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Wednesday, 2 August 2023

To All Councillors:

As a Member or Substitute of the **Scrutiny Committee**, please treat this as your summons to attend a meeting on **Thursday, 10 August 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin  
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

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## AGENDA

### 1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email [committee@derbyshire.gov.uk](mailto:committee@derbyshire.gov.uk) of any apologies for absence.

### 2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

### **3. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member, their partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

### **4. SCRUTINY WORK PROGRAMME 2023/24 (Pages 3 - 14)**

This report aims to assist the Committee in setting its Work Programme for the 2023/24 municipal year.

### **5. COMPLAINTS ANNUAL REPORT 2022-23 (Pages 15 - 26)**

This report provides information on formal complaints made under the District Council's internal Complaints Procedures; those referred to the Local Government Ombudsman, and against individual elected member behaviour at town, parish and District Council level.

Members of the Committee - Councillors Robert Archer, Nigel Norman Edwards-Walker, Gareth Gee, David Hughes (Chair), Laura Mellstrom, Tony Morley, Roger Shelley, Peter Slack (Vice-Chair), Nick Whitehead and Nick Wilton

Substitutes – Councillors Kelda Boothroyd, Sue Burfoot, Peter Dobbs, Stuart Lees, Dermot Murphy and Simon Ripton

### **NOTE**

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# Agenda Item 4

**Scrutiny Committee – 10 August 2023**

## **SCRUTINY WORK PROGRAMME 2023/24**

### **Report of the Director of Corporate and Customer Services**

#### **Report Author and Contact Details**

James McLaughlin, Director of Corporate and Customer Services (Monitoring Officer)  
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Tommy Shaw, Democratic Services Team Leader  
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#### **Wards Affected**

District-wide

#### **Report Summary**

This report aims to assist the Committee in setting its Work Programme for the 2023/24 municipal year.

#### **Recommendations**

1. That the draft Scrutiny Work Programme for the 2023-24 municipal year be approved, and any additional items to be added or removed.
2. That authority be delegated to the Director of Corporate and Customer Services, Democratic and Electoral Services Manager and Democratic Services Team Leader to make amendments to the Scrutiny Work Programme in between meetings, subject to the agreement of the Chair of the Scrutiny Committee.
3. That the Scrutiny Review Scope Template (Appendix 2) be approved for use and authority be delegated to the Director of Corporate and Customer Services, Democratic and Electoral Services Manager and Democratic Services Team Leader, subject to consultation with the Chair of the Scrutiny Committee, to prepare the scopes for scrutiny review topics identified in paragraph 3.2 of the report.

#### **List of Appendices**

Appendix 1 Draft Scrutiny Work Programme for 2023/24 Municipal Year  
Appendix 2 Draft Scrutiny Review Scope Template

#### **Background Papers**

Nil

**Consideration of report by Council or other committee**

Not applicable

**Council Approval Required**

No

**Exempt from Press or Public**

No

## **Scrutiny Work Programme 2023/24**

### **1. Background**

- 1.1 The Council established a Scrutiny Committee in July 2022 following a commitment under the previous administration to provide a body for detailed questioning by Members. The change to the Constitution was made in the context of there being no legal requirement for the Council to establish a Scrutiny Committee as it operates a Committee System model of governance.
- 1.2 Given the proximity to the municipal elections in May 2023, little work was done to prepare a work programme or identify topics of activity for the Scrutiny Committee.
- 1.3 Following the elections, training was provided by the Director of Corporate and Customer Services (Monitoring Officer), supported by a Senior Governance Consultant from the Centre for Governance and Scrutiny. This training focused on the role of scrutiny, the importance of developing a programme of work for the committee and ensuring that the committee was focused on impact and outcomes.
- 1.4 This is the first meeting of the Scrutiny Committee and Members are asked to consider approving a work programme for the 2023/24 municipal year and confirming the methods of scrutiny to be used in delivering that programme.

