



Friday, 7 July 2023

Dear Sir/Madam

A meeting of the Governance, Audit and Standards Committee will be held on Monday, 17 July 2023 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

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:	S J Carr (Chair)	K Harlow
	S Paterson (Vice-Chair)	G S Hills
	P J Bales	A Kingdon
	M Brown	J M Owen
	R Bullock	D K Watts
	G Bunn	S Webb
	R S Falvey	

A G E N D A

1. APOLOGIES

To receive apologies and to be notified of the attendance of substitutes.

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 5 - 8)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 19 June 2023.

4. MINUTES OF THE ADVISORY SHAREHOLDER SUB COMMITTEE (Pages 9 - 10)

To note the minutes of the Advisory Shareholder Sub Committee held on 26 June 2023.
5. BROXTOWE AUDIT STRATEGY MEMORANDUM (Pages 11 - 42)

This report provides the Committee with an overview on progress in delivering Mazar's responsibilities as the Council's external auditors.
6. INTERNAL AUDIT REVIEW 2022/23 (Pages 43 - 52)

To inform the Committee of the work of Internal Audit during 2022/23 and to provide an annual Internal Audit Assurance Opinion that can be used by the Council to inform its Annual Governance Statement.
7. INTERNAL AUDIT PROGRESS REPORT (Pages 53 - 62)

To inform the Committee of the recent work completed by Internal Audit.
8. REVIEW OF STRATEGIC RISK REGISTER (Pages 63 - 78)

To approve the amendments to the Strategic Risk Register and the action plans identified to mitigate risks.
9. REVIEW OF POLLING DISTRICTS AND POLLING PLACES (Pages 79 - 82)

To inform the Committee of the arrangements for the review of polling districts and polling places to be carried out later in the year.
10. COMPLAINTS REPORT 2022/23 (Pages 83 - 136)

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

11. REPORT OF THE MONITORING OFFICER (Pages 137 - 144)

The Local Government Ombudsman (LGO) has made a finding of injustice in respect of the Council failing to intervene with a complaint regarding the eviction from an allotment association and the failure to correctly process the complaint at stage 1 of the Council's procedure.

12. REPORT OF THE MONITORING OFFICER (Pages 145 - 152)

The Local Government Ombudsman (LGO) has made a finding of injustice in respect of the Council failing to respond to an e-mail in timely manner.

13. REPORT OF THE MONITORING OFFICER (Pages 153 - 164)

The Housing Ombudsman (HO) has made a finding of maladministration in respect of the Council failing to deal with a persistent leak at the complainant's property.

14. WORK PROGRAMME (Pages 165 - 166)

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

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GOVERNANCE, AUDIT AND STANDARDS COMMITTEE

MONDAY, 19 JUNE 2023

Present: Councillor S Paterson (Vice-Chair, in the Chair)

Councillors: P J Bales
M Brown
G Bunn
K Harlow
G S Hills
A Kingdon
J M Owen
D K Watts
S Webb

10. APOLOGIES

Apologies for absence were received from Councillors R Bullock, S J Carr and R S Falvey.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

The minutes held on 22 May 2023 were confirmed as a correct record.

13. CONSTITUTION REVIEW

A review of the Constitution had been undertaken in which Officers had been engaged and comment had been invited from Members through their respective Group Leaders. Although, it was acknowledged that the Borough Elections would have limited the ability for Member engagement, as a number of Members were not standing to be re-elected and new Members needed time to be inducted.

Therefore, the majority of the proposed amendments had been identified through Officer consultation. The amendments included consequential restructure changes to Officer responsibilities and titles, amending the Officer scheme of delegation and the terms of reference to build in better governance arrangements for the Stapleford Towns Fund, Kimberley Levelling Up Fund and UKSPF. A separate exercise had been undertaken concerning the Council's Financial Regulations and the Code of Conduct.

Members raised the importance of the lack of time to implement a shadow board for an elected mayor. It was requested that this be included on the Work Programme as a standing item in addition to updates on the Devolution Bill, the UKSPF and other related items.

The Committee considered the annual review of the Constitution and stated that there were reservations over allowing professional speakers to represent applicants at Planning Committee, as this may dissuade objectors from speaking. Further comments included that written answers be distributed with the minutes following questions to members at Council meetings. It was suggested that the proposal to require Members to give 28 days' notice when referring items to Planning Committee should be given further consideration.

An amendment was proposed by Councillor P J Owen and seconded by Councillor J M Owen that the Leader of the Opposition be allowed the right to speak but not vote at meetings of the Cabinet. On being put to the meeting the amendment was lost.

RESOLVED that the amendments to the Constitution be RECOMMENDED to Council for approval.

14. REVIEW OF FINANCIAL PROCEDURE RULES, INCLUDING CONTRACT PROCEDURE RULES

Under its terms of reference, the Committee is tasked with an overview of the Council's Constitution and consideration of proposed amendments or revisions to the Constitution including the Schemes of Delegation, Procedure Rules and Protocols.

Members were informed that the annual review of the Council's Financial Procedure Rules, including the Contract Procedure Rules, had been completed. These rules, formerly referred to as Financial Regulations and Contract Standing Orders, were designed to assist the Council to regulate and control the finances of all directorates and services. The rules were fundamental to maintaining acceptable standards of financial administration, supporting good governance and the performance of functions across all areas of service delivery. As a contractual condition of employment, every employee shall comply with these rules when carrying out their duties.

The documents had been benchmarked against other district councils and had been subsequently reviewed by the Council's General Management Team. Whilst leading Members were provided with the opportunity to feedback on the existing regulations, it was acknowledged that there has only been limited time for Member engagement given the timing of the Borough elections. It was further noted though that the Financial Procedure Rules were subject to periodic review, therefore, any further changes required could be considered again as part of the next annual review of the Constitution.

RESOLVED that the updated Financial Procedure Rules, including the Contract Procedure Rules, be RECOMMENDED to Council.

15. ANNUAL REVIEW OF THE CODE OF CONDUCT AND UPDATE ON MEMBER CODE OF CONDUCT COMPLAINTS

Members were informed that the Localism Act 2011 section 27, placed the Council under a duty to promote and maintain high standards of conduct. In discharging this duty, the Council was required to adopt a Code dealing with the conduct that was

expected of its Members and Co-opted Members. Section 28(6) also required the Council to have in place arrangements under which allegations could be investigated.

The Code was last reviewed in 2022 and a new Code was adopted on 13 April 2022 and came into effect on 11 May 2022. In line with the Best Practice Recommendations it was agreed that an annual review of the Borough's Code would be added to this Committee's agenda.

The review recommended making no further amendments to the Code of Conduct currently adopted, as the Borough's Code continues to be fit for purpose, provides clarity on the behaviour expected of Members and reflects public expectation.

The Committee noted the update on the review of the Code of Conduct, Member Code of Conduct complaints and training provided to Borough and Parish/Town Members.

The reduction in Member Code of Conduct complaints was welcomed and it was suggested that minor amendments be included to clarify meaning to the 'Confidentiality and Access to Information' section. It was further stated that the Code and the Arrangements worked in opposition, to which it was stated that the comments would be further considered. Further clarification on dispensations was requested.

RESOLVED that the Code of Conduct at appendix 2 of the report be RECOMMENDED to full Council for adoption.

16. WORK PROGRAMME

Members considered the Work Programme and it was suggested that governance arrangements for external bodies, such as the EMDEVCO and UKSPF be added for consideration at future meetings.

RESOLVED that the Work Programme, as amended, be approved.

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ADVISORY SHAREHOLDER SUB COMMITTEE

MONDAY, 26 JUNE 2023

Present: Councillor P J Bales

Councillors: R Bullock
S Webb

Apologies for absence were received from Councillors R S Falvey, G S Hills and D K Watts

11 ELECTION OF CHAIR

RESOLVED that R Falvey be appointed Chair of the Committee.

12 APPOINTMENT OF CHAIR OF THE MEETING

RESOLVED that P J Bales be appointed Chair of the Meeting.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 MINUTES

The minutes of the meeting held on 16 January 2023 were confirmed and signed as a correct record.

15 LIBERTY LEISURE LTD PERFORMANCE REPORT 2022-23

The Sub-Committee were provided with Liberty Leisure Limited's performance data with updated supporting information for the financial year 2022-23.

Liberty Leisure Limited's performance is measured against the approved business plan and then reported to the Board of Directors and the Council's Shareholder Committee on a quarterly basis.

16 LIBERTY LEISURE LTD BUSINESS PLAN 2023-24

The Sub-Committee were provided with details of the Liberty Leisure Limited Business Plan for 2023-24.

Each year, Liberty Leisure Limited agree an Annual Business Plan with its Board of Directors and the Council. The Business Plan details actions and performance data for the financial year.

The Business Plan is the basis of the forecast budget for Liberty Leisure Limited for 2023-24 and sets out potential budget expectations for future years.

RESOLVED to support the inclusion of an environmental impact assessment and contributing factors toward the Climate Change Strategy in the Liberty Leisure Limited Business Plan.

17 WORK PROGRAMME

The Sub-Committee considered the Work Programme.

RESOLVED that the Work Programme be approved.

Draft Audit Strategy Memorandum

Broxtowe Borough Council

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Year ending 31 March 2023



Agenda Item 5.

