

NOTICE OF MEETING

Meeting: CORPORATE OVERVIEW AND SCRUTINY PANEL

Date and Time: THURSDAY, 26 SEPTEMBER 2019, AT 9.30 AM*

Place: THE BRADBURY ROOM, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Andy Rogers
Email: andy.rogers@nfdc.gov.uk

PUBLIC PARTICIPATION:

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Panel's terms of reference which are not on the public agenda; and/or
 - (b) on individual items on the public agenda, when the Chairman calls that item.
- Speeches may not exceed three minutes. Anyone wishing to speak should contact the name and number shown above.

Bob Jackson
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 27 June 2019 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. PORTFOLIO HOLDERS' UPDATES

To receive an oral update from the relevant Portfolio Holders on developments within their Portfolio areas.

5. THE CORPORATE PLAN 2020/2024 - DEVELOPMENT TIMETABLE

(Pages 1 - 2)

To receive details on the Corporate Plan 2020/2024 Development Timetable.

6. COMPLAINTS ANNUAL REPORT (Pages 3 - 22)

To receive an overview of the complaints received by the Corporate Complaints Team in 2018/19, including Local Government, and Housing Ombudsman complaints.

7. WORK PROGRAMME (Pages 23 - 24)

To consider the Panel's future Work Programme.

8. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To: **Councillors:**

Alexis McEvoy (Chairman)
Alan Alvey (Vice-Chairman)
Fran Carpenter
Keith Craze
Sandra Delemare

Councillors:

Mahmoud Kangarani
Martyn Levitt
Alan O'Sullivan
Beverley Thorne
Derek Tipp

CORPORATE OVERVIEW AND SCRUTINY PANEL – 26 SEPTEMBER 2019

THE CORPORATE PLAN 2020-2024 – DEVELOPMENT TIMETABLE

1. INTRODUCTION & PURPOSE

- 1.1 Following the May 2019 elections, the Cabinet has been considering its strategic plan for the period of the administration, the Corporate Plan 2020-2024.
- 1.2 The Corporate Plan is the single most important strategy that shapes the way the Council works and defines its ambitions. In doing so it brings together strategic and service objectives, helping Members and Officers to work towards the achievement of the same vision, values and priorities.
- 1.3 It is anticipated that the new Corporate Plan will be approved by Cabinet in February 2020 following consultation.
- 1.4 This report briefly summarises the timeline for the development and consultation of the plan.

2. TIMETABLE

- 2.1 Each Portfolio Holder is in the process of considering and developing the key strategic priorities and activities for their Portfolio over the next four years to inform a draft plan for consultation.
- 2.2 The key dates in the development and consultation of the plan are:

Development of the Plan:

Portfolio Holder's priorities	In progress
Approval of the draft plan for consultation	Cabinet 6 Nov 2019

Consultation:

Environment Overview & Scrutiny Panel	9 January 2020
Housing Overview & Scrutiny Panel	15 January 2020
Community Overview & Scrutiny Panel	21 January 2020
Corporate Overview & Scrutiny Panel	23 January 2020
Elected Members and Employees (Leader/Chief Executive Briefings)	November - January
Public and Stakeholders	November - January

Approval:

Final approval	5 February 2020
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2.3 The draft plan will be made available on the Council's website as part of the consultation exercise.

3. DELIVERING THE PLAN

3.1 The Corporate Plan will be underpinned by a suitable and proportionate performance management framework that will support and monitor the delivery of the plan. This framework will be considered over the next few months to support the commencement of the approved Corporate Plan.

4. FINANCIAL IMPLICATIONS

4.1 Direct costs arising from the production and consultation of the plan will be kept to a minimum.

5. RECOMMENDATIONS

5.1 The Corporate Overview and Scrutiny Panel is asked to note the timetable for the 2020-2024 Corporate Plan development and consultation.

