitoring Group.

2017/18 Completed Audits

The following audit reports have been issued in 2017/18 with key findings as follows:

4. Capita OPEN Housing System Users

A review of the Capita OPEN Housing system users and access permissions was carried out at the request of the Deputy Chief Executive, following earlier enquiries made by the Council's external auditors.

There were a number of users with 'live' permissions on the system who were no longer Council employees. It was acknowledged that when an employee leaves the Council, their network access is removed. As such, direct access to the system cannot be gained. Also, individual passwords automatically expire after 90 days. Whilst these controls will limit the risk, central processes need to be in place to 'deactivate' permissions promptly after a user leaves.

Recommendations were made to management with a view to improving arrangements. Any progress made with these improvements will be considered as part of forthcoming audits of Housing Repairs, Lettings, Rents and Benefits.

5. Cash Receipting Assurance Opinion – Reasonable

Internal Audit reports that the Council has an appropriate framework in place for the administration of operations in respect of cash receipting.

There was one 'Significant' action relating to the need to ensure that the duties associated with the administration of the kiosk are reallocated to enable a smooth transition upon the departure of the current administrator, as follows:

Objectives

Internal Audit sought to confirm that cash payments received through the payment kiosk are appropriately and securely recorded and banked.

Findings – Responsibility for Kiosk Administration

The Payments Administrator who is the key officer responsible for the administration of the kiosk will shortly be leaving the Council. There are presently no clear formalised succession arrangements.

It is recommended that the duties associated with the administration of the kiosk should be formally reallocated at the earliest opportunity to enable a smooth transition of responsibility upon the departure of the current administrator.

Agreed Action (Significant)

Succession arrangements are being put in place to reallocate the duties of the current administrator to designated officers within the Support Services, Administration and Customer Service teams. This will be completed by 31 August 2017.

The new arrangements will be reviewed for efficiency and effectiveness and then suitably risk-assessed in order to ensure that staff safety, insurance and other matters are addressed. This will be completed by 31 December 2017.

Manager Responsible
Head of Administrative Services

The review also indicated further areas for improvement, with two 'Merits Attention - Necessary Control' actions being proposed in respect of the need to increase in the insurance limit for cash held in the kiosk and the consideration of introducing periodic independent checks of the cash float.

One further best practice action was raised relating to a review of the collection by the security company where there is the potential to reduce costs by reducing the frequency of cash collections and utilising the 'insurance headroom' provided by the kiosk office safe.

The actions were agreed by the Head of Administrative Services and the Customer Services Manager.

6. Local Authority Housing Statistics Return Assurance Opinion – Substantial

Internal Audit reviewed the Local Authorities Housing Statistics return to independently examine and confirm that the statistics had been appropriately and accurately compiled and verified prior to submission to the Department for Communities and Local Government (DCLG).

Overall, the review did not indicate any major areas for concern and, accordingly, a clearance report was issued.

7. Asset Register (Estates Management) Assurance Opinion – Reasonable

This review has indicated areas for improvement with further actions proposed in order to ensure that the processes and controls in place are effective.

There was one 'Significant' action relating to the requirement to ensure that asset valuations are submitted in a timely manner to support the efficient production of the Statement of Accounts, as follows:

Objective

Internal Audit sought to confirm that the asset valuations provided to Finance Services by the Estates section had been calculated correctly.

Findings – Timeliness and Accuracy of Asset Valuations Submissions

Some material differences were noted in the asset valuations provided to the Head of Finance Services by the Estates Manager, which resulted in additional work being necessary in preparing and updating the annual Statement of Accounts.

Also, the valuations were submitted to the Head of Finance Services after the requested date. In future years, with the accelerated accounts closedown timetable now coming into full effect from 2017/18, such late submissions will increase the risk of late publication of the Statement of Accounts and consequent financial and regulatory penalties.

A new streamlined template for Housing Asset valuations has been provided by Internal Audit in order to support the work of the Estates section.

Agreed Action (Significant)

Any significant changes in asset valuation will be subject to scrutiny and quality check. To facilitate this process, the Estates Manager will alert the Head of Finance Services wherever material changes are made to asset valuations and provide suitable justification of the factors involved that leads to the revised valuation.

The submission of valuations will be completed within the timescales agreed with the Head of Finance Services. The template provided by Internal Audit will be utilised in order to expedite this process.

Manager Responsible

Head of Finance Services
Estates Manager

Target Date: 31 January 2018

The review also indicated further areas for improvement, with two 'Merits Attention – Necessary Control' actions being proposed in respect of:

- the need to further develop the utilisation of the RAM Asset Management system in order to achieve working efficiencies with less reliance placed on separate asset accounting systems
- the requirement to register the titles for Cavendish Lodge and The Lodge Community Centre at the earliest opportunity.

The actions were agreed by the Head of Finance Services, the Estates Manager and the Chief Solicitor and Deputy Monitoring Officer.

8. Creditors and Purchasing Assurance Opinion – Reasonable

The Council has an established framework in place for the administration of operations in respect of creditors and purchasing. This review did indicate areas for improvement and further recommendations were proposed in order to ensure that the processes and controls in place are effective. There was one 'Significant' action relating to the need to review that system of authorising invoices for payment to ensure that this remains appropriate, as follows:

Objective

Internal Audit sought to confirm that payments are only made to genuine suppliers in settlement of authorised invoices.

Findings – Authorisation for Payment

There are two officers involved in the process when an invoice is passed through the Creditors system for payment, namely the 'creator' and the 'authoriser'.

There have been many changes to services and the establishment since the system was introduced. The previous audit identified that invoices may not always be directed by the system to the most appropriate authoriser for approval, increasing the risk of erroneous or fraudulent payments.

It had been agreed previously that the Creditors system approval groups would be comprehensively reviewed and updated to ensure that invoices are being appropriately authorised. Due to management turnover and vacancies, the review of authorisers has not been completed.

Agreed Action (Significant)

The Creditors system approval groups will be comprehensively reviewed and updated to ensure that invoices are being appropriately authorised.

Authorisers will be reminded (via email to Heads of Service and Administrative Officers) of their obligations when approving invoices for payment.

Manager Responsible

Head of Finance Services
Chief Accountant

Target Date: 31 March 2018

The review also indicated further areas for improvement, with two 'Merits Attention – Necessary Control' actions being proposed in respect of:

- the requirement to ensure that orders are issued as appropriate and in a timely manner in accordance with Financial Regulations
- the need to receive annual confirmation from all Heads of Service that their respective purchasing system users and purchase card holders permissions and limits remain appropriate.

A further observation was made relating to a review of travel, subsistence and other reimbursements made via corporate purchasing cards.

The actions were agreed by the Head of Finance Services, the Chief Accountant and the Projects and Performance Officer.

9. Land Charges Assurance Opinion – Substantial

Internal Audit reported that the Council has an appropriate framework in place for the administration of land charges. Overall, the review did not indicate any significant weaknesses or areas for improvement and, accordingly, a clearance report was duly issued.

10. Payroll

Assurance Opinion – Reasonable

The Council has an established framework in place for the administration of operations in respect of Payroll. This review has indicated areas for improvement and further recommendations were proposed in order to ensure that the processes and controls in place are effective. There was one 'Significant' action relating to the need to complete an independent check of the number of paid employees on a regular and timely basis, as follows:

Objective

Internal Audit sought to ensure that the Payroll system is secure.

Findings – Independent Reconciliation of Paid Employees

Internal Audit has previously raised concerns regarding user access to the integrated Human Resources and Payroll system, whereby a user with administrator access rights can fully access both aspects of the system. Although there is a management trail on the system showing who has completed transactions, these logs are only reviewed by officers involved in the payroll process.

There is a risk that a bogus employee could be fraudulently created on the system and paid without detection. The risk has been reduced to some extent by the Human Resources section reviewing the monthly salary control reconciliation, as this lists all new employees.

Whilst Internal Audit appreciates the risks are mainly inherent within the system and it may not be possible to eliminate them completely, it does believe that that risk can be further reduced. This matter was considered by the General Purposes and Audit Committee on 1 December 2014. The report outlined some of the measures already in place to address this risk and proposed a further control that would see the Accountancy section provide an independent validation of the number of employees paid in a month. This check, in conjunction with the signed departmental returns, would provide substantial assurance that the monthly pay run did not include any bogus employees. Members resolved that this control measure should be adopted.

Unfortunately, the monthly reconciliation of employee numbers by the Accountancy section has not yet been fully embedded as a process.

Agreed Action (Significant)

A full reconciliation of the movement in headcount will be carried out by a designated officer in the Accountancy section. The departmental reports distributed by email from Payroll to each department in advance of the monthly pay run will be copied to Accountancy. Upon receipt of the reports, the designated officer in the Accountancy will note the number of employees included on each list onto a pro-forma table that collates the details from each report and provides a cumulative total of employees due to be paid in a month. This table should then be authenticated within Accountancy (independent of Payroll) and used to corroborate the total numbers in the BACS Input Report and the monthly Salary Control Sheet.

Manager ResponsiblePayroll and Job Evaluation Manager
Chief Accountant

Target Date: 31 October 2017

The review also indicated a further area for improvement, with one 'Merits Attention – Necessary Control' action being proposed in respect of completing similar checks in respect of other payments such as election employees payments on behalf of the Local Returning Officer.