### **2. Key Issues**

- 2.1 An effective scrutiny work programme should reflect a balance of activities:
  - Holding decision-makers to account;
  - Policy review and development – reviews to assess the effectiveness of existing policies or to inform the development of new strategies;
  - Performance management – identifying under-performing services, investigating and making recommendations for improvement;
  - External scrutiny – scrutinising and holding to account partners and other local agencies providing key services to the public;
  - Public and community engagement – engaging and involving local communities in scrutiny activities and scrutinising those issues which are of concern to the local community.
- 2.2 Key features of an effective work programme:
  - A member led process, short listing and prioritising topics – with support from officers – that;
    - reflects local needs and priorities – issues of community concern as well as the Corporate Plan and Medium Term Financial Strategy priorities
    - prioritises topics for scrutiny that have most impact or benefit
    - involves local stakeholders
    - is flexible enough to respond to new or urgent issues

- 2.3 Depending on the selected topic and planned outcomes, scrutiny work will be carried out in a variety of ways, using various formats. This will include a variety of one-off reports. In practice, the Scrutiny Committee will draw from the following to inform its work:
- Performance Reports;
  - One-off reports on matters of national or local interest or concern;
  - Issues arising out of internal and external assessment (e.g. LGA Peer Review);
  - Reports on strategies and policies under development or other issues on which the Council, Policy Committees or officers would like scrutiny views or support;
  - Progress reports on implementing previous scrutiny recommendations accepted by the Council or Policy Committees.
- 2.4 In addition, in-depth scrutiny work, including task and finish projects, are an important aspect of Scrutiny and provide opportunities to thoroughly investigate topics and to make improvements. Through the gathering and consideration of evidence from a wider range of sources, this type of work enables more robust and effective challenge as well as an increased likelihood of delivering positive outcomes. In-depth reviews should also help engage the public and provide greater transparency and accountability.
- 2.5 It is nevertheless important that there is a balance between depth and breadth of work undertaken so that resources can be used to their greatest effect and that the function does not consume a disproportionate level of input from Members or officers.
- 2.6 When selecting items for the Work Programme, the 'TOPIC' selection criteria is an effective way to prioritise issues. This allows each item to be judged according to its potential to make the best use of the Committee's time and impact. Please bear the following points in mind when making suggestions.
- ***T - Timely***  
Work programmes should take account of work in other areas, and avoid duplication. Members should consider if now is the best time to consider the issue, and whether there are any legislative or policy changes afoot.
  - ***O - Organisational Priority***  
Work programmes should take account of the Council's overall vision for the area. A good proportion of the Committee's work should relate to the Council's priorities, such as those reflected in the Corporate Plan. This is crucial to demonstrate how Scrutiny can add value to the Council.
  - ***P - Public Interest***  
Councillors' representative roles are an essential feature of Scrutiny. They are the eyes and ears of the public, ensuring that services address local needs. The interests of local people should therefore influence and guide the issues chosen for scrutiny.

- **I - Influence**  
Generally, Scrutiny Committees are better placed to influence council services than external agencies, and effective relationships are essential for exerting influence. Consider whether the committee's input will drive outcomes and change.
- **C - Cost**  
Services or decisions which have high levels of income, expenditure or savings should be prioritised. Effective scrutiny of financial matters is a cornerstone of good scrutiny, and significant spending plans should not go unscrutinised.

### **3. Options Considered and Recommended Proposal**

- 3.1 The Committee could choose not to agree a work programme. This option is not recommended as there is a risk that the Scrutiny Committee will not be in control of its own agenda and may become a depository for reports 'for information'. A Scrutiny Committee should determine its own work programme and agenda, subject to the available resources to support this work.
- 3.2 In the training session for the Scrutiny Committee that took place on 8 June 2023, the following topics emerged as potential areas for scrutiny:
- Pollution discharge into the River Derwent
  - Customer Experience of the Planning (Development Management) Process, including statutory consultees
  - Strengthening consultation and engagement processes to increase confidence in the Council's openness and transparency
  - Enhancing staff recruitment and retention policies and practices
  - Addressing flood management and prevention in the District.
- 3.3 Consideration will need to be given to the approach to scrutinising these matters given the breadth of the issues contained. Some of these topics are not suitable to be addressed in a single meeting of the full Committee and will need to be scoped further for a task and finish group approach. In establishing task and finish groups, Members should be mindful of the resources available to support Scrutiny activity within the Council and should focus on a single topic for completion before moving onto another area for review.
- 3.4 In addition to the above, it is recommended that the Scrutiny Committee receives the following reports throughout the year or on an annual basis:
- Corporate Plan Performance Indicators
  - Other performance or benchmarking data monitoring
  - Complaints Annual Report
  - Updates from Vision Derbyshire Joint Committee
  - Updates from East Midlands Mayoral Combined County Authority
- 3.5 An outline of the Scrutiny Work Programme is enclosed as Appendix 1. Members are invited to review, consider whether amendments are necessary, and agree the work programme for the 2023/24 municipal year.