For Further Information Please Contact: Background Papers

Rebecca Drummond
Service Manager – Elections & Business
Improvement
Tel: 023 8028 5588
E Mail: rebecca.drummond@nfdc.gov.uk

CORPORATE OVERVIEW & SCRUTINY PANEL - 26 SEPTEMBER 2019

REVIEW OF COMPLAINTS 2018/19

1. INTRODUCTION

- 1.1 This report provides an overview of complaints received, and dealt with, by the Corporate Complaints Team during the period 1 April 2018–31 March 2019. It includes those complaints of which the Council is aware were made to the Local Government and the Housing Ombudsmen (the Council is not always advised of complaints made direct to the Ombudsmen). Comparisons with the previous year (1 April 2017–31 March 2018) are included.

2. PROCEDURE AND RECORDING OF COMPLAINTS

- 2.1 The Council's complaints procedure is attached at Appendix 1. It provides that
- all complaints at stage 1 are dealt with by the relevant Service Manager
 - if the complainant is not satisfied with the Service Manager's response, the complaint is dealt with at stage 2 by the relevant Executive Head
 - if the complainant remains dissatisfied, they may pursue their complaint to stage 3, when it is investigated by the Executive Head of Housing and Governance on behalf of the Chief Executive.
- 2.2 A tiered approach to complaints is commonplace amongst other authorities and in line with LGO advice.

3. COMPLAINTS FOR 2018/19

- 3.1 Please see:

Appendix 2 - Complaints received by the Council for 2018/19 compared to 2017/18

Appendix 3 - Complaints referred to the Local Government or the Housing Ombudsman for 2018/19 compared to 2017/18

Appendix 4 – Complaints found to be justified locally and financial settlements

- 3.2 It will be noted that a total of 97 complaints were received and logged in 2018/19, compared with 66 in 2017/18. In common with previous years, the highest numbers of complaints relate to housing or planning issues.

4. COMPLAINTS TO THE LOCAL GOVERNMENT OR THE HOUSING OMBUDSMAN

- 4.1 The Local Government Ombudsman has provided statistical information regarding complaints received about the Council. The numbers of complaints referred to in the Ombudsman's communication do not match the records held by the Corporate Complaints Team – the Ombudsman accepts that differences will occur as the Council will not be notified of complaints received which they consider to be groundless. The Ombudsman will not investigate a complaint unless the complaint has exhausted all stages of a Council's complaints procedure.

- 4.2 The total number of Ombudsman complaints recorded for 2018/19 was 21. Of the 21 only 3 were investigated and referred to the Council. Of these 3 complaints, only 1 was upheld. This related to a housing matter involving delay and the provision of incorrect information. The Ombudsman was satisfied that the Council's apology was sufficient to remedy the injustice caused. See Appendix 3.

5. LEARNING FROM COMPLAINTS

- 5.1 It remains important for Services to review each complaint received and, where appropriate, to take action to avoid or to minimise complaints of a similar nature. As part of their initial responses to any complaints received, Service Managers are expected to address any underlying causes that might remove the reason for the complaint.
- 5.2 If complaints are escalated to Stage 2, the Executive Head will examine the reasons for the complaint and, if considered appropriate, ensure that changes in practices are put in place.
- 5.3 When undertaking stage 3 reviews or responding to complaints to an Ombudsman, the Executive Head of Housing and Governance will discuss the complaint in detail with the relevant Service Manager and/or the appropriate Executive Head, and encourages actions or changes. If the matter is one which appears to affect other services as well, she ensures that those services are involved.

6. CONCLUSIONS

- 6.1 The Council's Complaints Procedure continues to provide a robust system for investigating and resolving complaints. Whilst there has been an increase in the number of complaints, there does not appear to be any single cause or underlying factor which needs to be addressed.
- 6.2 It is important that all services of the Council accurately record complaints received and notify the Corporate Complaints Officer so that proper records are maintained and action monitored.
- 6.3 The Ombudsman has found that the Council was at fault with only one complaint.