The actions were agreed by the Payroll and Job Evaluation Manager, the Head of Finance Services, the Chief Accountant and the Head of Administrative and Electoral Services.

11. Car Parking Assurance Opinion – Substantial

Internal Audit reported that there continues to be an appropriate framework in place for the administration of operations in respect of car parking.

The review did indicate an area for improvement, with one 'Merits Attention' action being proposed to review cash collection arrangements with a view to optimising and reducing the overall cost of collection. An action plan was agreed by the Head of Property Services and the Parking Manager.

Further reviews in respect of Capital Works (Building Maintenance), Computer/ICT, Housing Repairs, Parks and Grounds Maintenance, Planning Applications and Income, Private Sector Housing Grants and Retirement Living are ongoing and the reports have yet to be finalised. These will be included in the next progress report to Committee.

Current Audit Performance

Overall 33% of planned audits for 2017/18 are near to completion. This level of performance is slightly below what was achieved at this stage in the previous year, with the focus of internal audit work being to complete outstanding work from 2016/17. The overall target for 2017/18 is 90% and this is expected to be achieved.

APPENDIX 2

INTERNAL AUDIT FOLLOW-UP

Internal Audit has undertaken a review of progress made by management in implementing agreed actions within six months of the completion of the audit.

The table below provides a summary of the progress made with agreed actions for internal audit reports issued between September 2014 and February 2017 (i.e. within six months of completion), excluding clearance reports. Those audits where all actions have previously been reported as completed have also been excluded from this list.

No	Audit Title	Report Issued	Opinion	Actions	
				Significant/ Merits Attention	Progress
14	Leasehold Service Charges 2014/15	19/09/14	Reasonable	6 (0/6)	1 Outstanding
01	Procurement 2015/16	28/05/15	Reasonable	3 (1/2)	1 Outstanding
45	Housing Repairs 2014/15	21/07/15	Reasonable	4 (1/3)	1 Outstanding
09	Anti-Social Behaviour 2015/16	09/09/15	Reasonable	3 (0/3)	Completed
10	CCTV 2015/16	09/09/15	LIMITED	3 (2/1)	2 Outstanding
29	Main Accounting 2015/16	29/03/16	Substantial	4 (0/4)	Completed
36	Household Refuse/Bulky Waste 2015/16	06/06/16	Reasonable	5 (1/4)	3 Outstanding
37	Trade Waste Refuse Collection 2015/16	06/06/16	Reasonable	7 (1/6)	1 Outstanding
07	Asset Register (Estates Management)	18/08/16	Reasonable	4 (1/3)	Current Audit
12	Members Allowances	06/10/16	Substantial	3 (0/3)	1 Outstanding
17	Environmental Health	17/11/16	Substantial	1 (0/1)	Completed
20	Recycling	06/02/17	Substantial	1 (0/1)	Completed
21	Fuel Management	06/02/17	Substantial	1 (0/1)	Completed

Further details of progress being made with agreed actions that have not yet been fully implemented are included below along with comments from management reflecting any updates on progress. Evidence of implementation will not be routinely sought for all actions as part of this monitoring process. Instead, a risk-based approach will be applied to conducting further follow-up work.

Where the agreed actions to address significant internal control weaknesses have not been implemented this may have implications for the Council. A key role of the Committee is to review the outcome of audit work and oversee the prompt implementation of agreed actions to help ensure that risks are adequately managed.

OUTSTANDING ACTIONS

1. LEASEHOLD SERVICE CHARGES		April 2014, Reasonable Assurance, Agreed Actions – 6
1.1. Repair Cost Apportionment		Progressing
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>A commitment to improve the arrangements for apportioning repair charges with a view to increasing billing accuracy ('right first time'). A temporary solution will involve the Maintenance Inspector assessing each repair enquiry from a leaseholder by surveying the site and duly reporting his recommendations.</p> <p>Going forward, the Leasehold Officer will quality check the detail of all repair works to be recharged to leaseholders.</p> <p><u>Managers Responsible</u> Housing Allocations & Options Manager/Housing Repairs Manager</p>	<p><u>Management Progress Report of the Housing Repairs Manager</u></p> <p>The Capita system upgrade is in the process of implementation. This will provide the capability to fully address all recommendations within the audit. The Leasehold Officer post, which is responsible for the management of leasehold properties, remains vacant. This post is part of the proposed Housing restructure which is currently on hold pending the outcome of the external investigation.</p> <p>The status quo will be maintained until these matters have been resolved and implemented. The apportionment of repair costs will be checked by the Housing Repairs Manager prior to bills being sent out and any queries following billing will be referred to the Housing Repairs Manager.</p>	
2. PROCUREMENT		April 2014, Reasonable Assurance, Agreed Actions – 3 (with 1 Significant)
2.1 Procurement e-Learning Package		Progressing
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>An e-Learning package will be developed to raise awareness of the law, regulations and other matters surrounding procurement and the systems in place at the Council. This will complement the existing support and guidance that is provided by the Procurement and Technical Officer.</p> <p><u>Managers Responsible</u> Head of Finance Services Procurement and Technical Officer</p>	<p><u>Management Progress Report of the Head of Finance Services</u></p> <p>Following the departure of the Procurement and Technical Officer, it is proposed that the procurement role will transfer into Legal Services later in 2017. As such, there will be delays to all but the highest priority matters, meaning that the revised target date for launch is now March 2018. The e-Learning package will be developed after this time.</p> <p>In the meantime, regular reminder emails and procurement newsletters serve to remind officers of basic procurement requirements.</p>	

3. CCTV		September 2015, Limited Assurance, Agreed Actions – 3 (with 2 Significant)
3.1 CCTV Management and Control	Progressing	
3.2 CCTV Policy	Progressing	
<p><u>Agreed Actions (Significant)</u></p> <p>There is consideration of establishing a central management and control function in respect of CCTV at Broxtowe, with the proposal to create this expertise under the revised remit of the Parking Manager.</p> <p>A comprehensive policy/guidance document covering the operation of CCTV systems across the Council will be created having due regard to the relevant legislation, regulations and codes of practice.</p> <p>To support this process, the Parking Manager will initially complete a schedule of visits to all satellite sites with CCTV systems to offer guidance and support. These visits will include a summary review of the respective systems in place and, where appropriate, immediate restrictions will be applied if found to be necessary. Whilst the Parking Manager will be the direct contact for advice and support, a responsible officer will be identified for individual systems at each site.</p> <p><u>Managers Responsible</u></p> <p>Head of Property Services Parking Manager</p>	<p><u>Management Progress Report of the Head of Property Services and the Parking Manager</u></p> <p>Centralised management has taken place in respect of 90% of the Council’s camera surveillance stock and comes under the remit of the Parking Manager. All sites have been visited. The purpose, necessity and need for each system have been reviewed with recommendations made in relation to the appropriateness, centralisation and continued monitoring responsibilities of each system. All officers associated with surveillance systems have received guidance on appropriate use in line with the Government’s Camera Surveillance Commissioner’s principles. The Council is working in accordance with Government guidance, but policies need updating to reflect changes in circumstances.</p> <p>The Parking Manager has made progress with centralisation and has advised Liberty Leisure on its operations. The centralisation of all Council systems is difficult and will require further dedicated resources to fully complete this process. A lack of staff resource in Parking Services does not allow an alternative site visit-based monitoring and enforcement option. Some savings have been achieved by reducing monitoring costs for the shared service from June 2017. Negotiations in relation to shared control room and CCTV maintenance management is taking place. This will hopefully secure funding for additional resource to support CCTV, Security and Parking Services.</p> <p>The process of developing updated and more accurate comprehensive policies to reflect surveillance activities has been delayed.</p>	

4. HOUSING REPAIRS		July 2015, Reasonable Assurance, Agreed Actions – 4 (with 1 Significant)
4.1 Rechargeable Works – Protocol		Progressing
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>A written policy for rechargeable works relating to housing repairs will be prepared and communicated to the relevant teams.</p> <p>A further training programme will be provided for front-line staff involved in this area, including Customer Services, Housing Inspectors and Retirement Living Officers. In addition, a diagnostic package within the Housing Repairs system is being reconfigured to potentially support the recharging process.</p> <p><u>Manager Responsible</u> Housing Repairs Manager</p>	<p><u>Management Progress Report of the Housing Repairs Manager</u></p> <p>This matter has been progressed by the Homes Service Review Group. The group is scrutinising policies and procedures with the aim of recommending improvements to the service to be implemented by the team. Tenant meetings have already taken place and a consultation exercise completed with tenants. The final report is expected by 31 August 2017. Any changes to the rechargeable repairs policy are to be reflected in the void management policy and tenancy/leasehold agreement.</p>	
5. HOUSEHOLD AND BULKY WASTE		June 2016, Reasonable Assurance, Agreed Actions – 5 (including 1 ‘Significant’)
5.1 Missed Bin Collections		Progressing
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>Missed bin reports will be provided to management for review. These reports will be used to identify issues relating to particular rounds or addresses in order for suitable action to be taken to reduce the number of missed collections. There will be further evaluation of the policy relating to missed bin collections with a view to reducing costs in this area.</p> <p><u>Managers Responsible</u> Environment and Business Development Manager Operations Manager</p>	<p><u>Management Progress Report of the Environment and Business Development Manager</u></p> <p>The policy relating to missed bin has been reviewed. A draft report is being prepared for submission to the September Leisure and Environment Committee in September. The report will highlight proposed changes to the missed bin policy which will see the Council only returning for genuine missed collections.</p>	