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A Appendix A – Key communication points

Appendix B – Revised auditing standard on Identifying and assessing the risks of material misstatement: ISA (UK) 315 (Revised 2019)

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This document is to be regarded as confidential to Broxtowe Borough Council. It has been prepared for the sole use of the Governance, Audit and Standards Committee as the appropriate sub-committee charged with governance. No responsibility is accepted to any other person in respect of the whole or part of its contents. Our written consent must first be obtained before this document, or any part of it, is disclosed to a third party.

Governance, Audit and Standards Committee

Broxtowe Borough Council
Town Hall,
Foster Avenue
Beeston
Nottingham
NG9 1AB

July 2023

Dear Committee Members

Audit Strategy Memorandum – Year ending 31 March 2023

We are pleased to present our Audit Strategy Memorandum for Broxtowe Borough Council for the year ending 31 March 2023. The purpose of this document is to summarise our audit approach, highlight significant audit risks and areas of key judgements and provide you with the details of our audit team. As it is a fundamental requirement that an auditor is, and is seen to be, independent of its clients, section 7 of this document also summarises our considerations and conclusions on our independence as auditors. We consider two-way communication with you to be key to a successful audit and important in:

- reaching a mutual understanding of the scope of the audit and the responsibilities of each of us;
- sharing information to assist each of us to fulfil our respective responsibilities;
- providing you with constructive observations arising from the audit process; and
- ensuring that we, as external auditors, gain an understanding of your attitude and views in respect of the internal and external operational, financial, compliance and other risks facing Broxtowe Borough Council which may affect the audit, including the likelihood of those risks materialising and how they are monitored and managed.

With that in mind, we see this document, which has been prepared following our initial planning discussions with management, as being the basis for a discussion around our audit approach, any questions, concerns or input you may have on our approach or role as auditor. This document also contains an appendix that outlines our key communications with you during the course of the audit and explains the implications of the introduction of the new auditing standard for Identifying and assessing the risks of material misstatement: ISA (UK) 315 (Revised 2019).

Client service is extremely important to us and we strive to provide technical excellence with the highest level of service quality, together with continuous improvement to exceed your expectations so, if you have any concerns or comments about this document or audit approach, please contact me on james.collins@mazars.co.uk.

Yours faithfully

Signed:

Mark Surridge

Mazars LLP
Mazars LLP – First floor, Two Chamberlain Square, Birmingham, B3 3AX
Tel: +44 (0) 191 383 6300 – www.mazars.co.uk

Mazars LLP is the UK firm of Mazars, an integrated international advisory and accountancy organisation. Mazars LLP is a limited liability partnership registered in England and Wales with registered number OC308299 and with its registered office at 30 Old Bailey, London EC4M 7AU. We are registered to carry on audit work in the UK by the Institute of Chartered Accountants in England and Wales. Details about our audit registration can be viewed at www.auditregister.org.uk under reference number C001139861. VAT number: 839 8356 73

Mazars LLP
2 Chamberlain Square
Birmingham
B3 3AX

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Section 01:

Engagement and responsibilities summary

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1. Engagement and responsibilities summary

Overview of engagement

We are appointed to perform the external audit of Broxtowe Borough Council for the year to 31 March 2023. The scope of our engagement is set out in the Statement of Responsibilities of Auditors and Audited Bodies, issued by Public Sector Audit Appointments Ltd (PSAA) available from the PSAA website: <https://www.psaa.co.uk/managing-audit-quality/statement-of-responsibilities-of-auditors-and-audited-bodies/>. Our responsibilities are principally derived from the Local Audit and Accountability Act 2014 (the 2014 Act) and the Code of Audit Practice issued by the National Audit Office (NAO), as outlined below.

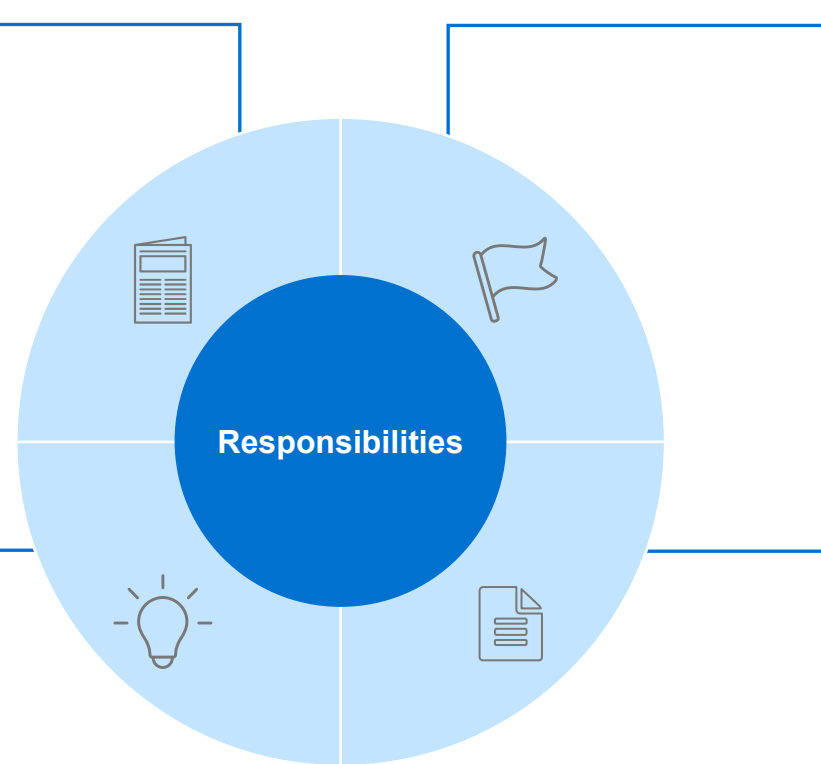
Audit opinion

We are responsible for forming and expressing an opinion on whether the financial statements are prepared, in all material respects, in accordance with the Code of Practice on Local Authority Accounting. Our audit does not relieve management or the Governance, Audit and Standards Committee, as those charged with governance, of their responsibilities.

The section 151 officer is responsible for the assessment of whether it is appropriate for the Council to prepare its accounts on a going concern basis. As auditors, we are required to obtain sufficient appropriate audit evidence regarding and conclude on: a) whether a material uncertainty related to going concern exists; and b) consider the appropriateness of the section 151 officer's use of the going concern basis of accounting in the preparation of the financial statements.

Value for money

We are also responsible for forming a commentary on the arrangements that the Council has in place to secure economy, efficiency and effectiveness in its use of resources. We discuss our approach to Value for Money work further in section 5 of this report.



Fraud

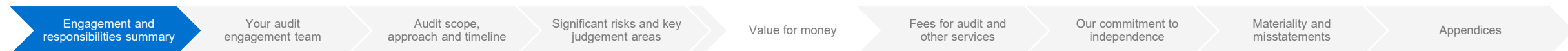
The responsibility for safeguarding assets and for the prevention and detection of fraud, error and non-compliance with law or regulations rests with both those charged with governance and management. This includes establishing and maintaining internal controls over reliability of financial reporting.

As part of our audit procedures in relation to fraud we are required to enquire of those charged with governance, including key management and Internal audit as to their knowledge of instances of fraud, the risk of fraud and their views on internal controls that mitigate the fraud risks. In accordance with International Standards on Auditing (UK), we plan and perform our audit so as to obtain reasonable assurance that the financial statements taken as a whole are free from material misstatement, whether caused by fraud or error. However our audit should not be relied upon to identify all such misstatements.

Wider reporting and electors' rights

We report to the NAO on the consistency of the Council's financial statements with its Whole of Government Accounts (WGA) submission.

The 2014 Act requires us to give an elector, or any representative of the elector, the opportunity to question us about the accounting records of the Council and consider any objection made to the accounts. We also have a broad range of reporting responsibilities and powers that are unique to the audit of local authorities in the United Kingdom



02

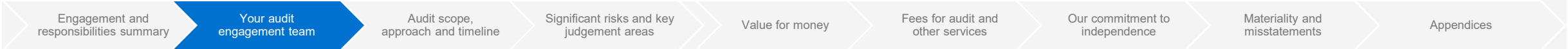
Section 02:

Your audit engagement team

2. Your audit engagement team

Individual	Role	Contact details
Mark Surridge	Engagement Lead	Mark.surridge@mazars.co.uk +44 (0)121 232 9600
Nomfundo Magwaza	Audit Manager	Nomfundo.Magwaza@mazars.co.uk +44 (0)7790 886 841
Varsha Sharma	Audit Assistant Manager	Varsha.Sharma@mazars.co.uk +44 (0)7581 015 454

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Section 03:

Audit scope, approach and timeline

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3. Audit scope, approach and timeline

Audit scope

Our audit approach is designed to provide an audit that complies with all professional requirements.

Our audit of the financial statements will be conducted in accordance with International Standards on Auditing (UK), relevant ethical and professional standards, our own audit approach and in accordance with the terms of our engagement. Our work is focused on those aspects of your activities which we consider to have a higher risk of material misstatement, such as those impacted by management judgement and estimation, application of new accounting standards, changes of accounting policy, changes to operations or areas which have been found to contain material errors in the past.

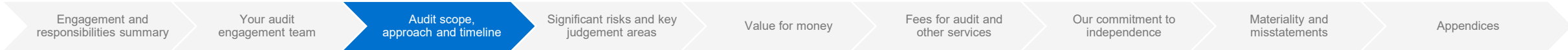
Audit approach

Our audit approach is risk-based and primarily driven by the issues that we consider lead to a higher risk of material misstatement of the accounts. Once we have completed our risk assessment, we develop our audit strategy and design audit procedures in response to the risks identified.