- 3.6 Members are also recommended to consider and adopt the Scrutiny Review Scope template, which is enclosed as Appendix 2. In order to be effective, every Scrutiny Review must be properly project managed. This is to make sure that the review achieves its aims and has measurable outcomes. One of the most important ways to make sure that a review goes well is to ensure that it is well defined at the outset. This way the review is less likely to get side-tracked or be overambitious in what it hopes to tackle. The Scrutiny Review Scope template has been designed to help the Task and Finish Group undertaking a review to think through the purpose of a review, and exactly what the members hope to achieve. A good scoping template is also a great communication tool in helping others to understand what the inquiry is about. Once agreed, the template should therefore be circulated to relevant officers, stakeholders and potential witnesses, as well as placed on the public website.

#### **4. Consultation**

- 4.1 The work programme has not been subject to formal internal or external consultation. However, there is an opportunity to seek views on the work programme following the Committee's agreement and to amend it in light of any feedback received. It is suggested that a media release and publication of the work programme through social media should elicit valuable feedback from residents to help Members to shape the work programme to reflect the priorities of the communities that they represent.
- 4.2 Officers will have the opportunity to share their views and suggest other items for inclusion on the work programme and these will be reported verbally to the meeting. It is recommended that the Chair of the Scrutiny Committee maintain a regular dialogue with the Chief Executive to ensure that the function is well supported by the whole Council.
- 4.3 In a similar way, the Chair should also regularly liaise with the leaders of the political groups on the Council to ensure that there is ongoing buy-in to scrutiny from across the political spectrum.

#### **5. Timetable for Implementation**

- 5.1 If agreed, the Scrutiny Work Programme will be effective immediately. Once agreed, items should only be added or removed where there is good reason to do so and with the agreement of the Scrutiny Committee. In practice, there will likely be a need for the work programme to be managed by supporting officers in Democratic Services in between meetings. It is good practice for the Chair of the Scrutiny Committee to maintain an ongoing dialogue with support officers between meetings to ensure that oversight remains in place.

#### **6. Policy Implications**

- 6.1 The work programme of the Scrutiny Committee should be aligned to the Council's priorities, as described within the Corporate Plan. With a new Corporate Plan in the process of being developed, it is also recognised that the priorities of the new administration will be reflected in the agreed work programme for the Scrutiny Committee.



## **7. Financial and Resource Implications**

- 7.1 There are no financial implications arising from the recommendations set out in this report. Should any of the work undertaken by the Scrutiny Committee generate recommendations with financial implications these will be highlighted at that time. The level of financial risk is assessed as low presently.
- 7.2 There will be resource implications arising from the agreement of the Scrutiny Work Programme for the 2023/24 municipal year. Whilst some time has been allocated from Democratic Services and is budgeted for, officer support from other parts of the organisation will be required in order to provide reports or advice or attend meetings to provide evidence or answer questions that support the work of the committee.

## **8. Legal Advice and Implications**

- 8.1 Overview and scrutiny bodies operate within the provisions set out in the Local Government Act 2000, the Health and Social Care Act 2001 and the Local Government and Public Involvement in Health Act 200
- 8.2 Scrutiny work involves consideration of the legal and statutory issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to the Council or Policy Committees, including specific legal and statutory implications.

## **9. Equalities Implications**

- 9.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
  - Foster good relations between people who share those characteristics and people who do not.
- 9.2 The Committee should ensure that it addresses these duties by considering them within its work plan and those of its panels, as well as individual pieces of work. This should include considering and clearly stating:
- How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
  - Whether the impact on particular groups is fair and proportionate;
  - Whether there is equality of access to services and fair representation of all groups within Derbyshire Dales;
  - Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.
- 9.3 The Committee should ensure that equalities comments are based on evidence. Wherever possible this should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

## **10. Climate Change Implications**

10.1 There are no climate change implications associated with this report.

## **11. Risk Management**

11.1 There are no specific risk management implications associated with this report. Scrutiny work involves consideration of the risk management issues relating to the topic being scrutinised. Furthermore, scrutiny work may also need to assess the implications of any recommendations made to Council or Policy Committees, including specific risk management implications.