5. HOUSEHOLD AND BULKY WASTE (Continued)	
5.2 Review of Collection Rounds	Progressing
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>A review of the current rounds has been completed with a view to optimising routes and improving working efficiencies. A report has been produced for consideration by the Chief Executive and General Management Team. Further works are in-hand with regards to briefing Members and consulting with the public. The new rounds are anticipated to commence in Spring 2017.</p> <p><u>Managers Responsible</u> Head of Environment Environment and Business Development Manager Operations Manager</p>	<p><u>Management Progress Report of the Environment and Business Development Manager</u></p> <p>The proposed new rounds for both north and south of the borough have now been created. Consultations with the Trade Unions and employees are still taking place. The implementation date is on schedule for 4 December 2017.</p>
5.3 Income Reconciliation for Special Collections	Outstanding
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>The formal reconciliation of special collection income (bulky items) will be reinstated and completed on a monthly basis to ensure that all monies received agree to the amounts expected and to the transactions posted on the general ledger. This check will be evidenced by way of a signature.</p> <p><u>Managers Responsible</u> Environment and Business Development Manager</p>	<p><u>Management Progress Report of the Environment and Business Development Manager</u></p> <p>Due to resource issues and work priority this has still not been actioned. Discussions are taking place to determine how best this can be done within existing resources.</p>

6. TRADE WASTE		June 2016, Reasonable Assurance, Agreed Actions – 7 (including 1 ‘Significant’)
6.1 Review of Collection Rounds		Progressing
<p><u>Agreed Action</u> (Merits Attention – Necessary Control)</p> <p>A review of the current rounds has been completed with a view to optimising routes and improving working efficiencies. A report has been produced for consideration by General Management Team. Further works are in-hand to brief Members and consult with the public. The new rounds are anticipated to commence in Spring 2017.</p> <p><u>Managers Responsible</u> Head of Environment Environment and Business Development Manager Operations Manager</p>	<p><u>Management Progress Report of the Environment and Business Development Manager</u></p> <p>The revised rounds have been amended due to the mainstream recycling rounds now including Schedule 1 establishments. The revised trade refuse rounds will now be implemented at the same time as the revised mainstream rounds, week commencing 4 December 2017.</p>	
7. MEMBERS ALLOWANCES		October 2016, Substantial Assurance, Agreed Actions – 3
7.1 Advertisement – Independent Remuneration Panel		Outstanding
<p><u>Agreed Action</u> (Merits Attention)</p> <p>There will be consideration of adding details about the Independent Remuneration Panel as part of a dedicated Members’ Allowances section on the Council’s website. These could include details of the Panel’s constitution and membership, along with downloadable copies of the latest minutes of meetings and recommendations.</p> <p>Alternative ways of attracting interest from volunteers to join the Independent Remuneration Panel will also be considered.</p> <p><u>Manager Responsible</u> Head of Administrative Services</p>	<p><u>Management Progress Report of the Head of Administrative Services</u></p> <p>Appropriate webpages will be produced by 31 December 2017 or, if required earlier, in advance of any recruitment exercise.</p>	

Report of the Interim Deputy Chief Executive

REVIEW OF STRATEGIC RISK REGISTER1. Purpose of report

To recommend approval of amendments to the Strategic Risk Register and the action plans identified to mitigate risks.

2. Detail

Following the report to the last meeting of this Committee and in accordance with the timescales set out in the Risk Management Strategy, the Strategic Risk Management Group met on 9 August 2017 to review the Strategic Risk Register. The General Management Team (GMT) considered the proposals from the Strategic Risk Management Group on 13 September 2017. The objectives of the review were to:

- Identify the extent to which risks included in the Strategic Risk Register are still relevant
- Identify any new risks to be included in the Strategic Risk Register
- Review action plans to mitigate risks.

Details of proposed amendments to the Strategic Risk Register and action plans resulting from the above process are attached in the appendix. A risk map is also included in the appendix to assist the understanding of scores allocated to risks within the Strategic Risk Register.

A revised copy of the Strategic Risk Register incorporating the proposed amendments is available on the intranet. Details of further reviews of the Strategic Risk Register will be reported to future meetings of this Committee.

Recommendation

The Committee is asked to RESOLVE that the amendments to the Strategic Risk Register and the action plans to mitigate risks as set out in the appendix be approved.

Background papers

Nil

APPENDIX

Risk Map

High	<p><u>Important risks</u> - which may potentially affect the provision of key services or duties</p> <p style="text-align: right;">6</p>	<p><u>Key risks</u> - which may potentially affect the provision of key services or duties</p> <p style="text-align: right;">7</p>	<p><u>Immediate action</u> - to prevent serious threat to provision and/or achievement of key services or duties</p> <p style="text-align: right;">9</p>
Impact	<p><u>Monitor as necessary</u> - less important but still could have a serious effect on the provision of key services or duties</p> <p style="text-align: right;">3</p>	<p><u>Monitor as necessary</u> - less important but still could have a serious effect on the provision of key services or duties</p> <p style="text-align: right;">5</p>	<p><u>Key risks</u> - which may potentially affect the provision of key services or duties</p> <p style="text-align: right;">8</p>
Low	<p><u>No action necessary</u></p> <p style="text-align: right;">1</p>	<p><u>Monitor as necessary</u> - ensure being properly managed</p> <p style="text-align: right;">2</p>	<p><u>Monitor as necessary</u> - less important but still could have a serious effect on the provision of key services or duties</p> <p style="text-align: right;">4</p>
	Low	Likelihood	High

Summary of proposed amendments to strategic risks and action plans

Inherent Risk – Gross risk **before** controls and mitigation

Residual Risk – Risk remaining **after** application of controls and mitigating measures

STRATEGIC RISK REGISTERList of risks in order of significance

Risk	Inherent Risk	Residual Risk	Changes
1. Failure to maintain effective corporate performance management and implement change management processes	9	5	No change.
2. Failure to obtain adequate resources to achieve service objectives	9	9	<p>Three new actions have been added to:</p> <ul style="list-style-type: none"> • Adopt a new Economic Regeneration Strategy • Seek approval for the proposed Commercial Strategy 2017-2020. • Assess the impact of the transfer of responsibility for land charges from local authorities to HM Land Registry. <p>Two action points were deleted, namely to consider the potential to share depot facilities with Erewash BC and to monitor proposals for greater retention by local authorities of business rates.</p>
3. Failure to deliver the Housing Revenue Account (HRA) Business Plan	9	7	An action to monitor progress of the consultation on greater flexibility in the use of right to buy receipts was added.
4. Failure of strategic leisure initiatives	9	9	<p>An action to appoint a new Managing Director for Liberty Leisure has been added.</p> <p>A completed action to ensure systems required for the effective running of Liberty Leisure are operating as intended (including the payroll, banking, creditors and purchasing systems) has been deleted.</p>

Risk	Inherent Risk	Residual Risk	Changes
5. Failure to complete the re-development of Beeston town centre	9	9	<p>Two new actions have been added to appoint a specialist project manager for Beeston Square Phase 2 and to facilitate a member workshop.</p> <p>The action to determine the funding required for the Beeston Square Phase 2 project through the use of specialist advice sourced has been amended by referring to the risks associated with the project.</p>
6. Not complying with domestic or European legislation	9	7	<p>An action point to ensure the implementation of the Food Safety Action Plan has been added.</p> <p>The action to ensure provisions of the Equality Act 2010 are complied with has been replaced with an action to provide training on the Public Sector Equality Duty including emphasis on disability and behaviour towards colleagues.</p>
7. Failure of financial management and/or budgetary control and to implement agreed budget decisions	9	7	<p>Three new actions have been added:</p> <ul style="list-style-type: none"> • Report monthly to GMT on staffing costs (including agency) across every service area • Ensure comprehensive training for managers on financial and contract standing orders • Review the contracts register to ensure it contains each contract, its date of expiry, a timeframe for re-tendering and a nominated key contact.
8. Failure to maximise collection of income due to the Council	9	7	<p>Two new actions have been added:</p> <ul style="list-style-type: none"> • Identify and implement a suitable alternative to replace the paper based Transcash bill payment service at post offices • Consider and respond to the impact of Barclays Bank closing their branch in Eastwood.
9. Failure of key ICT systems	9	6	No change.