If we conclude that appropriately-designed controls are in place then we may plan to test and rely upon these controls. If we decide controls are not appropriately designed, or we decide it would be more efficient to do so, we may take a wholly substantive approach to our audit testing. Substantive procedures are audit procedures designed to detect material misstatements at the assertion level and comprise: tests of details (of classes of transactions, account balances, and disclosures); and substantive analytical procedures. Irrespective of the assessed risks of material misstatement, which take into account our evaluation of the operating effectiveness of controls, we are required to design and perform substantive procedures for each material class of transactions, account balance, and disclosure.

Our audit will be planned and performed so as to provide reasonable assurance that the financial statements are free from material misstatement and give a true and fair view. The concept of materiality and how we define a misstatement is explained in more detail in section 8.

The diagram on the next page outlines the procedures we perform at the different stages of the audit.



3. Audit scope, approach and timeline

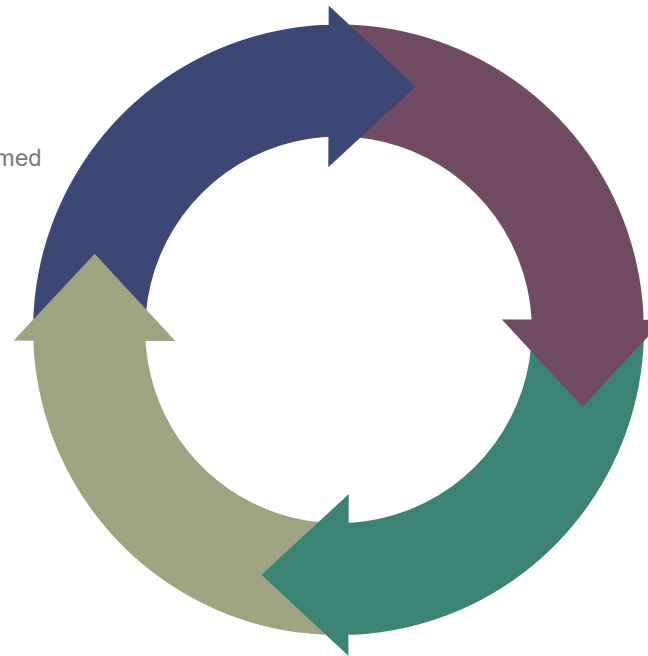
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Planning and Risk Assessment - April 2023

- Planning visit and developing our understanding of Broxtowe Borough Council
- Initial opinion and value for money risk assessments
- Considering proposed accounting treatments and accounting policies
- Developing the audit strategy and planning the audit work to be performed
- Agreeing timetable and deadlines
- Risk assessment analytical procedures
- Determination of materiality

Completion by December 2023

- Final review and disclosure checklist of financial statements
- Final partner review
- Agreeing content of letter of representation
- Reporting to the Governance, Audit and Standards Committee
- Reviewing subsequent events
- Signing the independent auditor's report

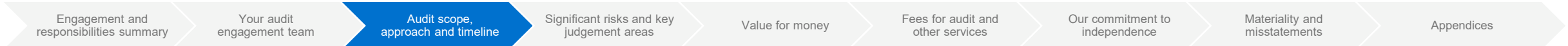


Interim - October 2023

- Documenting systems and controls
- Performing walkthroughs
- Interim controls testing including tests of IT general controls
- Early substantive testing of transactions
- Reassessment of audit plan and revision if necessary

Fieldwork - October 2023 - November 2023

- Receiving and reviewing draft financial statements
- Delivering our audit strategy starting with significant risks and high risk areas including detailed testing of transactions, account balances and disclosures
- Communicating progress and issues
- Clearance meeting



3. Audit scope, approach and timeline

Reliance on internal audit

Where possible we will seek to utilise the work performed by internal audit to modify the nature, extent and timing of our audit procedures. We will meet with internal audit to discuss the progress and findings of their work prior to the commencement of our controls evaluation procedures. We will also take the Head of Internal Audit's Annual Report findings into account in forming our Value for Money Conclusion.

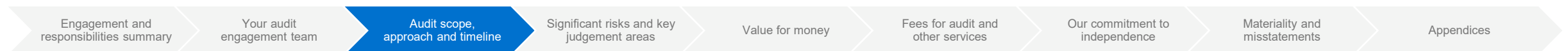
Management's and our experts

Management makes use of experts in specific areas when preparing the Council's financial statements. We also use experts to assist us to obtain sufficient appropriate audit evidence on specific items of account.

Service organisations

International Auditing Standards (UK) (ISAs) define service organisations as third party organisations that provide services to the Council that are part of its information systems relevant to financial reporting. We are required to obtain an understanding of the services provided by service organisations as well as evaluating the design and implementation of controls over those services. We have not identified any service organisations that are relevant for the purpose of our audit.

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Property, Plant and Equipment & Investment Properties	Internal Valuer (Council Dwellings) Jo Beaumont External Valuer Larmbert Smith Hampton (Beeston Square) Musson Liggins (Other GF Assets)	None. We may use third party evidence provided via the NAO to support our challenge of valuation assumptions.
Pensions	Barnett Waddingham Actuary for Nottinghamshire Pension Fund (LGPS)	PwC LLP (Consulting actuary appointed by the National Audit Office).
Financial Instrument disclosures	Link Asset Management Treasury management advisors	None.
Business Rates Appeals Valuation	Inform CPI Ltd	None



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Section 04:

Significant risks and other key judgement areas

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3. Audit scope, approach and timeline

Group audit approach

We are responsible for the audit of the group consolidation. The Council’s consolidated group is made up of the following components:

- Broxtowe Borough Council
- Liberty Leisure Limited

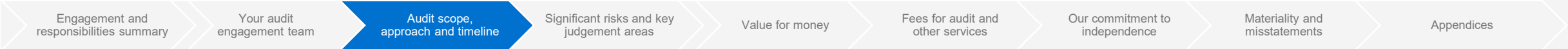
Limited

An analysis of the group is shown below, setting out the components of the group. Mazars only audits the Group as well the Council and the Responsible Individual is Mark Surridge.

Materiality levels have been calculated at both single entity and group level for consistency, in line with reporting requirements. Refer to section 8. Based on these calculations we include the table below which sets out the audit approach we will follow for group audit opinion purposes.

Entity	Scope*
Broxtowe Borough Council	Full
Liberty Leisure Limited	Limited scope – We will perform procedures on the material balances within the subsidiary

*Our approach can change upon review of draft financial statements. Any change to our audit approach in respect of group arrangements will be communicated to the Governance, Audit and Standards Committee.



4. Significant risks and other key judgement areas

Following the risk assessment approach discussed in section 3 of this document, we have identified risks relevant to the audit of financial statements. The risks that we identify are categorised as significant, enhanced or standard. The definitions of the level of risk rating are given below:

Significant risk

Significant risks are those risks assessed as being close to the upper end of the spectrum of inherent risk, based on the combination of the likelihood of a misstatement occurring and the magnitude of any potential misstatement. Fraud risks are always assessed as significant risks as required by auditing standards, including management override of controls and revenue recognition.

Enhanced risk

An enhanced risk is an area of higher assessed risk of material misstatement at audit assertion level other than a significant risk. Enhanced risks require additional consideration but does not rise to the level of a significant risk. These include but may not be limited to:

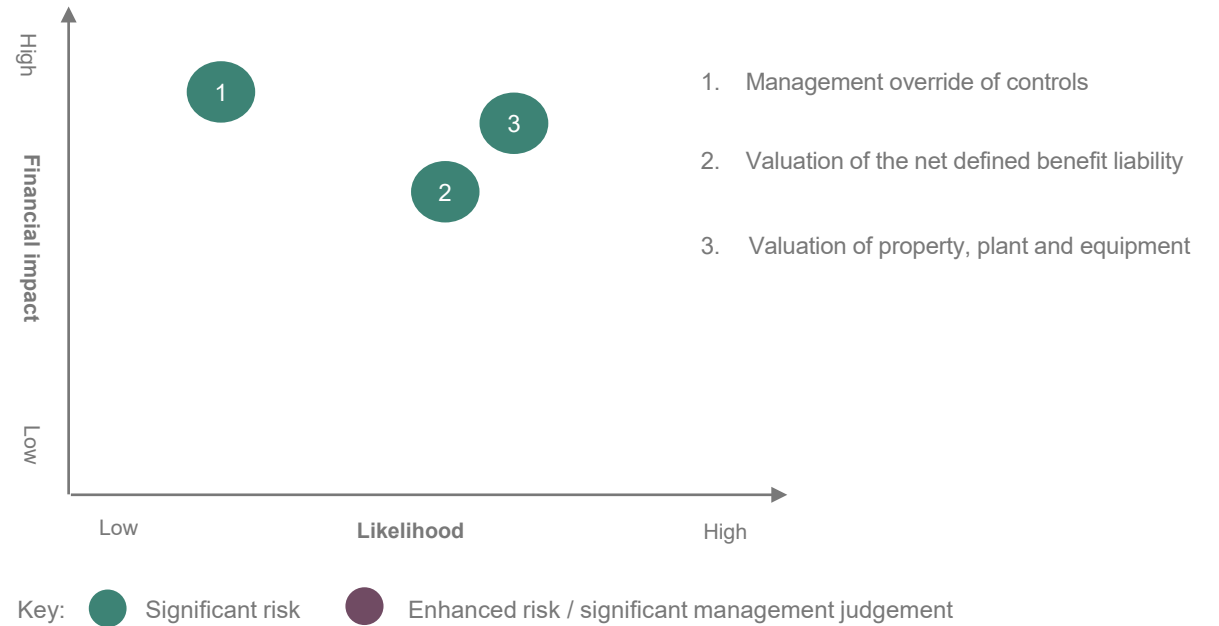
- key areas of management judgement, including accounting estimates which are material but are not considered to give rise to a significant risk of material misstatement; and
- other audit assertion risks arising from significant events or transactions that occurred during the period.