### **Report Authorisation**

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	01/08/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	26/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	02/08/2023



## SCRUTINY COMMITTEE WORK PROGRAMME 2023/24

### Scheduled Meeting Dates in 2023/24

- 10 August 2023
- 19 October 2023
- 14 December 2023
- 29 February 2024

Item	Description	CLT Lead	Officer/ Report Author Lead	Date of Meeting	Publication Date	Status
Scrutiny Work Programme	To agree the work programme for the 2023/24 municipal year	James McLaughlin	James McLaughlin/ Tommy Shaw	10/08/2023	02/08/2023	Programmed
Annual Complaints Report	To receive the annual report detailing complaints received by the Council	James McLaughlin	James McLaughlin/ Jason Spencer	10/08/2023	02/08/2023	Programmed
Vision Derbyshire Joint Committee	To receive the minutes of the meeting of the Vision Derbyshire Joint Committee	Paul Wilson	Tommy Shaw	19/10/2023	11/10/2023	Programmed
Overview of Information Systems	To consider the various systems used across the authority to deliver functions and understand how greater connectivity can improve the customer experience	James McLaughlin	Glenn Burton	19/10/2023	11/10/2023	Programmed

Item	Description	CLT Lead	Officer/ Report Author Lead	Date of Meeting	Publication Date	Status
Corporate Plan Performance Indicators Q1	To review performance for quarter 1 (April – June) against Corporate Plan Performance Indicators	Steve Capes	Mike Hase/ Claire Allen	19/10/2023	11/10/2023	Programmed
Corporate Plan Performance Indicators Q2	To review performance for quarter 2 (June – September) against Corporate Plan Performance Indicators	Steve Capes	Mike Hase/ Claire Allen	14/12/2023	06/12/2023	Programmed
Corporate Plan Performance Indicators Q3	To review performance for quarter 3 (September - December) against Corporate Plan Performance Indicators	Steve Capes	Mike Hase/ Claire Allen	29/02/2024	21/02/2024	Programmed
Corporate Plan Performance Indicators Q4 and Year End	To review performance for quarter 4 and year end for 2023/24 against Corporate Plan Performance Indicators	Steve Capes	Mike Hase/ Claire Allen	Tbc	Tbc	Programmed

## SCRUTINY REVIEW SCOPE

<b>Review Topic</b> <i>(Name of Review)</i>	
<b>Task and Finish Group Members</b>	
<b>Key Officers/ Departments</b>	
<b>Lead Support Officer</b>	
<b>Relevant Policy Committee</b>	
<b>Relevant Corporate Priority</b>	
<b>Type of Review</b>	
<b>Timescales</b>	
<b>Rationale</b> <i>(key issues and/or reason for doing the review)</i>	
<b>Objectives of Review</b> <i>(specify exactly what the review should achieve)</i>	
<b>Scope of the Topic</b> <i>(what is specifically to be included/excluded)</i>	<p><b>Include</b> The following is included in the scope of the review:</p> <p><b>Excluded</b> The following falls outside the scope of the review:</p>
<b>How will the public be involved?</b> <i>(Is the issue something which will interest the public? Should a public meeting be held? Should an advert be taken out to request public participation/ publicise review? Radio Interview to raise awareness? Publicity leaflet/flier? Social Media?)</i>	

<p><b>What site visits will be undertaken?</b></p>	
<p><b>How will our partners be involved?</b> <i>(consultation with relevant stakeholders)</i></p>	
<p><b>How will the scrutiny achieve value for money for the Council and tax payers</b></p>	
<p><b>What primary/ new evidence is needed for the scrutiny?</b> <i>(What information needs to be identified/ is not already available?)</i></p>	
<p><b>What secondary/ existing information will be needed?</b> <i>(i.e. risk register, background information, performance indicators, complaints, existing reports, legislation, central government information and reports)</i></p>	
<p><b>Indicators of Success</b> <i>(What factors would tell you what a good review should look like? What are the potential outcomes of the review e.g. service improvements, policy change etc?)</i></p>	
<p><b>Other Work Being Undertaken</b> <i>(What other work is currently being undertaken in relation to this topic, and any appropriate timescales and deadlines for that work)</i></p>	