Risk	Inherent Risk	Residual Risk	Changes
10. Failure to implement private sector element of Housing Strategy in accordance with Government and Council expectations	9	5	The action point to develop a business case for the creation of a Social Lettings Agency was deleted.
11. Failure to engage with partners/community to implement the Broxtowe Sustainable Community Strategy 2010 – 2020	9	5	No change.
12. Failure to implement effective Crime and Disorder Reduction Strategy	9	5	A completed action to review the Taxi Licensing Policy has been deleted.
13. Failure to provide housing in accordance with the Local Development Framework	9	9	No change.
14. Natural disaster or deliberate act, which affects major part of the Authority	9	7	The action points to assess the likelihood of and potential implications for the Council of a drought in 2017 and to undertake an emergency Control Room exercise were deleted.
15. Failure to mitigate the impact of the Government's welfare reform agenda	9	7	The action to re-model the first point of contact for claimants attending the Council Offices was deleted.
16. Failure to maximise opportunities and to recognise the risks in shared services arrangements	9	7	<p>Two new actions have been added:</p> <ul style="list-style-type: none"> • Report annually to the Jobs and Economy Committee on the shared building control arrangements with Erewash BC • Ensure that all shared service arrangements have clear leadership and appropriate succession planning in place. <p>The action points to establish a Chief Executive's Steering Group for the shared Monitoring Officer relationship with Rushcliffe BC and to consider the potential to share depot facilities with Erewash BC have been deleted.</p>

Risk	Inherent Risk	Residual Risk	Changes
17. Corporate and/or political leadership adversely impacting upon service delivery	9	7	An action to address any external audit recommendations arising from their work in auditing the Council's activities is added.
18. High levels of sickness	8	5	An action point was updated to monitor the impact upon sickness levels of structure changes (including staffing reductions).
19. Lack of skills and/or capacity to meet increasing initiatives and expectations.	8	5	No change.
20. Inability to attract or retain key individuals or groups of staff	8	5	No change.
21. Failure to achieve recycling targets in a cost effective manner	7	2	See further details below.
22. Failure to fully utilise investment in ICT infrastructure	7	5	No change.
23. Processes or procedures not followed leading to ill informed decisions and/or abuse of Council facilities	7	5	Two new actions were added to review the Employee Code of Conduct and Disciplinary Policy and to review the Constitution to ensure that it is sufficiently detailed and up to date.
24. Failure to comply with duty as a service provider and employer to groups such as children, the elderly, vulnerable adults etc.	7	5	No change
25. Failure to ensure appropriate levels of data quality	7	5	No change.
26. Unauthorised access of data	7	5	No change.
27. High volumes of employee or client fraud	6	5	No change.
28. Failure to effectively communicate either externally or internally	5	5	See further details below.

Further Details

The following item is highlighted for the attention of Members.

1. Response to recent fatalities

The Strategic Risk Management Group discussed a number of recent events that resulted in the loss of life including the incidents at Grenfell Tower in London, at Beeston Weir and on the railway in Attenborough. These events are going to lead to various inquiries to determine the circumstances that led to them and to identify what measures may be required to be implemented to reduce the likelihood of them happening again.

These inquiries may require the Council to take various steps to strengthen its risk management arrangements in these areas. This may include, for example, the introduction of further controls or the requirement for other actions to be taken. The Strategic Risk Management Group will follow the progress of the response to these incidents and intends to reflect any resulting outcomes in the Strategic Risk Register in due course.

2. Failure to Achieve Recycling Targets in a Cost Effective Manner (Risk 21)

Comments were made that the failure to achieve recycling targets no longer represented a strategic risk for the Council. Although increasing the level of recycling forms part of one of the objectives within the Corporate Plan 2016-2020 and there is a performance indicator for this activity, it was agreed that this risk could be removed from the Strategic Risk Register.

3. Failure to Effectively Communicate Either Externally or Internally (Risk 28)

Comments were made that this no longer represented a strategic risk in its own right given that it was being addressed within the key controls, risk indicators and action points for the other risks within the Strategic Risk Register. This was also reflected in the inherent and residual risk scores of 5 that are attached to this particular risk. It was therefore agreed that this risk could be removed from the Strategic Risk Register.

Report of the Strategic Director

COMPLAINTS REPORT 2016/2017

1. Purpose of report

To provide members with a summary of complaints made against the Council.

2. Detail

This report outlines the performance of the Council in dealing with complaints against it at stage one to service departments, at stage two to the Monitoring Officer and at stage three to the Local Government Ombudsman (LGO).

- Appendix 1 provides a summary of the Council's internal complaint statistics.
- Appendix 2 provides a summary of the complaints investigated by the Council formally under stage two of the Council's formal complaint procedure.
- Appendix 3 provides a summary of the complaints determined by the LGO.

Recommendation

The Committee is asked to NOTE the report.

Background papers

Nil

APPENDIX 1

Complaints received

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Number of Stage One complaints	269 (182)	6	97	129	25	11
No. of complaints investigated under Stage Two	11 (20)	-	1	5	5	-
No. of complaints determined by the Ombudsman	4 (7)	-	-	2	2	-

This total shows the figures for the 2016-2017 year in brackets. This information is not provided for the individual departments owing to the change in structure.

The Council has registered a total of 269 stage 1 complaints in the year 1 April 2016 to 31 March 2017, compared to 182 in the year 2014/15. The number of complaints that have been concluded under stage 2 of the complaint procedure is 11 (compared to 20 in 2015/16), and 4 complaints (compared to 7 in 2015/16) have been determined by the Local Government Ombudsman and the Housing Ombudsman Service.

Time taken to acknowledge receipt of stage one complaints

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Time taken to acknowledge complaints - same day	128 (91)	3	41	70	12	2
Time taken to acknowledge complaints - one to three days	73 (71)	1	31	36	4	1

Time taken to acknowledge complaints - more than three days	46 (20)	2	15	21	8	-
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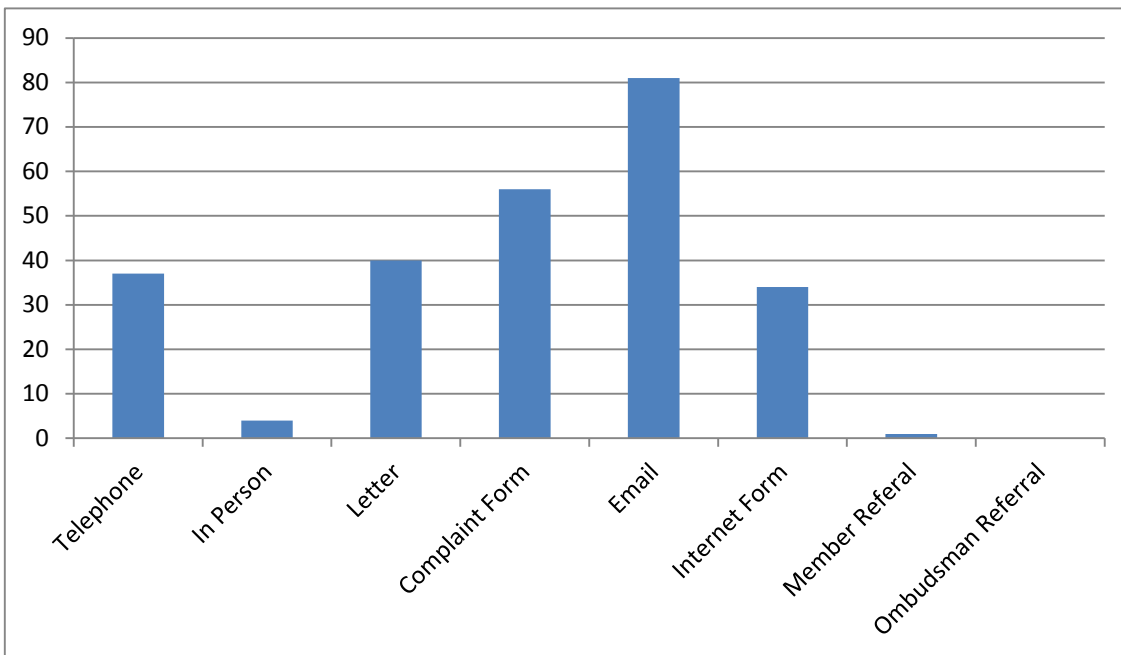
128 Stage 1 complaints were acknowledged on the same day. 73 were acknowledged in one to three days and 46 (17%) took more than three working days to acknowledge. Heads of Service have been reminded of the requirement to acknowledge complaints within three working days as there had been significant decline to last year (when 20 complaints, 11%, were not acknowledged in time).