Standard risk

This is related to relatively routine, non-complex transactions that tend to be subject to systematic processing and require little management judgement. Although it is considered that there is a risk of material misstatement (RMM), there are no elevated or special factors related to the nature, the likely magnitude of the potential misstatements or the likelihood of the risk occurring.

Summary risk assessment

The summary risk assessment, illustrated in the table below, highlights those risks which we deem to be significant and other enhanced risks in respect of the Council. We have summarised our audit response to these risks on the next page.



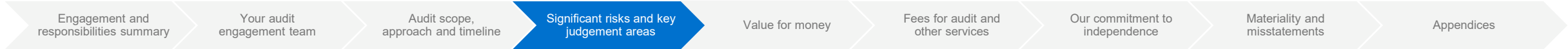
4. Significant risks and other key judgement areas

Specific identified audit risks and planned testing strategy

We have presented below in more detail the reasons for the risk assessment highlighted above, and also our testing approach with respect to significant risks. An audit is a dynamic process, should we change our view of risk or approach to address the identified risks during the course of our audit, we will report this to the Governance, Audit and Standards Committee

Significant risks

	Description	Fraud	Error	Judgement	Planned response
1 Page 25	<p>Management override of controls This is a mandatory significant risk on all audits due to the unpredictable way in which such override could occur.</p> <p>Management at various levels within an organisation are in a unique position to perpetrate fraud because of their ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Due to the unpredictable way in which such override could occur there is a risk of material misstatement due to fraud on all audits.</p>	●	○	○	We plan to address the management override of controls risk through performing audit work over accounting estimates, journal entries and significant transactions outside the normal course of business or otherwise unusual.



4. Significant risks and other key judgement areas

Significant risks

	Description	Fraud	Error	Judgement	Planned response
2	<p>Net defined benefit liability valuation £50.5m (per the 2021/22 financial statements)</p> <p>The Council's accounts contain material liabilities relating to the local government pension scheme. The council uses an actuary to provide an annual valuation of these liabilities in line with the requirements of IAS 19 Employee Benefits. Due to the high degree of estimation uncertainty associated with this valuation, we have determined there is a significant risk in this area.</p>	○	●	●	<p>In relation to the valuation of the Council's pension liability we will:</p> <ul style="list-style-type: none"> Critically assess the competency, objectivity and independence of the Nottinghamshire Pension Fund's Actuary, Barnett Waddingham; Liaise with the auditors of the Nottinghamshire Pension Fund to gain assurance that the controls in place at the Pension Fund are operating effectively. This will include the processes and controls in place to ensure data provided to the Actuary by the Pension Fund for the purposes of the IAS 19 valuation to complete and accurate; Review the appropriateness of the Pension Asset and Liability valuation methodologies applied by the Pension Fund Actuary, and the key assumptions included within the valuation. This will include comparing them to expected ranges, utilising information provided by PwC, the consulting actuary engaged by the National Audit Office (NAO); and Agree the data in the IAS 19 valuation report provided by the Fund Actuary for accounting purposes to the pension accounting entries and disclosures in the Council's financial statements.
3	<p>Valuation of Dwellings, Land & Buildings and Investment Property Dwellings - £212.4m (2021/22) Land & Buildings - £31,6m (2021/22) Investment Property - £21.3m (2021/22)</p> <p>The Council's accounts contain material balances and disclosures relating to its holding of property, plant and equipment and assets held for sale, with the majority of land and building assets required to be carried at valuation. Due to high degree of estimation uncertainty associated with those held at valuation, we have determined there is significant risk in this area.</p>	○	●	●	<p>In relation to the valuation of property, plant and equipment and assets held for sale we will:</p> <ul style="list-style-type: none"> Critically assess the Council's valuers scope of work, qualifications, objectivity and independence to carry out the required programme of revaluations; Consider whether the overall revaluation methodology used by the Council's valuer is in line with industry practice, the CIPFA Code of Practice and the Council's accounting policies; Assess whether valuation movement are in line with market expectations by reference to alternative sources of valuation data to provide information on regional valuation trends; Critically assess the treatment of the upward and downward revaluations in the Council's financial statements with regards to the requirements of the CIPFA Code of Practice; and Critically assess the approach that the Council adopts to ensure that assets not subject to revaluation in 2022/23 are materially correct, including considering the robustness of that approach in light of the valuation information reported by the Councils valuer.

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Engagement and responsibilities summary

Your audit engagement team

Audit scope, approach and timeline

Significant risks and key judgement areas

Value for money

Fees for audit and other services

Our commitment to independence

Materiality and misstatements

Appendices

05

Section 05: **Value for money**

5. Value for money

The framework for Value for Money work

We are required to form a view as to whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. The NAO issues guidance to auditors that underpins the work we are required to carry out in order to form our view, and sets out the overall criterion and sub-criteria that we are required to consider.

2022/23 will be the third audit year where we are undertaking our value for money (VFM) work under the 2020 Code of Audit Practice (the Code). Our responsibility remains to be satisfied that the Council has proper arrangements in place and to report in the audit report and/or the audit completion certificate where we identify significant weaknesses in arrangements. Separately we provide a commentary on the Council's arrangements in the Auditor's Annual Report.

Specified reporting criteria

The Code requires us to structure our commentary to report under three specified criteria:

1. **Financial sustainability** – how the Council plans and manages its resources to ensure it can continue to deliver its services
2. **Governance** – how the Council ensures that it makes informed decisions and properly manages its risks
3. **Improving economy, efficiency and effectiveness** – how the Council uses information about its costs and performance to improve the way it manages and delivers its services

Our approach

Our work falls into three primary phases as outlined opposite. We need to gather sufficient evidence to support our commentary on the Council's arrangements and to identify and report on any significant weaknesses in arrangements. Where significant weaknesses are identified we are required to report these to the Council and make recommendations for improvement. Such recommendations can be made at any point during the audit cycle and we are not expected to wait until issuing our overall commentary to do so.

Planning and risk assessment

Obtaining an understanding of the Council's arrangements for each specified reporting criteria. Relevant information sources will include:

- NAO guidance and supporting information
- Information from internal and external sources including regulators
- Knowledge from previous audits and other audit work undertaken in the year
- Interviews and discussions with staff and members

Additional risk based procedures and evaluation

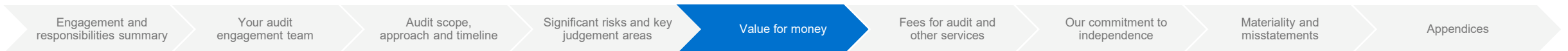
Where our planning work identifies risks of significant weaknesses, we will undertake additional procedures to determine whether there is a significant weakness.

Reporting

We will provide a summary of the work we have undertaken and our judgements against each of the specified reporting criteria as part of our commentary on arrangements. This will form part of the Auditor's Annual Report.

Our commentary will also highlight:

- Significant weaknesses identified and our recommendations for improvement
- Emerging issues or other matters that do not represent significant weaknesses but still require attention from the Council.



06

Section 06:

Fees for audit and other services

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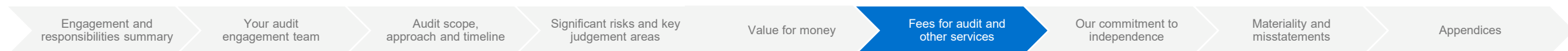
6. Fees for audit and other services

Fees for work as the Council's appointed auditor

Details of our fee proposal are set out below. Note that the 2021/22 audit is incomplete as a result of further work required on the carrying value of the pension assets and liabilities, where we are dependent on information from the pension fund auditor that is due to be received during the summer 2023.

Area of work	2022/23 Estimated Fee	2021/22 Proposed Fee
Scale fee	44,890	36,564
Additional cost in respect of:	N/A – included in the scale fee	3,700
• Additional testing on IAS19 Pension Liabilities		
• Additional testing on valuation of land and buildings council dwellings	N/A – included in the scale fee	6,200
• Additional work from the introduction of new auditing standards (ISA 540 Estimates)	3,590	3,590
• Additional work from the introduction of new auditing standards (ISA 315 – Appendix B)	TBC	-
• Group Accounts	N/A – included in the scale fee	3,500
• Other additional testing (Infrastructure assets)	TBC	5,000
• Other additional testing (pension fund)	-	4,500
• Other additional testing –implications of pension fund surpluses under IAS19 and IFRIC 14	TBC	-
Additional cost in respect of VFM Reporting	7,000	7,000
Total Fees	TBC	70,054

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07

Section 07:

Our commitment to independence

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7. Our commitment to independence

We are committed to independence and are required by the Financial Reporting Council to confirm to you at least annually in writing that we comply with the FRC’s Ethical Standard. In addition, we communicate any matters or relationship which we believe may have a bearing on our independence or the objectivity of the audit team.