# Agenda Item 5

**OPEN REPORT  
SCRUTINY COMMITTEE**

**Scrutiny Committee – 10 August 2023**

## **COMPLAINTS ANNUAL REPORT 2022-23**

### **Report of Director of Corporate and Customer Services**

#### **Report Author and Contact Details**

James McLaughlin, Director of Corporate and Customer Services (Monitoring Officer)  
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

#### **Wards Affected**

District-wide

#### **Report Summary**

This report provides information on formal complaints made under the District Council's internal Complaints Procedures; those referred to the Local Government Ombudsman, and against individual elected member behaviour at town, parish and District Council level.

#### **Recommendations**

1. That the Complaints Annual Report for the period from April 2022 to March 2023 be received.

#### **List of Appendices**

Appendix 1 Local Government and Social Care Ombudsman Annual Letter to the Chief Executive of Derbyshire Dales District Council

#### **Background Papers**

[Derbyshire Dales District Council Complaints Procedure](#)

#### **Consideration of report by Council or other committee**

N/A

#### **Council Approval Required**

No

#### **Exempt from Press or Public**

No

## Complaints Annual Report 2022-23

### 1. Background

1.1 All local authorities need to provide complaint procedures to respond to customer concerns in an open and transparent way within defined timescales and in accordance with legislation. In order to do so the Council has adopted a complaints procedure which provides clarity and transparency to customers on how to raise issues and how the Council will consider and respond to a complaint.

1.2 The Council's Complaints Procedure has three stages:

#### ***Stage 1 – Informal Complaint***

Complaints received are sent to the relevant Service Manager for assessment, investigation and response

#### ***Stage 2 – Formal Complaint***

This process is used if customers are either not satisfied with the results of their informal complaint or if, by its very nature, their complaint is accelerated by the Council to this point from the start. The Council also accelerates complaints to stage 2 if it has let down customers by not responding within its targets at stage 1.

If a complaint has already passed through stage one, and the customer remains dissatisfied, the Council will ask the customer to make it clear that they want their complaint to be referred to the relevant Service Director for assessment, investigation and response.

#### ***Stage 3 – Final Stage***

If a customer is not satisfied with the response at Stage 2 they can ask the Council to look at their complaint again in the final stage in the complaints procedure. At this stage, customers are asked to explain their reasons for seeking a final review so that the Chief Executive can focus on those particular concerns, review them and provide the Council's final decision.

1.3 Where a complainant remains dissatisfied with the response of the Council to its complaint after Stage 3, they can take things further by contacting the Local Government Ombudsman. The Ombudsman is totally independent of the Council and has a legal duty to investigate complaints about local councils across the country.

1.4 The purpose of this report is to outline the complaints that the Council received in the period from 1 April 2022 to 31 March 2023, those matters referred to the Local Government Ombudsman and to provide an overview of complaints received in respect of alleged breaches of the Code of Conduct by Members of the District Council and town/parish councils.

### 2. Key Issues

#### **Formal Complaints to the District Council**

2.1 During 2022/23 the District Council received a total of 405 complaints in respect of its services and functions. This compares with a total of 221



complaints in 2021/22. The large increase in complaints is attributed to the well documented issues in relation to the development of proposals for a permanent Traveller site.

- 2.2 194 complaints (88%) were resolved at Stage 1 of the complaints procedure in 2022/23, with 23 complaints (10%) resolved at stage 2 and a further 4 complaints (2%) going onto stage 3 review by the Chief Executive. This compares favourably to performance in 2021/22 which saw 85% of complaints resolved at stage 1, 14% resolved at Stage 2 and 1% going to stage 3 review by the Chief Executive. In reality, it is a reflection of the increase in complaints related to a single issue which has altered performance. Without the single issue complaints, 50% of complaints received were addressed at Stage 1, which indicates that complainants are not satisfied with the initial response and wished to escalate further.
- 2.3 There has been small decline in performance in responding to complaints within the ten-day timescale required by the complaints procedure. In 2022/23, officers responded to 88% of complaints within the ten-day timescale, whereas this figure was 89% in 2021/22.
- 2.4 A summary of complaints received by service department is detailed in the following table:

<b>Service Department</b>	<b>Total Complaints Received</b>	<b>Issues complained about</b>	<b>Number of complaints</b>
Chief Executive	2	Human Resources	1
		Personnel matter	1
Corporate & Customer Services	363	Planning Committee decision making – referral to Monitoring Officer	1
		Handling of planning applications – referral to Monitoring Officer	1
		Data Protection Breach	2
		Traveller Sites	359
Community & Environmental Services	16	Car Parks	2
		Fly Tipping	1
		Hedges and Verge Cutting	2
		Park Maintenance	3
		Public Toilet Charge	2
		Use of Petrol Mowers/ Strimmer	1
		Waste Collections, including: • <i>Missed bin collections</i> • <i>Crew negligence</i>	4
		Waste Communication on website	1

Service Department	Total Complaints Received	Issues complained about	Number of complaints
Housing	0	-	-
Regeneration & Policy	0	-	-
Regulatory Services	15	Planning	11
		Environmental Health, including: <ul style="list-style-type: none"> <li>• <i>Sewage Issue</i></li> <li>• <i>Tideswell Food Festival</i></li> <li>• <i>Electric Meter Box</i></li> </ul>	3
		Travellers	1
Resources	5	Council Tax	5
Cross Departmental	2	Noise complaint/ community trigger	1
		Waste/ Finance	1

### Local Government & Social Care Ombudsman Performance during 2022-23

- 2.5 Complainants who remain dissatisfied with the handling of their complaint following the final stage of the internal complaints procedure may take their issue up with the Local Government and Social Care Ombudsman (LGO).
- 2.6 On 19 July 2023, the LGO wrote to the District Council to confirm that during the 2022/23 year the LGO had undertaken 6 detailed investigations in respect of complaints about the authority and had not upheld any complaint. This compared to a figure of 59% of complaints being upheld on average in similar authorities. By way of contrast, the LGO undertook two detailed investigations of complaints about the District Council in 2021/22 but did not uphold either complaint.
- 2.7 A copy of the LGO's letter and statistics in respect of the District Council are appended to this report.

### Member Code of Conduct Complaints

- 2.8 Under the provisions of the Localism Act, the Monitoring Officer is required to assess such complaints against agreed criteria and the relevant authority's Code of Conduct, in consultation with the Independent Person.
- 2.9 The Assessment involves an examination of the evidence provided with a view to concluding whether on the face it:
- (a) the matter falls within the remit of the Code of Conduct. If the answer to this question is 'no', the complaint is immediately dismissed. If the answer is 'yes' the matter proceeds to the next stage;
  - (b) the potential exists, if proven, for the alleged behaviour to amount to a breach of the District Council's Code of Conduct. If the answer to

that is 'No' the complaint is dismissed. If the answer is 'yes', the Monitoring Officer must balance the severity of the potential breach in terms of the public interest in requiring the matter to proceed to a full investigation or to consider whether an alternative remedy is more relevant in the circumstances

2.10 There were 4 formal complaints alleging breaches of the Code of Conduct for Members during 2022/23. Within these complaints there were 2 alleged breaches by District Councillors and 2 alleged breaches by town or parish councillors. None of the complaints received in 2022/23 were subject to investigation and were resolved by the Monitoring Officer or Deputy Monitoring Officers at the initial assessment stage.

2.11 A summary of the complaints is set out in the table below:

No	District or Parish	Allegation	Outcome	MO or DMO
1	District	Complaint of alleged defamatory remark made by Subject Member concerning the complainant	Recommendation that Subject Member consider their involvement in future matters where the complainant would be an active participant or interested party	MO
2	Parish	Complaint of alleged inappropriate behaviour by Subject Member during a period of silent reflection in memory of a former colleague	No breach was identified, but an apology was recommended	MO
3	Parish	Complaint of alleged inappropriate language by Subject Member during a meeting	No action – there was insufficient evidence to suggest that it was in the public interest to investigate the complaint further	DMO
4	District	Complaint of alleged lack of respect and failure of leadership during a meeting of the Planning Committee	No action – there was insufficient evidence to suggest that it was in the public interest to investigate the complaint further	MO

2.12 By way of comparison, in 2021/22 there were 13 complaints alleging that the Code of Conduct for Councillors had been breached (within this there were 13 individual allegations against District Councillors and 12 individual complaints of alleged breaches against parish councillors). During 2022/23, no matters were referred for external investigation.