Time taken to respond to stage one complaints

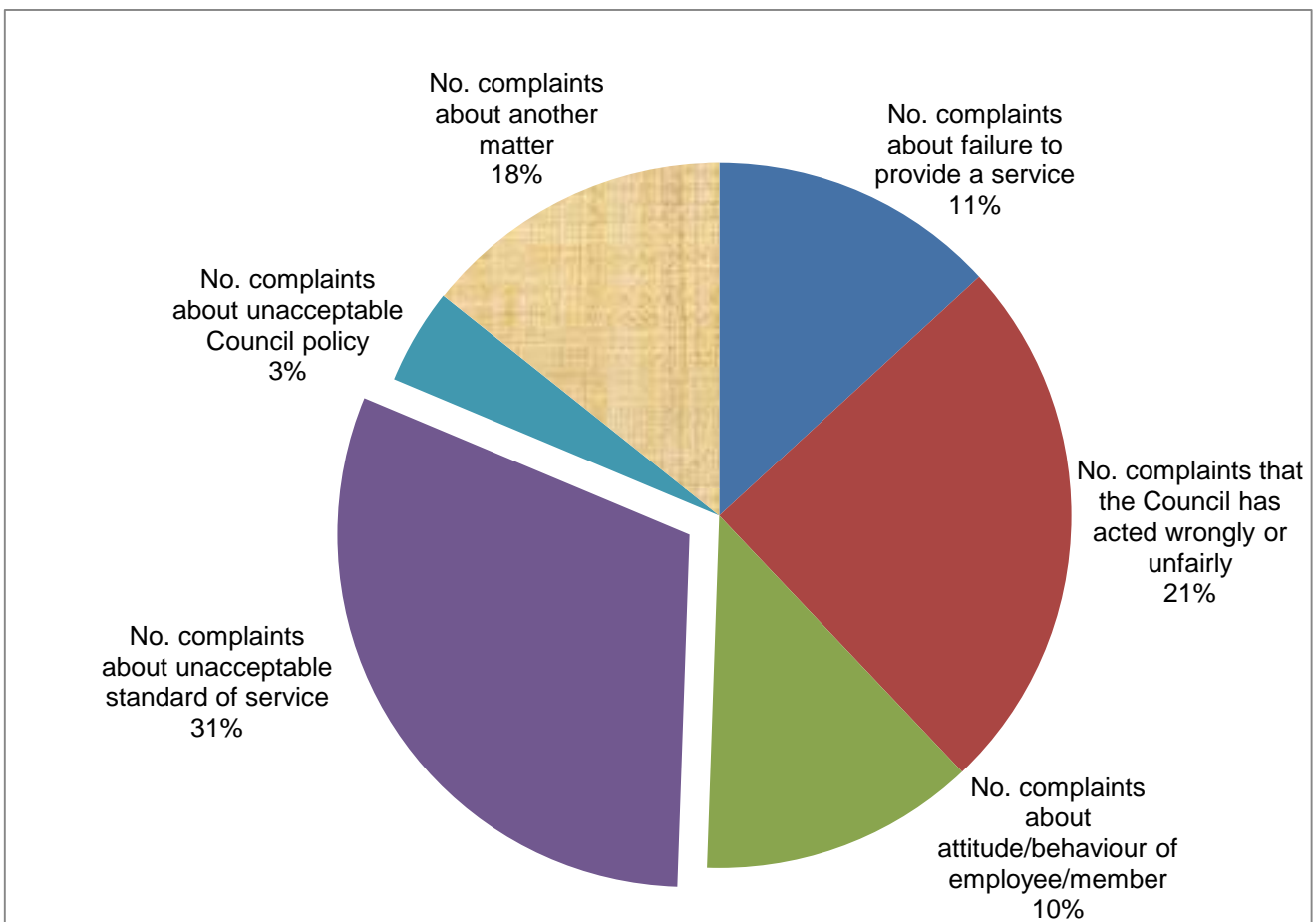
	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Less than 5 working days	117 (80)	3	69	41	3	1
5 to 10 working days	35 (22)	1	10	20	3	1
10 to 15 working days	37 (31)	2	4	24	6	1
More than 15 working days	46 (44)	-	3	33	9	1
Carried Forward	9 (5)	-	4	5	-	-

117 stage 1 complaints were responded to in less than five working days, 35 within five to ten days, 37 within ten to fifteen working days; making a total of 70% that received a full response within the target of fifteen working days. 46 (17%) took longer than fifteen working days to provide a response. In these cases the Heads of Service are asked to write to complainants to advise that a response will take longer and provide the complainant with an estimated timescale for completion.

How the complaints were made



What the complaints were about



Time taken to acknowledge and respond to stage 2 complaints

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning	Members
Number of Stage Two complaints	11 (20)	-	1	5	5	-
Acknowledged within 3 working days	10		1	5	4	-
Responded in less than 10 working days	-	-	-	-	-	-
Responded in 11 to 20 working days	5	-	1	3	1	-
Responded in more than 20 working days	7	-	-	3	4	-

Eleven complaints were investigated and responded to under stage 2 of the formal complaint procedure. 91% were acknowledged within three working days and 45% were responded to within the 20 working day timescale. All the complainants that received their responses after 20 working days were informed that there would be a delay and were told the reason.

Equalities Monitoring

Of the 269 stage 1 complaints recorded, 99 (37%) were received by the paper and internet complaint forms which request monitoring information. Of the 99 that were received, 53 (54%) were completed with the monitoring data.

Gender

Male – 26
Female – 22
Not stated - 5

Age groups

<17 - 0
18–24 – 3
25–29 – 5
30–44 – 11
45–59 – 18
60–64 – 0
65+ – 9
Not stated – 5

Ethnic Groups

White British – 41
Irish – 1
Other White - 1
Other Asian – 1
Not stated – 5

Long term health problem that limits daily activity?

Yes – 12
No – 37
Not stated – 3

Compliments

There have been a total of 204 compliments registered in the period (compare to 218 in 2014/15). 99 of which were in relation to specific employees and 105 were related to the service received.

Financial Settlements

	Total	Chief Execs	Deputy Chief Execs	Housing Leisure & Property	Legal & Planning
Stage 1	£720	-	-	£720	-
Stage 2	-	-	-	-	-
Stage 3	-	-	-	-	-
TOTAL	£720	-	-	-	-

Breakdown of complaints and compliments by department and section**Chief Executive's department**

Section	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Civic Services				
Communities	2			
Corporate Communications				2
Environmental Health	4			
Human Resources				
ICT				
Licensing				
Mediation				
Private Sector Housing				

Deputy Chief Executive's department

Section	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Benefits	1			
Customer Services	2			8
Finance Services	1			
Parks & Environment	17			
Quality & Control				
Revenues	23	1		1
Waste & Recycling	38			3

Legal & Planning Services

Section	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Administration				1
Democratic Services	1	1		
Development Control	16	1		4
Economic Development	1			1
Elections	1			
Electoral Registration	1			
Freedom of Information	2			
Land Charges				
Legal Services	4			2
Planning Policy				

Standards

Section	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Community Trigger				
Members	12			

Housing, Leisure & Property Services

Section	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Arts & Events	11			14
Bereavement Services	3	1	1	2
Bramcote Leisure Centre	13			1
Broxtowe Sports				19
Capital Works	2			
Chilwell Olympia	3			
D H Lawrence Heritage				
Estates				
Garage Services	1			1
Health & Safety				
Housing Options	23			51
Housing Repairs	32			14
Kimberley Leisure Centre	2			1
Leaseholder Services	1			
Leisure	3			
Neighbourhood Services	26			20
Parking	3			
Private Sector Housing				
Strategy & Performance				7
Town Centre Management	1			

More detailed information about specific service areas can be provided on request. Please contact the Complaints Officer on 3592.

APPENDIX 2

Stage 2 – Formal Complaints**1. C/7/2162 Complaint against Development Control**

Acknowledgement – 1 working day
Response – 26 working days
Advised that extension was required
Complaint partially upheld
Apology provided

Complaint

The Council had failed to take appropriate action in response to a breach of the Data Protection Act which caused the complainant to pay an inflated price for some land and be subjected to intimidation.

The Council had granted planning permission and permission for minor amendments for a development. The development as built was contrary to the approved plans and had caused overlooking.

Council's response

The Council agreed that a breach of the Data Protection Act occurred and apologised and action was taken in line with Council's procedures. There was no evidence to suggest that the Council caused an inflated price for the land or intimidation.

The Council's justification for the granting of planning permission and permission for material amendments had been reviewed under the Council's formal complaint procedures and independently by the Local Government Ombudsman. This includes the Council's consideration of the size and scale of the proposed development, the potential impact on privacy, amenity and overlooking, and the position and height of the finished building.

2. C/7/2150 Complaint against Development Control

Acknowledgement – 1 working day
Response – 61 working days
Advised that extension was required
Complaint partially upheld
Apology provided

Complaint

An application for planning permission and a non-material amendment application were not considered fairly in terms of the amenity and overlooking of the neighbours. The background information presented to the Planning Committee was not correct.

The Council had not taken into account or dealt with the fact that the neighbour had encroached onto the complainant's land during the construction of the development. The Council had failed to ensure that the boundary treatment achieved compliance with the approved plans.

Council's response

The Council found that the application for planning permission in 2012 was considered fairly and appropriately in line with the adopted Local Plan and relevant planning legislation. The Council was satisfied that the Officers and Members considered the effect of the proposed planning application on neighbouring properties. The legal presumption was that planning applications would be approved, unless there were material planning reasons for refusal. The non-material amendment appraisal showed that the Council took the amenity of neighbours into consideration.

Privacy and amenity were considered fairly during the deliberation process. The Council must make a judgement based on planning terms. The planning judgement in this case was that the distance between the complainant's property and the new development was adequate to protect privacy and amenity.

There was a delay between the receipt of two amended plans and them being scanned and uploaded to the Council's website; Planning Officers have been reminded of the importance of good administrative practises. There was no significant impact resulting from this delay. The site plan accompanying the report to Development Control Committee showed arrows, giving the position from which the photographs were taken, were drawn incorrectly on the plan. The discrepancy had not caused any adverse impact on the consideration of this matter by the Development Control Committee.

The Council could not take the encroachment of land dispute into consideration and it could not form part of the Council's deliberation of the application. The Council's Planning Officers carefully considered the options and determined that it would not be expedient in the circumstances to recommend enforcement action. Mediation was recommended to both parties.

3. C/7/2223 Complaint against Democratic Services

Acknowledgement – 2 working day

Response – 19 working days

Complaint not upheld

Complaint

The agenda item relating to the complainant's property was brought forward and considered earlier in the agenda than was originally planned. This did not allow sufficient time make alternative childcare arrangements for the complainant's wife to join him at the meeting. Late items were allowed to be added to the agenda at the Planning Committee meeting and these raised new issues that were unrelated to the planning report. The Ward Member was allowed to speak about issues that he had expressly been told not to speak about. The Ward Member was allowed to use slides and other presentation material, despite the fact that the public speaking leaflet advises that this is not allowed.