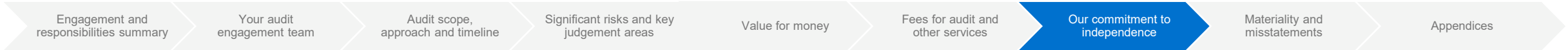
Based on the information provided by you and our own internal procedures to safeguard our independence as auditors, we confirm that in our professional judgement there are no relationships between us and any of our related or subsidiary entities, and you and your related entities creating any unacceptable threats to our independence within the regulatory or professional requirements governing us as your auditors.

We have policies and procedures in place which are designed to ensure that we carry out our work with integrity, objectivity and independence. These policies include:

- all partners and staff are required to complete an annual independence declaration;
- new partners and staff are required to complete an independence confirmation and also complete computer based ethical training;
- rotation policies covering audit engagement partners and other key members of the audit team; and
- use by managers and partners of our client and engagement acceptance system which requires all non-audit services to be approved in advance by the audit engagement partner.

We confirm, as at the date of this document, that the engagement team and others in the firm as appropriate, Mazars LLP are independent and comply with relevant ethical requirements. However, if at any time you have concerns or questions about our integrity, objectivity or independence please discuss these with Mark Surridge in the first instance.

Any emerging independence threats and associated identified safeguards will be communicated in our Audit Completion Report.



08

Section 08:

Materiality and misstatements

Page 33

8. Materiality and misstatements

Summary of initial materiality thresholds

Threshold	Initial threshold (Council)	Initial threshold (Group)
	£'000s	£'000s
Overall materiality	1,080	1,140
Performance materiality	810	855
Specific Materiality (Remuneration Report)	5	5
Trial threshold for errors to be reported to the Governance, Audit and Standards Committee	32	34

Materiality

Materiality is an expression of the relative significance or importance of a particular matter in the context of financial statements as a whole.

Information is considered to be material if omitting, misstating or obscuring it could reasonably be expected to influence the decisions that the primary users of general-purpose financial statements make on the basis of those financial statements, which provide financial information about a specific reporting entity.

Judgements on materiality are made in light of surrounding circumstances and are affected by the size and nature of a misstatement, or a combination of both. Judgements about materiality are based on consideration of the common financial information needs of users as a group and not on specific individual users.

The assessment of what is material is a matter of professional judgement and is affected by our perception of the financial information needs of the users of the financial statements. In making our assessment we assume that users:

- have a reasonable knowledge of business, economic activities and accounts;
- have a willingness to study the information in the financial statements with reasonable diligence;
- understand that financial statements are prepared, presented and audited to levels of materiality;
- recognise the uncertainties inherent in the measurement of amounts based on the use of estimates, judgement and the consideration of future events; and
- will make reasonable economic decisions on the basis of the information in the financial statements.

We consider materiality whilst planning and performing our audit based on quantitative and qualitative factors.

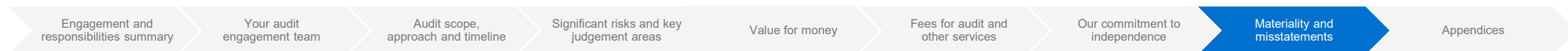
Whilst planning, we make judgements about the size of misstatements which we consider to be material and which provides a basis for determining the nature, timing and extent of risk assessment procedures, identifying and assessing the risk of material misstatement and determining the nature, timing and extent of further audit procedures.

The materiality determined at the planning stage does not necessarily establish an amount below which uncorrected misstatements, either individually or in aggregate, will be considered as immaterial.

We revise materiality for the financial statements as our audit progresses should we become aware of information that would have caused us to determine a different amount had we been aware of that information at the planning stage.

Our provisional materiality is set based on a benchmark of gross expenditure. We will identify a figure for materiality but identify separate levels for procedures designed to detect individual errors, and also a level above which all identified errors will be reported to the Governance, Audit and Standards Committee.

We consider that the gross expenditure remains the key focus of users of the financial statements and, as such, we base our materiality levels around this benchmark.



8. Materiality and misstatements

Materiality (continued)

We expect to set a materiality threshold at 2% of gross expenditure (at surplus/deficit on provision of services). Based on prior year financial statements for preliminary assessment of materiality we anticipate the overall materiality for the year ending 31 March 2023 to be in the region of £1.080m.

After setting initial materiality, we continue to monitor materiality throughout the audit to ensure that it is set at an appropriate level.

Performance Materiality

Performance materiality is the amount or amounts set by the auditor at less than materiality for the financial statements as a whole to reduce, to an appropriately low level, the probability that the aggregate of uncorrected and undetected misstatements exceeds materiality for the financial statements as a whole. Our initial assessment of performance materiality is based on low inherent risk, meaning that we have applied 75% of overall materiality as performance materiality.

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Misstatements

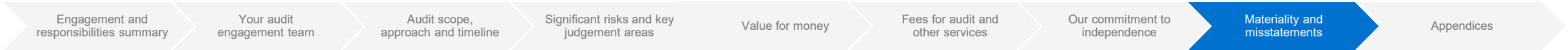
We accumulate misstatements identified during the audit that are other than clearly trivial. We set a level of triviality for individual errors identified (a reporting threshold) for reporting to the Governance, Audit and Standards Committee that is consistent with the level of triviality that we consider would not need to be

accumulated because we expect that the accumulation of such amounts would not have a material effect on the financial statements. Based on our preliminary assessment of overall materiality, our proposed triviality threshold is £32,000 based on 3% of overall materiality. If you have any queries about this please do not hesitate to raise these with Mark Surridge

Reporting to the Governance, Audit and Standards Committee

The following three types of audit differences above the trivial threshold will be presented to Governance, Audit and Standards Committee

- summary of adjusted audit differences;
- summary of unadjusted audit differences; and
- summary of disclosure differences (adjusted and unadjusted).





Appendices

A: Key communication points

B: Revised auditing standard on Identifying and assessing the risks of material misstatement: ISA (UK) 315 (Revised 2019)

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Appendix A: Key communication points

We value communication with Those Charged With Governance as a two way feedback process at the heart of our client service commitment. ISA 260 (UK) 'Communication with Those Charged with Governance' and ISA 265 (UK) 'Communicating Deficiencies In Internal Control To Those Charged With Governance And Management' specifically require us to communicate a number of points with you.

Relevant points that need to be communicated with you at each stage of the audit are outlined below.

Form, timing and content of our communications

We will present the following reports:

- Audit Strategy Memorandum;
- Audit Completion Report; and
- Auditor's Annual Report

These documents will be discussed with management prior to being presented to yourselves and their comments will be incorporated as appropriate.

Key communication points at the planning stage as included in this Audit Strategy Memorandum

- Our responsibilities in relation to the audit of the financial statements;
- The planned scope and timing of the audit;
- Significant audit risks and areas of management judgement;
- Our commitment to independence;

- Responsibilities for preventing and detecting errors;
- Materiality and misstatements; and
- Fees for audit and other services.

Key communication points at the completion stage to be included in our Audit Completion Report

- Significant deficiencies in internal control;
- Significant findings from the audit;
- Significant matters discussed with management;
- Significant difficulties, if any, encountered during the audit;
- Qualitative aspects of the entity's accounting practices, including accounting policies, accounting estimates and financial statement disclosures;
- Our conclusions on the significant audit risks and areas of management judgement;
- Summary of misstatements;
- Management representation letter;
- Our proposed draft audit report; and
- Independence.

Engagement and responsibilities summary

Your audit engagement team

Audit scope, approach and timeline

Significant risks and key judgement areas

Value for money

Fees for audit and other services

Our commitment to independence

Materiality and misstatements

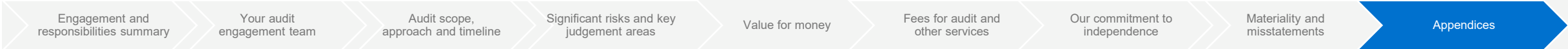
Appendices

Appendix A: Key communication points

ISA (UK) 260 'Communication with Those Charged with Governance', ISA (UK) 265 'Communicating Deficiencies In Internal Control To Those Charged With Governance And Management' and other ISAs (UK) specifically require us to communicate the following:

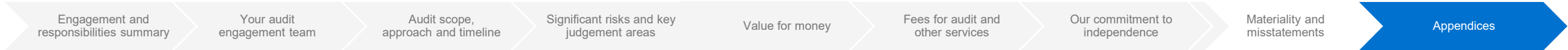
Required communication	Where addressed
Our responsibilities in relation to the financial statement audit and those of management and those charged with governance.	Audit Strategy Memorandum
The planned scope and timing of the audit including any limitations, specifically including with respect to significant risks.	Audit Strategy Memorandum
With respect to misstatements: <ul style="list-style-type: none"> • uncorrected misstatements and their effect on our audit opinion; • the effect of uncorrected misstatements related to prior periods; • a request that any uncorrected misstatement is corrected; and • in writing, corrected misstatements that are significant. 	Audit Completion Report
With respect to fraud communications: <ul style="list-style-type: none"> • enquiries of the Governance, Audit and Standards Committee to determine whether they have a knowledge of any actual, suspected or alleged fraud affecting the entity; • any fraud that we have identified or information we have obtained that indicates that fraud may exist; and • a discussion of any other matters related to fraud. 	Audit Completion Report and discussion at the Governance, Audit and Standards Committee, Audit planning and clearance meetings

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Appendix A: Key communication points