7. RECOMMENDATIONS

- 7.1 That the report be noted;
- 7.2 That Service Managers and Executive Heads be encouraged to ensure that employees respond appropriately to customers who appear not to have received an expected standard of service from the Council;
- 7.3 That Service Managers and Executive Heads be reminded to review complaints about their services regularly, and to implement any learning from them.

For further information please contact:

Andrew Kinghorn
Legal Services Manager
Tel: 023 8028 5588
Email: andrew.kinghorn@nfdc.gov.uk

or

Karen Grimes
Information Compliance and Complaints Officer
Legal Services
Tel: 023 8028 5588
Email: karen.grimes@nfdc.gov.uk

Background Papers:

Public documents and exempt
information

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COMPLAINTS PROCEDURE

Introduction

The Council's complaints procedure can be used for any type of formal complaint and for any service provided by this Council.

*Please note there is a **separate** complaints procedure regarding Councillors.*

Complaints against elected members can be submitted to this Council's Monitoring Officer. Please see link to website for guidance <http://www.newforest.gov.uk/index.cfm?articleid=1649> or contact the Monitoring Officer 023 8028 5588.

Aim

Our aim is to swiftly investigate all corporate complaints with impartiality, finding solutions locally whenever possible to the satisfaction of both complainant and the Council. Remember, a quick phone call may be quite effective in settling your concerns. Do not worry if you do not know exactly who to speak to – a telephone call to 023 8028 5000 or a look at our information on the website www.newforest.gov.uk will help put you in touch with the right person.

Responsibility

The Executive Head of Governance & Regulation is responsible for the complaints procedure on behalf of the Chief Executive.

What is a complaint?

A complaint is “an expression of dissatisfaction about the conduct, standard of service, actions or lack of action by the New Forest District Council or its staff”.

In some cases complaints received will be minor day-to-day concerns which will amount to service enquiries or representations rather than formal complaints and can be addressed informally by the service provider. The complaints procedure is not intended for cases where the Council has taken a decision in a proper manner or for an explanation of a decision.

There are certain types of complaints that we cannot investigate. These might include:

- Anonymous complaints
- Cases where other rights of appeal exist (e.g. against refusal of planning permission or housing benefit assessment)
- Routine requests for service (e.g. noisy neighbours, barking dogs), unless such a request has been dealt with improperly or with undue delay
- Cases where an immediate response can be given (e.g. where uncollected refuse is picked up quickly after notification).
- Cases where the Council has started legal proceedings or has taken court action. Or for example, when a debt is owing to the Council.

There are times when a 'complaint' is not a complaint, for example, if the Council is informed that a rubbish bag has not been collected, this will be recorded as a 'service request'. However, if this has not been attended to within a reasonable time and gives the customer, resident or visitor cause to contact the Council again, then this will become a complaint.

Key principles

All complaints will be investigated in accordance with the following principles:

- We will **acknowledge** the complaint within **5 working days** and inform the complainant that it will be looked into. We will give the name of an employee to whom further enquiries can be made.
- We aim to inform the complainant of the **result** of the investigation within **15 working days** (after acknowledgement) and if this is not possible we will advise the complainant.
- When responding we will advise the complainant of who they can appeal to if they remain dissatisfied.
- We will keep the complainant informed. If an unavoidable delay occurs we will notify the complainant
- We will record the complaint. This record includes:
 - Full name and address of complainant
 - Details of the complaint including relevant dates
 - Action taken
 - Employee dealing with the complaint
- We will keep all information confidential particularly names and address that can identify a complainant, site or complaint. However, we may be obliged to disclose some information under certain statutory provisions.

How we deal with complaints

The Council operates a 3-stage complaint process which reflects the practice adopted by many local authorities and is recommended by the Local Government Ombudsman. Following the completion of each stage the complainant will have the right to request that the complaint is escalated to the next stage of the process. This procedure is designed to support the effective management of complaints.