Council's response

The reason for the decision to move the agenda item was reasonable and appropriate in the circumstances. The Chair considered that it would be fair to bring the item forward as

it was the only enforcement matter and the rest of the items on the agenda were planning applications, which often take longer to debate and determine.

It is correct procedure to allow late items to be added to the agenda at the Planning Committee meeting. There was no fault with this decision.

The Planning Committee is appropriately trained, experienced and guided by professional officers to enable it to take a decision based on relevant planning issues, even when exposed to additional, non-relevant information from the speakers. The Ward Member made use of the Officers' slides to assist her presentation to the Committee. This is acceptable practise.

4. C/7/2254 Complaint against Revenues

Acknowledgement – 2 working days
Response – 7 working days
Complaint not upheld

Complaint

The Council had failed to communicate the detail of the complainant's council tax account appropriately. This caused confusion and had resulted in her incurring a fine.

Council's response

The Council administered the council tax account correctly and fairly in accordance with the council tax legislation and the information presented to it. The decision to hold the complainant liable was made fairly. Clear and thorough information was provided to the complainant throughout the process.

The Council correctly issued a demand notice, final notice and a summons to court for non-payment of council tax. The charge incurred was appropriate in the circumstances.

5. C/7/2283 Complaint against Neighbourhood Services

Acknowledgement – 1 working day
Response – 18 working days
Complaint not upheld

Complaint

The Council's Area Housing Officer, accompanied by a Neighbourhood Warden, entered the complainant's property without permission to conduct an inspection of a property.

The complainant stated that they were sleeping when the Area Housing Officer and Neighbourhood Warden arrived and the complainant's partner woke the complainant up to say that they were outside the bedroom door. The complainant states that they were awake when the Area Housing Officer and Neighbourhood Warden entered the bedroom and that the Officers opened the cupboards to conduct their inspection.

The Area Housing Officer and Neighbourhood Warden insulted the complainant's house and family.

Neighbourhood Warden should not have entered the complainant's property. The complainant said that they had no business to be there at all.

Council's response

In line with the Tenancy Agreement, the Council's Area Housing Officer and Neighbourhood Warden entered the property with the permission of the tenant in order to conduct an inspection of the property. The inspection was pre-planned and agreed with the tenant.

The condition of the property was cluttered and presented a fire risk, and the garden contained an unacceptable amount of dog faeces. These are justifiable concerns and the tenant had been provided with advice and guidance with regard to the tidying of the property. Failure to make those improvements could lead to formal action being taken, under the terms of the Tenancy Agreement.

The complainant stated that they were awake during the inspection when the Officers entered the bedroom and that they opened the cupboards. Both Officers refute the allegation made. The Area Housing Officer states that the complainant opened the bedroom door to allow the Officer to see into the room. The Council Officers have independently confirmed that they did not enter into the bedroom; at no point did they see the complainant or engage with the complainant during their entire visit, and that they did not open any cupboards or drawers in any part of the house.

The Neighbourhood Warden has a duty under the Animal Welfare Act 2006 to carry out a welfare inspection where there is concern of risk to an animal. The Neighbourhood Warden did have a right to enter the property and did have legitimate business there.

6. C/7/2273 Complaint against Development Control

Acknowledgement – Same working day
Response – 20 working days
Complaint partially upheld
Apology provided

Complaint

The Council's Planning team failed to respond to a councillor's request for the application for a rear extension to be called in for determination by the Planning Committee.

In the response to the Stage 1 complaint, the Head of Neighbourhoods and Prosperity stated that a misunderstanding had occurred although the complainant complained that this could not possibly have been a misunderstanding and that the Head of Neighbourhoods and Prosperity was defending the situation.

The complainant stated that there was no right of appeal against the delegated decision to grant planning permission for the development and complained that they would now have to live with reduced sunshine and a sense of enclosure in their garden.

Council's response

The Council was unable to confirm exactly what was said between the Councillor and the planning officer as their versions of the conversations differed greatly. The Council apologised that the complainant's expectations were not met.

The complaint has enabled a review of the training programme for new members to be instigated, especially for those who become Councillors during the main term of office. A briefing note has been provided to the Head of Administrative Services for immediate use, and the Councillor has received additional training.

The Head of Neighbourhoods and Prosperity has briefed Planning Officers to be more vigilant when speaking with new members to ensure that their intentions are understood and recorded.

An understanding was expressed at the complainant's frustration and disappointment at the lack of opportunity for the Council's Planning Committee to determine the application and consider of the complainant's objections. The Council could not know what the outcome of a Planning Committee consideration following a presentation from the Ward Member would have been; and for that an apology was offered. However, the Council was satisfied that the decision made by the Council's Officers under delegated powers was fair and appropriate.

7. C/7/2343 Complaint against Development Control

Acknowledgement – 2 working day

Response – 26 working days

Complaint not upheld

Complaint

The primary complaint was the loss of privacy caused by the permission granted to build a housing development and the placement of windows overlooking the complainant's property.

The complainant was unhappy with the lack of 'proper' communication from the Head of Neighbourhoods and Prosperity which failed to deal with the points raised in the complainant's letter. Also, it was stated that the planning report did not contain relevant information; it contained errors, it failed to address the communication issues and misled the reader.

Council's Response

The Planning Officer had given consideration to policy H7e of the Local Plan and had determined that there would not be an unacceptable loss of privacy and amenity to the complainant's property resulting from the development.

Planning Officers took into account relevant planning policies and comments from neighbours, before making the professional determination that planning permission should be granted for this new development.

The Council found that the procedure followed by the Planning Department when processing the planning application to be accurate. Also, the communication from Planning Department to the complainant was clear and concise.

A mistake was made regarding the number of openings at the upper floor of the building but this mistake would have had no adverse effect on the final decision to approve the application.

All developments have an impact on the residents and the environment to varying degrees. To prevent any future issues with the complainant's new neighbours, the Council suggested that it was willing, with the complainant's permission, to ask the developer if they would consider installing either additional boundary planting or raising the height of the boundary hedge.

8. C/7/2310 Complaint against Housing Repairs

Acknowledgement – 2 working day
Response – 11 working days
Complaint partially upheld
Apology provided – financial settlement

Complaint

The primary complaint was about the wide ranging state of dis-repair found at the complainant's new property in July 2016; it was stated that in the complainant's opinion, it was not ready to house a family and that a number of issues were still unresolved. The complainant also stated that they felt bullied, not listened to and were not happy with the manner in which the Housing Repairs Manager and Senior Maintenance Operative dealt with the requests for service and complaints.

At a meeting on 18 August, the complainant discussed their concerns relating to the safety of the stairs. Areas of concern were uncovered by the complainant when they needed to remove wooden cladding that the previous tenants had installed.

Council's response

The Complaints Officer was satisfied that the property underwent a series of pre-let checks prior to the complainant signing for the tenancy and that the property was found to be sound and ready to be re-let.

The requests for service and complaints raised with the repairs department were dealt with in a timely manner and the additional information and the complainant's concerns were listened to and acted upon. The Housing Repairs Manager and the Neighbourhood Services Manager offered the complainant continued support if required, should any issues arise in the future.

The Council made a payment of £160 in recognition of the issues that had occurred during the first weeks of the tenancy.

9. C/7/2395 Complaint against Bereavement Services

Acknowledgement – 3 working day
Response – 19 working days
Complaint not upheld

Complaint

The Council should have shown discretion on matters when applying burial law. The complainant complained that the Council's motivation was to maximise income. The complainant further complained that Council staff acted disrespectfully and were unsympathetic to the complainant in the application of their decision.

Council's response

The Head of Property Services followed the guidance laid out in the Local Authorities' Cemeteries Order 1977 section 10 (6).

To ensure the conclusion was correct, the Head of Property Services consulted with the Institution of Cemeteries and Crematorium Management, Derby City Council, Ashfield District Council, Gedling Borough Council and Mansfield District Council who confirmed there was no flexibility in this law.

The Head of Property Services followed the guidance on offer and researched the decision thoroughly.

10. C/7/2423 Complaint against Neighbourhood Services

Acknowledgement – 3 working day
Response – 38 working days
**Extension sort
Complaint not upheld**

Complaint

The complainant requested to know the location of the boundary between the complainant's property and the neighbouring property. The complainant further requested a copy of the boundary as it was before the complainant erected the existing boundary and a copy of the boundary as it was currently with the fence erected. The complainant stated that the boundary required moving because they were unable to access the rear of the garden due to ill health.

The complainant felt that the Housing Officer did not listen to his points regarding the request to remove the boundary.

Council's response

The Council found that as the complainant erected a boundary fence they had created an established boundary between the two properties which became enforced once the new residents moved in to the neighbouring property. The complainant's Area Housing Officer wrote to the complainant to advice that their request to move the boundary had been declined due to the pre-existing boundary being in place when the new neighbours moved in. An alternative solution of contacting the Council's Aids and Adaptions Officer or

occupational therapist was presented to the complainant in order to establish greater access to the property should this be required.

While the request to move the fence was not unreasonable, the Council could act unless written permission was obtained from the neighbouring occupants. The Council had explored the request to move the boundary and Officers acted quickly and fairly in this request.