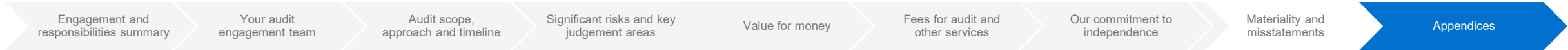
Required communication	Where addressed
<p>Significant matters arising during the audit in connection with the entity's related parties including, when applicable:</p> <ul style="list-style-type: none"> • non-disclosure by management; • inappropriate authorisation and approval of transactions; • disagreement over disclosures; • non-compliance with laws and regulations; and • difficulty in identifying the party that ultimately controls the entity. 	<p>Audit Completion Report</p>
<p>Significant findings from the audit including:</p> <ul style="list-style-type: none"> • Our view about the significant qualitative aspects of accounting practices including accounting policies, accounting estimates and financial statement disclosures; • significant difficulties, if any, encountered during the audit; • significant matters, if any, arising from the audit that were discussed with management or were the subject of correspondence with management; • written representations that we are seeking; • expected modifications to the audit report; and • other matters, if any, significant to the oversight of the financial reporting process or otherwise identified in the course of the audit that we believe will be relevant to the Governance, Audit and Standards Committee in the context of fulfilling their responsibilities. 	<p>Audit Completion Report</p>
<p>Significant deficiencies in internal controls identified during the audit.</p>	<p>Audit Completion Report</p>
<p>Where relevant, any issues identified with respect to authority to obtain external confirmations or inability to obtain relevant and reliable audit evidence from other procedures.</p>	<p>Audit Completion Report</p>



Appendix A: Key communication points

Required communication	Where addressed
Audit findings regarding non-compliance with laws and regulations where the non-compliance is material and believed to be intentional (subject to compliance with legislation on tipping off) and enquiry of the Governance, Audit and Standards Committee into possible instances of non-compliance with laws and regulations that may have a material effect on the financial statements and that the Governance, Audit and Standards Committee may be aware of.	Audit Completion Report and the Governance, Audit and Standards Committee meetings
With respect to going concern, events or conditions identified that may cast significant doubt on the entity's ability to continue as a going concern, including: <ul style="list-style-type: none"> • whether the events or conditions constitute a material uncertainty; • whether the use of the going concern assumption is appropriate in the preparation and presentation of the financial statements; and • the adequacy of related disclosures in the financial statements. 	Audit Completion Report
Reporting on the valuation methods applied to the various items in the annual financial statements including any impact of changes of such methods	Audit Completion Report
Explanation of the scope of consolidation and the exclusion criteria applied by the entity to the non-consolidated entities, if any, and whether those criteria applied are in accordance with the relevant financial reporting framework.	Audit Strategy Memorandum and/or Audit Completion Report as appropriate
Where applicable, identification of any audit work performed by component auditors in relation to the audit of the consolidated financial statements other than by Mazars' member firms	Audit Strategy Memorandum and/or Audit Completion Report as appropriate
Indication of whether all requested explanations and documents were provided by the entity	Audit Completion Report

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Appendix B: Revised auditing standard on Identifying and assessing the risks of material misstatement: ISA (UK) 315 (Revised 2019)

Background

ISA (UK) 315 (Revised 2019) introduces major changes to the auditor’s risk identification and assessment approach, which are intended to drive a more focused response from auditors undertaking work to obtain sufficient appropriate audit evidence to address the risks of material misstatement. The new standard is effective for periods commencing on or after 15 December 2021 and therefore applies in full for the Council’s 2022/23 audit.

The most significant changes relevant to the Council’s audit are outlined below.

Enhanced risk identification and assessment

The standard has enhanced the requirements for the auditor to understand the audited entity, its environment and the applicable financial reporting framework in order to identify and assess risk based on new inherent risk factors which include:

- Subjectivity
- Complexity
- Uncertainty and change
- Susceptibility to misstatement due to management bias or fraud.

Using these inherent risk factors, we assess inherent risk on a spectrum, at which the higher end of which lies significant risks, to drive an audit that is more focused on identified risks. Auditors are now also required to obtain sufficient, appropriate evidence from these risk identification and assessment procedures which means documentation and evidence requirements are also enhanced.

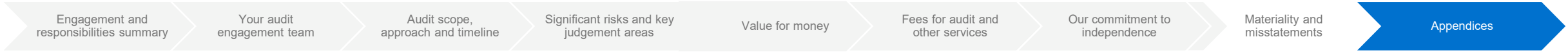
Greater emphasis on understanding IT

In response to constantly evolving business environments, the standard places an increased emphasis on the requirements for the auditor to gain an understanding of the entity’s IT environment to better understand the possible

risks within an entity’s information systems. As a result, we are required to gain a greater understanding of the IT environment, including IT general controls (ITGCs).

Increased focus on controls

Building on the need for auditors to gain a greater understanding of the IT environment, the standard also widens the scope of controls that are deemed relevant to the audit. We are now required to broaden our understanding of controls implemented by management, including ITGCs, as well as assess the design and implementation of those controls.



Mark Surridge

Mazars

2 Chamberlain Square
Birmingham
B3 3AX

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Mazars is an internationally integrated partnership, specialising in audit, accountancy, advisory, tax and legal services*. Operating in over 90 countries and territories around the world, we draw on the expertise of 40,400 professionals – 24,400 in Mazars' integrated partnership and 16,000 via the Mazars North America Alliance – to assist clients of all sizes at every stage in their development.

*where permitted under applicable country laws.

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Report of the Chief Audit and Control Officer

INTERNAL AUDIT REVIEW 2022/231. Purpose of report

To inform the Committee of the work of Internal Audit during 2022/23 and to provide an annual Internal Audit Assurance Opinion that can be used by the Council to inform its Annual Governance Statement.

2. Recommendation

The Committee is asked to NOTE the Chief Audit and Control Officer's Annual Assurance Opinion and the work of Internal Audit in 2022/23.

3. Detail

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

In accordance with the Public Sector Internal Audit Standards, developed by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Chartered Institute of Internal Auditors (IIA), the Chief Audit and Control Officer must deliver an Annual Internal Audit Opinion and report that can be used by the Council to inform its Annual Governance Statement. The Internal Audit Annual Review Report for 2022/23 is included in the appendix.

The Council has to conduct, at least annually, a review of the effectiveness of its governance framework including the system of internal control. This review is informed by the work of senior management who have responsibility for the development and maintenance of the governance environment, the Internal Audit Review Report and comments from external auditors/other inspectorates.

The system of internal control has been reviewed. On the basis of Internal Audit work completed, it is the opinion of the Chief Audit and Control Officer that the current internal control environment is satisfactory such as to maintain the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. Further context relating to this assurance opinion, including details of any caveats and limitations in scope, are provided in the appendix.

Overall, 68% of the planned audits were complete or awaiting finalisation at the year-end, below the 90% target. As previously reported to this Committee, this was primarily due to a vacancy within the Internal Audit team between October 2021 and August 2022. A risk-based approach to completing audits was taken during this period, with higher-risk audits being prioritised for completion. As at the date of this report, all planned audits for 2022/23 are now complete with satisfactory progress being made with the audit plan for 2023/24.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The work of the Internal Audit section continues to provide crucial and independent assurance to management and Members over the key aspects of the Council's governance, risk management and internal control arrangements. The cost of Internal Audit is included within the established Finance Services budgets

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

This report already sets out the legal framework for Internal Audit to provide a summary of Internal Audit work. It addresses the statutory obligations for local audit processes. The Local Government Act 1972 and subsequent legislation sets out a duty for the Council to make arrangements for the proper administration of its financial affairs. This report also complies with the requirements of the following:

- Local Government Act 1972
- Accounts and Audit Regulations 2015
- CIPFA/IIA: Public Sector Internal Audit Standards (PSIAS)
- CIPFA/IIA: Local Government Application Note for the UK PSIAS 33.

The provision of an Internal Audit service is integral to financial management at the Council and assists in the discharge of its duties.

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. Climate Change Implications

The Interim Head of Environmental Services has no comments to make on this report.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As there is no change to policy an Equality Impact Assessment is not required.

11. Background Papers

Nil.

APPENDIX

INTERNAL AUDIT ANNUAL REVIEW REPORT 2022/23

1. INTRODUCTION

This report provides a summary of Internal Audit activities for 2022/23.

The Accounts and Audit Regulations 2015 require the Council to undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with proper practices. The United Kingdom Public Sector Internal Audit Standards (the 'Standards') and the CIPFA Local Government Application Note constitute proper practices so as to satisfy the requirements for larger relevant bodies as set out in the Regulations.

The Standards requires the Chief Audit and Control Officer, as the Council's designated 'chief audit executive', to deliver an annual internal audit opinion and report that can be used by the Council to inform its governance statement. The opinion must conclude on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. The report must incorporate:

- an opinion on the overall adequacy and effectiveness of the Council's governance, risk and control framework – i.e. the control environment;
- a summary of the audit work from which the opinion is derived (including reliance placed on work by other assurance providers); and
- a statement on conformance with the Standards and the results of the quality assurance and improvement programme.

The annual opinion should also be guided by the CIPFA/SOLACE Delivering Good Governance in Local Government Framework.

2. BACKGROUND TO THE OPINION

The Council has to conduct, at least annually, a review of the effectiveness of its governance framework including the system of internal control. This review is informed by the work of senior management who have responsibility for the development and maintenance of the governance environment, this Internal Audit Review Report and from comments made by the external auditors and other review agencies and inspectorates.

A review of the effectiveness of the system of internal audit helps to ensure that the opinion in this report may be relied upon as a key source of evidence in the Annual Governance Statement. The latest review found Internal Audit to be sufficiently compliant with the requirements of the Standards to ensure that the opinion given can be relied upon for assurance purposes.