Level	Type of Complaint	Responsible Officer
1	A complaint is sent to the supervisor or Service Manager of the service. They are responsible for ensuring that the complaint is acknowledged, recorded and looked into thoroughly. The response will inform the complainant that if he or she is not satisfied with the outcome of the complaint he or she may appeal to the Executive Head.	Supervisor / Service Manager
2	Second or more serious complaint. Each Executive Head will consider complaints against his or her service where the complainant has appealed from Level 1 and in circumstances where the Executive Head wishes to deal with personally. In the reply the Executive Head will inform the complainant that if the outcome is not satisfactory, an appeal can be made to the Executive Head of Governance & Regulation on behalf of the Chief Executive.	Executive Head
3	Complaints where a complainant is dissatisfied with the review carried out by an Executive Head. The reply will inform the complainant that if he or she is not satisfied with the outcome, a request for a review may be made to the Local Government Ombudsman. OR If the complainant is a Council tenant complaining about the Council as their landlord, the reply will set out the process to be followed to refer the complaint to the Housing Ombudsman Service.	Executive Head of Governance & Regulation on behalf of the Chief Executive

Putting things right

Every effort will be made to resolve complaints without undue delay. The complaints procedure is designed to put things right if something has not been done correctly, and if that's not possible, we will explain why.

The Role of the Council's Chief Executive

The final stage of the Council's Complaints Procedure is dealt with by the Executive Head of Governance & Regulation on behalf of the Chief Executive.

At this stage, the Executive Head of Governance & Regulation ensures that the Chief Executive is aware of the complaint and the response to it. At any stage, the Chief Executive may personally deal with any complaint using whatever procedure he considers appropriate.

Still not satisfied?

If you remain dissatisfied after you have completed the Council's Complaints Procedure, you can contact The Local Government Ombudsman which acts as a watchdog for local government issues.

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Telephone 0300 061 0614
Website: <http://www.lgo.org.uk/>

OR

If you are a Council tenant and your complaint is against the Council as your landlord, you have the right to ask for your complaint to be considered by the Housing Ombudsman Service. The Housing Ombudsman Service is an independent body set up to provide a free and fair way of dealing with complaints against housing organisations.

However, if you wish to refer your complaint to the Housing Ombudsman Service straight away you will need to contact a "designated person" who may refer the matter on your behalf. In relation to New Forest District Council housing complaints, a "designated person" is a Member of Parliament or any New Forest District Councillor.

If you do not want your complaint to be considered by a designated person you may contact the Housing Ombudsman Service yourself, but you may only do this after 8 weeks have elapsed following receipt of the level three review letter in accordance with this procedure.

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
Telephone: 0300 111 3000
Website: <http://www.housing-ombudsman.org.uk/>
Email: info@housing-ombudsman.org.uk

Persistent or Unreasonable Complainants

In a minority of cases people can pursue their complaints in a way which impedes looking into a complaint, has significant resource issues for the Council or is unreasonable. This Council defines persistent or unreasonable complainants as "those complainants who, because of the frequency or nature of their contacts with the Council, unreasonably hinder the work of the Council".

It is important to differentiate between complainants who pursue their complaints with vigour and those who act unreasonably.

Examples of what could be defined as persistent or unreasonable are:

- Refusing to specify the complaint despite offers by the Council to help;
- Refusing to co-operate with the investigation while expecting the complaint to be resolved;
- Refusing to accept the complaint cannot be resolved by the complaints procedure despite being provided with information on this;
- Making groundless complaints about employees and demanding they are replaced;
- Adopting a 'scattergun' approach i.e. either submitting a complaint to a number of different people at the Council (such as the service involved, the Information Compliance & Complaints Officer, Chief Executive, Leader, or Chairman) or pursuing a complaint with the Council while asking others (MPs, Local Government Ombudsman, Police, Courts etc.) to do the same;
- Making excessive demands on the time and resources of employees – specifically pursuing a campaign against the Council and phoning or emailing frequently, or consistently writing letters;
- Recording conversations with officers without prior knowledge of those present;
- Submitting repeat complaints on the same topic after the complaints process has been completed insisting there are 'new' complaints;
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Pursuing unreasonable complaints that provide no, or inadequate, details to substantiate the allegation of wrong-doing/error on the part of the Council.