11. C/7/2423 Complaint against Parking Services

Acknowledgement – 2 working day

Response – 37 working days

Extension sort

Complaint not upheld

Complaint

The principle concern raised was the unprofessional way that the complainant was allegedly dealt with by the Council's Parking Manager, when the complainant sought clarification over the matter of a parking ticket having been issued.

Council's response

The Council found that the Parking Manager when dealing with members of the public asks them to sit down with him in order to relax the situation to allow for a discussion to take place in a non-confrontational manner. The Council accepted that the Parking Manager had been attempting to keep the discussion courteous, although his decision to remain seated during the conversation may have appeared to be dismissive of the complainant's concerns.

The Council found that statements made by Officers of the Council who were present in the reception area noted that while the discussion was taking place with the Parking Manager, the complainant's wife had been attempting to de-escalate the conversation and keep the complainant calm. The complainant further expressed in correspondence that they had been animated during the conversation.

The complainant stated the Parking Manager would influence the appeal of the parking ticket to find in favour the Council. The Council declared a discretionary decision of 'No Contest' at the tribunal due to an error being present on the sign at the car park. The Council could find no evidence of wrong doing by the Parking Manager.

APPENDIX 3

Stage 3 - Ombudsman Complaints**1. L/9/2168 Complaint against Housing, Leisure & Property**Complaint

The complainant stated that the Council should allow her to add a name to a headstone in a family grave.

Assessment

The Ombudsman Investigator found insufficient evidence of fault by the Council in relation to the request to add a name to the headstone. The law says that only the person who holds the grave rights can make changes to the grave. The complainant does not own the rights so there is no suggestion of fault in the Council's decision to refuse consent.

The Council has responded appropriately by explaining the steps the complainant can take to try to get the rights transferred to her. The Council may not have followed the correct process in the past. It has now tightened up on its processes following recent court decisions and because it is aware the courts have fined other councils for not following the legal process. The Council cannot be criticised for correcting its procedures and following the law.

The Ombudsman recorded her decision as: ***Closed after initial enquiries - no further action.***

2. L/9/2161 Complaint against the Deputy Chief Executives DepartmentComplaint

The complainant complained the Council was wrong to pass his council tax account to enforcement agents as he was making regular payments. He says the agents had now unfairly added £310 in fees yet he had continued to make regular payments. He complained the Council wrongly stated the enforcement agent must visit before making an arrangement.

Ombudsman's conclusion

The Council had pursued recovery of council tax in line with council tax legislation and guidance. When questioned, the Council explained the reasons for the final notice and why it had sent this. The Council also gave the complainant an opportunity to either pay in full or make alternative arrangements. However, the complainant did not take up this opportunity. Based on the information provided, the Council appears to have acted in line with legislation and appropriately in view of the circumstances.

The complainant had opportunities to make an arrangement with the enforcement agent. There was no evidence that he did contact the agent before the day of the visit. The agent made several attempts by letter, email, and text to request him to contact them.

The complainant says the agent told him he could not make an arrangement until it visited him. He says that the agent told him at the visit he must pay in full. The Council's final response to him stated that the legislation stated the enforcement agent must visit the property and complete a controlled goods agreement before making an arrangement to pay a council tax debt. This is not correct because an agent can make an arrangement before carrying out a visit. The letter then goes on confusingly to say the agent had attempted to contact him and make an arrangement several times before the visit. The Council confirmed in its response to the LGO enquiries that it agrees an agent can make an arrangement before carrying out a visit. This fault in the Council's response did not cause injustice to the complainant.

The LGO recommended that the Council advised the author of the Council's final response that an arrangement can be made before a visit by an enforcement agent. The Council has agreed.

The Ombudsman recorded her decision as ***'Upheld. Maladministration, no injustice'***.

3. L/9/089 Complaint Revenues and Benefits – Council Tax

Complaint

The complainant says the Council wrongly charged him a management charge from December 2014. The complainant was not entitled to full housing benefit and had to pay extra when the Council stated he was a protected tenant. The complainant says it failed to tell him about this and then delayed dealing with the matter. The complainant says the Council had not refunded all the credit due as he had paid the additional charge.

Ombudsman's conclusion

The Council charged a supporting people charge within the complainant's rent for services to maintain the tenancy. The Council reimbursed tenants who were entitled to any housing benefit for the cost of the charge. The charge refund was funded by the County Council. In addition, the Council decided it would reimburse tenants who had no entitlement to housing benefit for this charge if their tenancy started before 2005. The complainant complained to the Council that he was a protected tenant and should not have to pay any of the management charge. The complainant said the Council had not told him about this. The complainant chased a response during September and October and he says the Council told him it would backdate his protected rights.

The LGO considered the Council had remedied its delays and any injustice caused by paying the complainant £168.

The Ombudsman recorded her decision as ***'Upheld: maladministration and injustice.'***

4. L/9/2150 Complaint against the Legal and Planning Services Department

Complaint

An application for planning permission and a non-material amendment application were not considered fairly in terms of the amenity and overlooking of the neighbours. The background information presented to the Planning Committee was not correct.

The Council had not taken into account or dealt with the fact that the neighbour had encroached onto the complainant's land during the construction of the development. The Council had failed to ensure that the boundary treatment achieved compliance with the approved plans.

Ombudsman's conclusion

During the planning and building of the new property, the developers and owners made several amendments to the development. It is not fault in itself for a council to agree to minor amendments, usually known as 'non-material amendments' during a development. It is the role of the Council's officers to consider whether each change is minor, using their professional judgement.

If officers decide a proposed change is not minor, they should invite the applicant to submit new plans for that part of the build. This would trigger notification to neighbours, as with the original planning application. But if officers decide the change is non-material, there is no requirement to notify neighbours.

Officers considered each amendment and took the view that they were non-material. Those were decisions officers were entitled to reach. There were no grounds for the Ombudsman to go behind their professional judgement on these issues.

Officers took account of all the relevant information, including the existing screening, the proposed boundary treatments, the oblique relationship between the existing and new properties to reach their view. The investigator had not seen evidence of fault in the Council's assessment process which would allow them to go behind the officers' professional judgement.

The complainants say the property as built encroaches on to their land, and they criticise the Council for proposing mediation between the neighbours on that issue. The investigator does not consider it is a fault for a council to suggest the parties mediate. It was for the complainants to decide whether to agree to mediation, which is a voluntary process. It was open to them to take their own advice about the encroachment, as that is a civil matter between them and their neighbours.

The Ombudsman recorded his decision as ***'Not upheld: no maladministration.'***

5. L/9/2162 Complaint against the Legal and Planning Services Department

Complaint

An application for planning permission and a non-material amendment application were not considered fairly in terms of the amenity and overlooking of the neighbours. The background information presented to the Planning Committee was not correct.

The Council had not taken into account or dealt with the fact that the neighbour had encroached onto the complainant's land during the construction of the development. The Council had failed to ensure that the boundary treatment achieved compliance with the approved plans.

Ombudsman's conclusion

The Council did erect a site notice, however the Council policy requires the Council to consult neighbouring land owners by letter. There was a failure to notify the complainant and his partner about the planning application. The investigator recognised the map the Council used to identify adjoining properties may not have shown the extent of complainant's land. It was also noted the case officer did not identify the land was complainant's at the site visit. The complainant did have an adjoining boundary with the site. The investigator considered that the case officer should have identified at the site visit that the complainant's property in itself would be sufficiently affected to justify individual notification. Taking all the circumstances into account, the investigator considered the Council was at fault for not notifying the complainant. The Council accepted it would have been good practice to do so as the complainant's property was nearest the development site.

The case officer's report shows that access and the general design and scale of the building was considered. The Council stated the impact to all neighbouring properties was also considered when reaching its decision in 2012. However, as the complainant says, the case officer's report does not specifically refer to the impact to his amenity. It focuses on the comments made by neighbours about the impact to their properties. The failure to include an assessment of the complainant's amenity in the case officer's report was also fault.

Because the complainant did not receive a notification letter, he did not comment before the application was decided. This meant the Committee did not have the benefit of the complainant's comments when deciding the application. So, there is some doubt about whether the Committee may have reached a different decision on the application if the Committee had this information.

The Ombudsman recorded his decision as ***'Upheld: maladministration and injustice.'***

Report of the Strategic Director

**LOCAL GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN
SERVICE ANNUAL REVIEW LETTERS**1. Purpose of report

- (a) To present the Local Government Ombudsman's (LGO) annual review letter and the Housing Ombudsman Service annual report to the Council and thereby promote all the Council's objectives.
- (b) To present a statutory report of the Monitoring Officer regarding an upheld complaint decision of 'maladministration, no injustice' determined by the LGO (see appendix 3).

2. Detail

The annual review letter summarised by the Local Government Ombudsman is summarised at appendix 1. The annual report of the Housing Ombudsman Service is summarised at appendix 2. A statutory report of the Monitoring Officer is attached at appendix 3.

Recommendation

The Committee is asked to NOTE the report.