There are no causes of concern with regard to the independence and objectivity of Internal Audit. Whilst reporting on Internal Audit matters directly to the Deputy Chief Executive (fulfilling the duties of Section 151 of the Local Government Act 1972), the Chief Audit and Control Officer also has:

- free and unrestricted access to the General Management Team.
- free and unrestricted access to the Governance, Audit and Standards Committee (the 'Committee') and attends all of its meetings
- the right to meet with the Chair of the Committee and/or other relevant Members to discuss any matters or concerns that have arisen from Internal Audit work.

3. **AUDIT OPINION ON THE OVERALL ADEQUACY AND EFFECTIVENESS OF THE COUNCIL'S INTERNAL CONTROL ENVIRONMENT**

The system of internal control has been reviewed.

On the basis of Internal Audit work completed, it is my opinion, as the Chief Audit and Control Officer, that the current internal control environment is satisfactory such as to maintain the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

The framework for governance is as set out in the Annual Governance Statement and, in my view, is an accurate description of the governance arrangements. In relation to risk management, I have oversight of the risk management process and conclude that a range of significant risks for the Council have been identified and are being managed.

In terms of the audit assignments completed, services were found to be operating with an appropriate level of internal controls. Where weaknesses and exceptions were highlighted by Internal Audit work, any matters were discussed with management and recommendations made accordingly. Where improvement actions were agreed to address these matters, progress is being made for their implementation. Where this should not be the case, any outstanding significant recommendation is reported to this Committee as part of the regular progress reports.

The opinion has been arrived at with due regards to the following:

- The level of coverage provided by Internal Audit was considered to be adequate to enable this opinion to be delivered.
- Work has been planned and performed so as to obtain sufficient information and explanation considered necessary to provide evidence to give reasonable assurance that the Council's control environment is operating effectively.
- The independence and objectivity of Internal Audit has not been impaired in fact or appearance.

- Insight gained from interaction with senior management and this Committee.
- No adverse implications for the Annual Governance Statement have been identified from work undertaken by Internal Audit.
- The Internal Audit Plan 2022/23, as approved by this Committee on 14 March 2022, and subsequently revised on 28 November 2022, was informed by the Chief Audit and Control Officer’s own assessment of risk and materiality, following consultation with senior management, to ensure it was aligned to the Council’s corporate objectives and key strategic risks.
- The following table summarises the outcomes of audit assignments completed during the financial year 2022/23, including those audits completed from the previous year’s plan that were finalised in the year:

Audit Title	Report Issued	Assurance Opinion	Actions (High Priority)	Actions (Medium / Low Priority)
Council Tax	11/05/22	Substantial	0	1
DH Lawrence Birthplace Museum	12/05/22	Reasonable	0	2
Grounds Maintenance Services	27/06/22	LIMITED	1	2
Health and Safety	11/07/22	Reasonable	0	3
Licensing	10/08/22	Substantial	0	1
Kimberley Leisure Centre	13/09/22	Reasonable	0	0
Benefits	14/09/22	Substantial	0	1
Markets – Cash Review	22/09/22	No issues	0	4
Bereavement Services – Cash Review	26/09/22	No issues	0	2
Rents	24/10/22	Substantial	0	1
Business Rates (NNDR)	24/10/22	Substantial	0	1
Payroll	01/12/22	Substantial	0	0
Human Resources	01/12/22	Reasonable	0	2
Stapleford Town Fund	15/12/22	Substantial	0	0
Sundry Debtors	11/01/23	Substantial	0	0
Electrical Testing (Housing)	31/01/23	LIMITED	1	1
Gas Servicing & Maintenance (Housing)	09/02/23	Reasonable	0	1
Waste Management (Trade Waste)	09/02/23	Substantial	0	2
Creditors and Purchasing	27/03/23	Reasonable	0	4
Business Support	30/03/23	Substantial	0	2

4. QUALIFICATIONS

The opinions expressed in this report have been based upon the work carried out by Internal Audit in 2022/23 (and subsequently beyond year-end) and other assurance reports received, including those from the external auditors.

In the context of the Standards, ‘opinion’ means that Internal Audit will have done sufficient, evidenced work to form a supportable conclusion about the activity being examined. Internal Audit will word its opinion appropriately if it

cannot give reasonable assurance (e.g. because of limitations to the scope and/or adverse findings arising from its work).

In giving an opinion, it should be noted that assurance can never be absolute. The most that Internal Audit can provide to the Council is a reasonable assurance that there are no major weaknesses in risk management, governance and control processes. The matters raised in this report are only those which came to the attention of Internal Audit during the course of its work and are not necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

The overall opinion is therefore provided with the following caveats:

- The opinion does not imply that Internal Audit has reviewed all the Council's risks, controls and governance arrangements. The opinion is substantially derived from the conduct of risk-based audit assignment work and, as such, it is only one component that is taken into account when producing the Annual Governance Statement.
- No system of control can provide absolute assurance against material misstatement or loss, nor can Internal Audit give absolute assurance.
- Full implementation of all agreed actions is essential if the benefits of the control improvements detailed in each audit report are to be realised.

5. ISSUES RELEVANT TO THE ANNUAL GOVERNANCE STATEMENT

This Committee considered significant governance issues as part of the draft Annual Governance Statement for 2022/23 that was approved on 22 May 2023.

The Chief Audit and Control Officer has reviewed the draft Annual Governance Statement. The significant governance issues raised in the statement were considered to be appropriate. It was also found that the issues carried forward from the previous year had been addressed or were ongoing items that are in the process of being addressed.

With regard to the audits completed during the year, no actions were classed as being critical where action was considered imperative to ensure that the Council was not exposed to high risks. Where a limited assurance opinion was issued, the outstanding actions from these audits are not thought to be significant to the preparation of the Annual Governance Statement.

6. SUMMARY OF INTERNAL AUDIT ACTIVITY

6.1 Performance Overview

Overall, 68% of the planned audits were complete or awaiting finalisation at the year-end, below the 90% target. As previously reported to this Committee, this was primarily due to a vacancy within the Internal Audit team between October 2021 and August 2022. A risk-based approach to completing audits was taken during this period, with higher-risk audits being prioritised for completion. As at

the date of this report, all planned audits for 2022/23 are now complete with satisfactory progress being made with the audit plan for 2023/24.

During the financial year 2022/23, 20 audit reports were issued. The reports included 26 recommendations, of which 2 were considered to be high priority. No recommendation was considered to be so 'critical' as to be exposing the Council to intolerably high risks.

A limited assurance opinion was issued in respect of the audits of Grounds Maintenance Services and Electrical Testing (Housing). This opinion is given where Internal Audit considered that controls within the respective systems provided only limited assurance that risks material to the achievement of the system's objectives are adequately managed. Progress is being made with the respective improvement actions (and/or the risk has been mitigated by current circumstances) and the outstanding matters are not thought to be sufficient so as to affect the overall opinion.

6.2 Internal Audit Resources

As noted above, between October 2021 and August 2022, a vacancy existed within the Internal Audit team. This was the result of one of the Senior Internal Auditors being appointed to the role of Chief Audit and Control Officer. Following a successful recruitment exercise, a new Senior Internal Auditor joined the Council in early August 2022.

6.3 Special Investigations

Internal Audit completed work on the following special investigations:

- An investigation into the circumstances surrounding a successful 'phishing' attempt against one of the Council's financial systems.
- A series of reviews of the financial background of applications to the Stapleford Town Centre Recovery Fund where the application was for a direct grant from the fund.
- Assessments of the financial viability of potential tenants, suppliers and service providers applying to be considered for a number of tendered contracts and of potential tenants for the Council's commercial premises.
- Review of a number of returns to Central Government grant-awarding bodies, providing assurance over the level of compliance with conditions attached to the relevant grant(s).

6.4 Corporate Counter Fraud Activity and National Fraud Initiative (NFI)

Internal Audit continues to take a prominent role in leading and co-ordinating counter fraud activities. It committed around 40 days to counter fraud activity in 2022/23, which included work to co-ordinate and complete elements of the NFI data matching exercise.

An annual report on counter fraud activity will be presented to this Committee in September 2023 to provide Members with details of activity in 2022/23. The report will also include the outcome of a fraud risk assessment exercise, in conjunction with senior management, to inform the Fraud and Corruption Risk Register, and a proposed action plan for the forthcoming year, the delivery of which will further strengthen the current arrangements in place.

7. QUALITY ASSURANCE AND IMPROVEMENT PROGRAMME

In order to facilitate the review of the effectiveness of internal control required by the Accounts and Audit Regulations 2015, it is necessary to complete a review of the effectiveness of its internal audit.

The latest review (January – February 2023) was completed as a self-assessment against ‘proper practice’ consisting of the Public Sector Internal Audit Standards and the Local Government Application Note. The effectiveness of Internal Audit is not solely judged against the extent of compliance with the Standards since the reviews are about effectiveness and not process. In addition to the self-assessment checklist, other aspects provide evidence to support the review including reports on the results of completed audit assignments and any significant findings; reports setting out the Internal Audit Plan for the forthcoming year; and an annual report on the performance of Internal Audit.

In addition, as required by the Public Sector Internal Audit Standards, the Internal Audit Service was during the year (March 2023) subject to an External Quality Assessment (EQA) by a qualified, independent assessor from outside of the organisation.

The review concluded that the Internal Audit Service at Broxtowe ‘generally conforms’ with the Public Sector Internal Audit Standards (the highest level of opinion available), with the service considered to be ‘established’ in two of the primary assessment categories and ‘excelling’ in the third.