All complaints will be considered thoroughly and fully. However if a complainant is felt to be acting unreasonably the employee should seek confirmation from the Executive Head of Governance & Regulation that the complainant can be regarded as persistent or unreasonable in accordance with this policy. The following procedure will then be followed.

Where a complaint has been dealt with:

- The Executive Head of Governance & Regulation will write to the complainant explaining why the decision has been taken and stating no further correspondence will be undertaken on the complaint or the issues they have raised. All correspondence received will be read and placed on file.
- Additionally, the Executive Head of Governance & Regulation may take any additional or further necessary action to prevent the unnecessary misuse of public resources on the part of the persistent complainant.
- A copy of this procedure is to be enclosed.

- The right of appeal to the Local Government Ombudsman will be included in the letter.

Where the investigation is ongoing:

The Executive Head of Governance & Regulation will write to the complainant explaining why the decision has been taken and either:

- Stating all future contact whether by phone, fax, email, letter etc. will be directed to the Executive Head of Governance & Regulation (or appropriate nominated officer) only; or
- Explaining that contact with officers will be limited to once a week or other appropriate timescale; or
- Requiring any personal contacts to be in the presence of named witness(es); or
- Stating no further complaints on the same matter will be registered until the present complaint has been determined; or
- Stating the investigation has been terminated and referred to the Local Government Ombudsman

The above list is not exhaustive and decisions will be made on the appropriate way forward by the Executive Head of Governance & Regulation.

Any restrictions imposed under the above procedures will be kept under review (at least every 6 months) and be removed if the need for them no longer exists.

For those who are repeatedly deemed to be a 'persistent or unreasonable complainant' over a long period of time, the review period will be every 9 months.

How to complain – Key Contacts

You can contact us:-

By email: complaints@nfdc.gov.uk

On our website: www.newforest.gov.uk/complaints

By phone: on 023 8028 5000 (if you don't know who to speak to) or 023 8028 5588 and ask for the Information Compliance & Complaints Officer

By writing: Information Compliance & Complaints Officer, New Forest District Council, Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

Alternative Formats: The Council can provide information in any format such as on CD, Cassette, tape, Braille, or in any language other than English. You can request this by calling the Information Compliance & Complaints Officer on 023 8028 5588 or by emailing complaints@nfdc.gov.uk

NUMBER OF NEW COMPLAINTS BY SERVICE AREA 2018/19

Service	Complaints received	Progressed to level 3	Progressed to Ombudsman	Started at Ombudsman
Housing – Estates Management	6	1		1
Housing – Building Works/Maintenance	8	1		
Housing – Options	11	5	1	
Planning	24	8		
Health & Leisure	16			
Coastal (Beach Huts)	8	2		
Waste and Recycling	5			
Parking	5			
Street scene	3			
Environment and Regulation	5	2		
Building Control	2			
Tax and Benefits	1			
Legal/Corporate	1			1
Disabled Facility Grants	1			
Estates & Valuation	1	1		
Total	97	20	1	2

NUMBER OF COMPLAINTS BY SERVICE AREA 2017/18

Housing	18
Planning	12
Health & Leisure	9
Tax & Benefits	6
Parking	6
Waste & Recycling	4
Planning (Policy)	3
Licensing	2
Environment & Regulation	1
Trees	1
Democratic Services	1
Legal	1
Street Scene	1
ICT	1
Total	66

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COMPLAINTS TO OMBUDSMAN BY SERVICE AREA 2018/19