Background papers

Nil

APPENDIX 1

LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER

1. In 2016/17 the LGO received eight complaints about the Council. Of these, 12 decisions were made, one was determined to be incomplete or invalid, one was provided with advice and four were referred back to the Council for local resolution; we have no way of knowing if these complainants did contact the Council. Twelve of the complaints were determined by the LGO and these are detailed in the Complaints Annual Report. Annex A provides a breakdown of the complaints received and the decisions made. Annex B provides a comparison with neighbouring authorities
2. The purpose of the LGO annual letter is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of the LGO's key business plan objectives. Its corporate strategy is based on remedying injustice and improving public services. The LGO has produced a complaints manual for Complaints Officers to assist their understanding of how the LGO investigate complaints. The manual can be found at www.lgo.org.uk/link-officers. In total 73% of the Complaint Officers found the manual to be helpful.
3. The LGO has recently updated its name to the Local Government and Social Care Ombudsman. The LGO has been responsible for investigating complaints in respect of all registered adult social care providers, care funded and private care since 2010.
4. The LGO's *Annual Review of Local Government Complaints* shows that it upheld 75% of detailed investigations in 2016/17 – up from 51% the previous year. The LGO received 19,832 complaints and enquiries about local authorities for the year ending 31 March 2016, which is a similar level to the previous year. The Local Government Ombudsman, said:

“We have chosen not to include a ‘compliance rate’ this year; this indicated a council’s compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.”

Local authority report – Broxtowe Borough Council – For the period ending – 31/03/2017

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children’s services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Other	Total
Broxtowe BC	1	1	0	0	0	0	3	3	0	8

Decisions made

Detailed investigations carried out								
Not Upheld	Upheld		Uphold Rate	Advice given	Closed after initial Enquiries	Incomplete/ Invalid	Referred back for local resolution	Total
1	3		75%	1	2	1	4	12
Complaints Remedied								
By LGO	Satisfactorily by	Compliance Rate						

	Authority before LGO involvement	
1	1	0%

Comparison with neighbouring authorities

The table shows how many complaints the LGO received and determined about neighbouring authorities.

Authority	Complaints received	Complaints determined	Complaints investigated & upheld	Complaints investigated & not upheld
Ashfield District Council	18	15	0	2
Bassetlaw District Council	20	20	2	7
Broxtowe Borough Council	8	12	3	1
Gedling Borough Council	12	15	3	1
Mansfield District Council	16	14	0	1
Newark & Sherwood District Council	24	25	0	3
Nottingham City Council	100	98	8	15
Nottinghamshire County Council	109	96	11	16
Rushcliffe Borough Council	13	12	0	1

HOUSING OMBUDSMAN SERVICE ANNUAL REPORT

The report sets out a year of significant change and positive achievement. The Housing Ombudsman has led an organisational review that is transforming the organisation with a new strategy based on her vision, *Housing Matters: Fairness Matters*.

The Housing Ombudsman Service (HoS) ensures the fair resolution of housing complaints, locally if possible. It works with landlords and residents to resolve individual complaints within the landlord's complaint procedure. If things go wrong they seek to put them right and encourage learning from outcomes. The HoS works with landlords and residents and facilitates improvements to complaint handling and service delivery. It aims to role model the service it expects of others.

The key highlights of the year are:

- It dealt with 15,112 complaints and enquiries, seeing a reduction from 16,116 for the 2015/16 period. Productivity increased significantly resulting in more cases being closed during the year than were received. The HoS noted that there had been an increase of complaint enquiries by 18%.
- In 2016-17, 81% of the complaints received were concluded without requiring a formal determination.
- At the same time, speed and efficiency in dealing with cases requiring investigation and determination increased to 96%. In 2016-17, 1649 cases were determined within the Ombudsman's formal jurisdiction compared to 1101 the previous year. This has enabled the HoS to clear a historical backlog of older cases.
- Excellent feedback has been received from customers. Where the HoS supported the local resolution of complaints, 89% of customers said they were treated well. Where the HoS determined the case after completion of the landlord's procedure, 75% said they were treated well.

The Housing Ombudsman said: *"We understand the importance of housing to people's lives. We ensure the fair and impartial resolution of housing complaints, locally where possible. When things go wrong we put things right and encourage learning from outcomes. We help improve landlord and resident relationships. We role model the service we expect of others."*

"Our new Dispute Resolution Policy and Process began in April 2016, based upon our existing dispute resolution principles. It clarifies the different stages of our process and has been published on our website, providing improved transparency and openness. The process provides a better service to customers and increases our accountability. Throughout the year we have continued to develop our policies and processes at each stage based on our experience and feedback from our customers."

Report of the Monitoring Officer

STATUTORY REPORT OF THE MONITORING OFFICER

1. Purpose of report

The Local Government Ombudsman has made three findings of maladministration. The Monitoring Officer is required by Section 5 of the Local Government and Housing Act 1989 to report these findings to the Governance, Audit and Standards Committee.

2. Detail

Further information can be found in the annex to this report.

Recommendation

The Committee is asked to NOTE the Ombudsman's report.

Background papers

Nil

ANNEX

Complaint One

In summary, the complainant said that the Council was wrong to pass his council tax account to enforcement agents as he was making regular payments. He says the agents had unfairly added £310 in fees yet he continued to make regular payments. He complained that the Council wrongly stated the enforcement agent must visit before making an arrangement.

The Council pursued recovery of council tax in line with council tax legislation and guidance. When questioned, the Council explained the reasons for why it had sent the final notice. It also gave the complainant an opportunity to either pay in full or make an arrangement but he did not take up this opportunity. The Council appears to have acted in line with legislation and appropriately in view of the circumstances.

The complainant had opportunities to make arrangements with the enforcement agent. There is no evidence that he did contact the agent before the day of the visit. The agent made several attempts by letter, email and text to request him to contact them. There is no evidence of fault here.

The complainant says the agent told him he could not make an arrangement until they visited him. He says that the agent told him at the visit he must pay in full. The Council's final response to him stated that the legislation stated the enforcement agent must visit the property and complete a controlled goods agreement before making an arrangement to pay a council tax debt. This is not correct because an agent can make an arrangement before carrying out a visit. The letter then goes on confusingly to say the agent had attempted to contact him and make an arrangement several times before the visit. The Council confirmed in its response to the LGO enquiries that it agrees an agent can make an arrangement before carrying out a visit. This fault in the Council's response did not cause injustice to the complainant.

The LGO recommended that the Council advises the author of the Council's final response that an arrangement can be made before a visit by an enforcement agent. The Council has agreed. The Ombudsman recorded her decision as '**Upheld. Maladministration, no injustice**'.

Complaint Two

The complainant says the Council wrongly charged him a management charge from December 2014. The complainant was not entitled to full housing benefit and had to pay extra when the Council stated he was a protected tenant. The complainant says it failed to tell him about this and then delayed dealing with the matter. The complainant says the Council has not refunded all the credit due as he has paid the additional charge.

The Council charged a supporting people charge within his rent for services to maintain the tenancy. The Council reimbursed tenants who were entitled to any housing benefit for the cost of the charge. The charge refund was funded by the County Council. In addition, the Council decided it would reimburse tenants who had no entitlement to housing benefit for this charge if their tenancy started before

2005. The Complainant complained to the Council that he was a protected tenant and should not have to pay any of the management charge. He said the Council had not told him about this. He chased a response during September and October and he says the Council told him it would backdate his protected rights.

The LGO considered the Council has remedied its delays and any injustice caused by paying the complainant £168.

The Ombudsman recorded her decision as '**Upheld: maladministration and injustice.**'

Complaint Three

An application for planning permission and a non-material amendment application were not considered fairly in terms of the amenity and overlooking of the neighbours. The background information presented to the Planning Committee was not correct.

The Council had not taken into account or dealt with the fact that the neighbour has encroached onto the complainants land during the construction of the development. The Council has failed to ensure that the boundary treatment achieves compliance with the approved plans.

The Council did erect a site notice, however the Council policy requires the Council to consult neighbouring land owners by letter. There was a failure to notify the complainant and his partner about the planning application. The investigator recognises the map the Council uses to identify adjoining properties may not have shown the extent of complainant's land. It was also noted the case officer did not identify the land was complainant's at the site visit. The complainant does have an adjoining boundary with the site. The investigator considered that the case officer should have identified at the site visit that the complainant's property in itself would be sufficiently affected to justify individual notification. Taking all the circumstances into account, the investigator considered the Council was at fault for not notifying the complainant. The Council accepted it would have been good practice to do so as the complainants property was nearest the development site.

The case officer's report shows that access and the general design and scale of the building was considered. The Council state the impact to all neighbouring properties was also considered when reaching its decision in 2012. However, as the complainant says, the case officer's report does not specifically refer to the impact to his amenity. It focuses on the comments made by neighbours about the impact to their properties. The failure to include an assessment of the complainant's amenity in the case officer's report was also fault.

Because the complainant did not receive a notification letter, he did not comment before the application was decided. This meant the Committee did not have the benefit of the complainant's comments when deciding the application. So, there is some doubt about whether the Committee may have reached a different decision on the application if the Committee had this information.

The Ombudsman recorded his decision as '**Upheld: maladministration and injustice.**'

Report of the Chief Executive

WORK PROGRAMME1. Purpose of report

To consider items for inclusion in the Work Programme for future meetings.

2. Background

Items which have already been suggested for inclusion in the Work Programme of future meetings are given below. Members are asked to consider any additional items that they may wish to see in the Programme.

3. Work Programme

4 December 2017	Review of Strategic Risk Register Internal Audit Progress Report External Auditor Appointment 2018/19 Onwards
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4. Dates of future meetings

The following additional dates for future meetings have been agreed:

- 4 December 2017
- 26 March 2018

Recommendation

The Committee is asked to CONSIDER the Work Programme and RESOLVE accordingly.

Background papers

Nil