### **3. Options Considered and Recommended Proposal**

- 3.1 This report is submitted for information to provide Members with an overview of the authority's performance in respect of complaints. No decision is sought other than to formally receive the report.
- 3.2 However, work continues to improve the Council's offer to customers and the way in which it responds to complaints about services. With the recent approval of the Customer Access Strategy, which defines the standards that customers can expect from the authority, Members can be assured that officers will continue to seek to improve the way in which the Council learns from complaints, ensuring that all learning reported is considered and the impact of service improvement is understood and recorded.
- 3.3 In last year's report to the Governance and Resources Committee it was suggested that an area for development was to increase the number of compliments recorded as a positive indicator of the quality of service provided and the value placed on it by residents and customers. Limited progress has been made on this so in the coming year, officers from Corporate and Customer Services will prioritise working with managers to ensure that the process for recording and reporting compliments is established and positive feedback is directly shared with staff.

### **4. Consultation**

- 4.1 This report does not seek a decision to make changes to policy or procedure and therefore it has not been subject to consultation.

### **5. Timetable for Implementation**

- 5.1 There are no recommendations within this report requiring Member determination or a timetable for implementation. The report is submitted for scrutiny to consider and make recommendations.

### **6. Policy Implications**

- 6.1 Complaints monitoring has direct links to the values of fairness and equality, listening to people and quality of service. Additionally it links to the Council's corporate priority of providing a high quality customer experience and the recently approved Customer Access Strategy.

### **7. Financial and Resource Implications**

- 7.1 There are no direct financial implications arising from this report. The provision of the compliments and complaints service is factored into the Council's budget. If a complaint to the LGO is upheld and the Council receives a recommendation to make a compensatory payment, then a request for an appropriate payment will be made to this committee in accordance with the Council's Financial Regulations. The financial risk associated with this report is assessed as low.
- 7.2 There are no direct staffing implications arising from this report.

## 8. Legal Advice and Implications

- 8.1 There was no breach of a rule of law in any of the complaints submitted during 2022/23 nor were there any matters requiring resolution from the Local Government and Social Care Ombudsman. This indicates that officers are responding to complaints in manner that is compliant with the functions and responsibilities of the authority and raises no concerns from a legal perspective.
- 8.2 For elected Members, mandatory training is aimed specifically at mitigating the chances of a serious complaint being submitted alleging a breach of the Code of Conduct. Members received training on the Code of Conduct and associated processes as part of the Induction Programme after the elections in May 2023, however additional training will be required following the change to the Code of Conduct agreed in July 2023.
- 8.3 Given that this report is submitted for information, the legal risk associated with this report is assessed as low.

## 9. Equalities Implications

- 9.1 Investigations through the complaint procedure consider all relevant policy and legislation, including those relating to equalities.
- 9.2 Improvements have been made to the way that complaints are recorded to ensure that information relating to equality and diversity are captured where the complainant is comfortable to disclose this information.

## 10. Climate Change and Biodiversity Implications

- 10.1 There are no direct implications for Climate Change or Biodiversity arising from this report.

## 11. Risk Management

- 11.1 It is important that customer expectations around what is sustainable for the Council to deliver are properly managed. To mitigate this, the Council is continuing to engage with the public as appropriate through regular communication, as well as where services are being proposed to be amended.

### Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	01/08/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	26/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	02/08/2023

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19 July 2023

*By email*

Mr Wilson  
Chief Executive  
Derbyshire Dales District Council

Dear Mr Wilson

### **Annual Review letter 2022-23**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

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

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

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

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

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

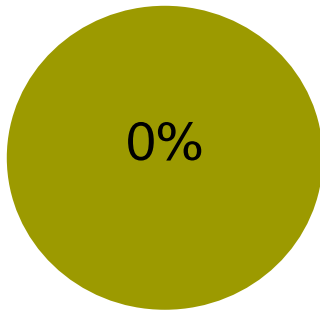
Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England



### Complaints upheld



**0%** of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

**0**  
upheld decisions

Statistics are based on a total of **6** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

### Satisfactory remedy provided by the organisation

The Ombudsman did not uphold any detailed investigations during this period

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