APPENDIX 3

Service	Ombudsman	Details	Ombudsman's Decision
Housing	1	Failed to consider health issues when awarding priority on the housing register and failed to provide support to view properties. Refused application for a further discretionary housing payment, said no efforts made to identify a cheaper property to move to and delayed dealing with the complaint.	Upheld. The investigation found fault in regard to part of the complaint (the delay in dealing with it and giving incorrect information) which caused injustice. The Ombudsman is satisfied that an apology was sufficient to remedy the injustice.
Housing	1	Council's decision that the complainant's conduct was persistent and unreasonable.	Not upheld. No maladministration by the Council regarding its decision that the complainant's conduct was persistent and unreasonable according to the provisions of its policy.
Legal/Corporate	1	Complaint about an elected member of a parish council.	Not upheld. There was no fault in how the Council considered the complaint
Total	3		

Complaints to Ombudsman 2017/18

Service	Ombudsman	Details	Ombudsman's Decision
Housing	2	1) Effect of actions of building work on housing estate 2) Landlord's advice to neighbour re overhanging tree and its subsequent response to complaints about this.	Complaint withdrawn as tenant moved to alternative accommodation No maladministration. Not within Jurisdiction
Planning	1	Failure to re-open case, take enforcement action; failure to follow Council's complaints procedure	Upheld in part. Apology given
Tax & Benefits	1	Delay in decision regarding housing benefit application; refusal to take complaint about Council Tax to Stage 2 of the Council's complaints procedure without more information	Apology for delay. Matter settled before determination by Ombudsman. No action taken
Legal	1	Alleged delay in dealing with complaint about boundary dispute	Declined to investigate. Complaint made outside the normal 12-month period.
Total	5		

NUMBER OF COMPLAINTS CONSIDERED JUSTIFIED LOCALLY AND FINANCIAL SETTLEMENTS - 2018/19

Service	Total complaints	Justified – with apology & possible settlement	Financial settlements
Housing – Estates Management	6	1	1
Housing – Building Works/Maintenance	8	8	4
Housing – Options	11	7	2
Planning	24	1	1
Health & Leisure	16	11	4
Costal (Beach Huts)	8	1	
Waste and Recycling	5	5	1
Parking	5		
Street scene	3	1	
Environment and Regulation	5	1	2
Building Control	2	1	
Tax and Benefits	1	1	
Legal/Corporate	1		
Disabled Facility Grants	1		
Estates & Valuation	1		
Total	97	38	15

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CORPORATE OVERVIEW AND SCRUTINY PANEL – 26 SEPTEMBER 2019

WORK PROGRAMME 2019/20

WORK PROGRAMME 2019/20		
ITEM	TIMING	LEAD OFFICER
Budget Task & Finish Report	27 November 2019	Alan Bethune/Group
Council Tax Reduction Scheme Annual Report	27 November 2019	Ryan Stevens
Council Tax Discounts, Exemptions and Related Policies Annual Report	27 November 2019	Ryan Stevens
ICT Update	27 November 2019	Rob Beere/Manjit Sandhu
Review of Asset Maintenance & Replacement and Capital Programme Annual Report	27 November 2019	Alan Bethune
Economic Development/High Streets	27 November 2019	Matt Callaghan/Claire Upton-Brown
The Corporate Plan 2020/2024	23 January 2020	Rebecca Drummond
Capital Strategy Annual Report	23 January 2020	Alan Bethune
Investment Strategy Update	June 2020	Andrew Smith

LIVE TASK AND FINISH GROUPS		
ITEM	TIMING	LEAD OFFICER
Budget Task and Finish Group	27 November 2019 Report	Alan Bethune
Council Tax Reduction Scheme	27 November 2019 Report	Ryan Stevens

NOT YET TIMETABLED

ITEM	OBJECTIVE	METHOD	TIMING	LEAD OFFICER
Universal Credit update	To be aware of issues arising	Regular update from Finance, Investment & Corporate Services Portfolio Holder/Service Manager – Revenues & Benefits	At appropriate times	TBC
Portfolio Holders' Updates (Standing Item) Updates from Task and Finish Groups				