Some areas for potential improvement were identified during the course of the review. These primarily related to the refresh of elements of working papers used during the course of Internal Audit assignments, update of existing procedure documentation and the desirability of further aligning the audit planning process and strategy documents with the Council’s approach to risk management. None of the recommended areas for improvement were considered as a ‘must enhance’ (a ‘red’ rating).

As part of the review the external assessor also sought independent ‘blind’ feedback from a sample of Chief Officers, Heads of Service and other Senior Managers as to their opinion of the quality of service provided by the Internal Audit Service. Areas covered by this survey included the perception of the level of presence of Internal Audit across the Council, the quality of communications with Internal Audit and the advice given / recommendations made. It was most encouraging to note that such feedback was overwhelmingly (98.5%) positive.

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Report of the Chief Audit and Control Officer

INTERNAL AUDIT PROGRESS REPORT

1. Purpose of Report

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

2. Recommendation

The Committee is asked to NOTE appendices 1 and 2 of the report.

3. 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 and progress against the agreed Internal Audit Plan is included at appendix 1. A summary narrative of the work completed by Internal Audit since the previous report to this Committee is also included.

Internal Audit has also reviewed progress made by management in implementing agreed actions within six months of the completion of the respective audits. 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 detailing the overall performance of Internal Audit for 2022-23 is presented to this Committee as part of the agenda for the present meeting.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The work of the Internal Audit section continues to provide crucial and independent assurance to management and Members over the key aspects of the Council's governance, risk management and internal control arrangements. The cost of Internal Audit is included within the established Finance Services budgets.

5. Legal Implications

This report already sets out the legal framework for Internal Audit to provide a summary of Internal Audit work. It addresses the statutory obligations for local

audit processes. The Local Government Act 1972 and subsequent legislation sets out a duty for the Council to make arrangements for the proper administration of its financial affairs. This report also complies with the requirements of the following:

- Local Government Act 1972
- Accounts and Audit Regulations 2015
- CIPFA/IIA: Public Sector Internal Audit Standards (PSIAS)
- CIPFA/IIA: Local Government Application Note for the UK PSIAS 33.

The provision of an Internal Audit service is integral to financial management at the Council and assists in the discharge of its duties.

6. Human Resources Implications

Not Applicable.

7. Union Comments

Not Applicable.

8. Climate Change Implications

The Interim Head of Environmental Services has no comments to make regarding this report.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As there is no change to policy an Equality Impact Assessment is not required.

11. Background Papers

Nil.

APPENDIX 1

INTERNAL AUDIT REPORTS ISSUED SINCE JANUARY 2023

The following table summarises the audit assignments and similar work completed by Internal Audit between the 1 January 2023 and the date of submission of this report. Reports shaded in grey are those previously presented to this Committee (included here for reference) while work completed since the last report to this Committee is presented in bold at the end of the table.

Audit Title	Report Issued	Assurance Opinion	Actions (High Priority)	Actions (Medium / Low Priority)
Sundry Debtors	11/01/23	Substantial	0	0
Financial Appraisal – Chilwell Housing	13/01/23	No cause for financial concern noted		
Financial Appraisals – TCRF Applicants	26/01/23	No cause for financial concern noted		
Electrical Testing (Housing)	31/01/23	LIMITED	1	1
Financial Appraisal – Bramcote Housing	07/02/23	No cause for financial concern noted		
Gas Servicing & Maintenance (Housing)	09/02/23	Reasonable	0	1
Waste Management (Trade Waste)	09/02/23	Substantial	0	2
Financial Appraisal – STCRF Applicants	17/02/23	Advisory report only		
Financial Appraisal – Inham Nook Houses	20/02/23	Advisory report only		
Financial Appraisal – Prospective Tenant	20/02/23	Advisory report only		
Financial Appraisal – Park Attendants	28/02/23	Advisory report only		
Financial Appraisal – SCS Maintenance	03/03/23	Advisory report only		
Financial Appraisal – STCRF Applicants	08/03/23	Advisory report only		
Creditors and Purchasing	27/03/23	Reasonable	0	4
Financial Appraisal – Prospective Tenant	27/03/23	Advisory report only		
Business Support	30/03/23	Substantial	0	2
Financial Appraisal – STCRF Applicants	30/03/23	Advisory report only		
Key Financial Reconciliations	18/04/23	LIMITED	1	0
Council Tax	26/04/23	Substantial	0	0
Former Council House Repurchasing	26/04/23	Substantial	0	2
Right-to-Buy	26/04/23	Substantial	0	1
Financial Appraisal – STCRF Applicants	09/05/23	Advisory report only		
Housing Lettings	10/05/23	Substantial	0	0
Treasury Management	11/05/23	Substantial	0	0
Financial Appraisal – Prospective Tenant	16/05/23	Advisory report only		
Liberty Leisure Limited – Governance	23/05/23	Reasonable	0	2
Operational Risk Management (Depot)	23/05/23	Reasonable	0	3
Financial Appraisal – Prospective Tenant	25/05/23	Advisory report only		

REMAINING INTERNAL AUDIT PLAN 2023-24

Audit Title	Progress
Benefits	In progress
Compliments and Complaints	In progress
Corporate Communications	In progress
Emergency Planning	In progress
Legal Services	In progress
Section 106 Agreements	In progress
Asset Management Strategy	Not yet commenced
NNDR (Business Rates)	Not yet commenced
Chilwell Olympia	Not yet commenced
Damp and Mould	Not yet commenced
Financial Resilience	Not yet commenced
Housing Delivery Plan	Not yet commenced
Housing Repairs – Reactive	Not yet commenced
Human Resources	Not yet commenced
Kimberley ‘Levelling Up’	Not yet commenced
Leisure Management System	Not yet commenced
Local Elections	Not yet commenced
Payroll	Not yet commenced
Procurement	Not yet commenced
Rents	Not yet commenced
Shared Prosperity Fund	Not yet commenced
Sundry Debtors	Not yet commenced
Tenancy Management	Not yet commenced

Any significant issues identified in audits completed between the date of submission of this report and the date of this meeting of the Committee will be reported by way of a verbal update from the Chief Audit and Control Officer at this meeting.

COMPLETED AUDITS

A report is prepared for each audit assignment and issued to the relevant senior management at the conclusion of a review that will:

- include an overall opinion on the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the specific identified key risks relating to the area under audit. This opinion is categorised as either ‘Substantial’, ‘Reasonable’, ‘Limited’ or ‘Little’ assurance;
- identify inadequately addressed risks and ineffective control processes;
- detail the actions agreed with management and the timescales for completing those actions; and
- identify issues of good practice.

Recommendations made by Internal Audit are prioritised, with the agreed actions being categorised accordingly as follows:

- High Priority – Action considered necessary to avoid unmitigated exposure to significant risks
- Medium Priority – Action considered necessary to avoid unmitigated exposure to other key risks
- Low Priority (Best Practice) – Action recommended in order to improve existing procedures and other systems of internal control

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

1. **Financial Appraisals** **Advisory Reports Only**

Internal Audit is frequently requested to provide financial appraisals of companies, non-incorporated businesses and other organisations as part of the Council's 'due diligence' processes prior to the commencement of any commercial or similar relationship with the organisation in question.

For each appraisal, Internal Audit provides a confidential report which summarises the results of a review of information provided by the organisation, information provided by third-party organisations (such as credit-referencing agencies and the National Anti-Fraud Network) and any other publicly available information.

2. **Council Tax** **Assurance Opinion – Substantial**

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- Council Tax may not be correctly calculated and/or bills may not be accurately and efficiently raised and distribute.
- Billed amounts may not be collected in an efficient manner and/or may not be accounted for correctly.
- Outstanding debts may not be managed efficiently and effectively.
- Applied reliefs and discounts to accounts may not be valid and/or managed efficiently.
- Refunds and write-offs may not be valid and may not be appropriately authorised.
- Robust arrangements for detecting and managing fraud risk may not be in place.

Internal Audit was pleased to report that no issues were identified in the course of this review. Accordingly, no specific recommendations to address deficiencies in internal control were made.

3. **Former Council House Repurchasing** **Assurance Opinion – Substantial**

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- Appropriate policies and procedure documentation may not be in place.
- Purchase offers and subsequent transactions may not be appropriately processed, reviewed and approved.
- Properties may be sold by the current owner on the open market prior to the expiry date of the requirement for the Council to be offered first refusal.
- Properties may be sold by the current owner without the required repayment of the original discount applied.
- Robust arrangements for the prevention of fraud may not be in place.

Internal Audit was pleased to report that no significant issues were identified in the course of this review. Two recommendations relating to the improvement of documentation (both ‘best practice’) were proposed by Internal Audit and agreed with management.

4. **Right-to-Buy** **Assurance Opinion – Substantial**

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- Appropriate policies and procedure documentation may not be in place.
- Applications may not be processed in an appropriate and timely manner.
- Discounts may not be accurately calculated.
- Robust arrangements for the prevention of fraud may not be in place.

Internal Audit was pleased to report that no significant issues were identified in the course of this review. One recommendation relating to the improvement of

documentation (best practice) was proposed by Internal Audit and agreed with management.

5. **Housing Lettings** **Assurance Opinion – Substantial**

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- An appropriate and up to date lettings policy may neither be in place nor be approved by the relevant management and committee.
- Lettings (including direct lettings and transfers) may not be made in accordance with current policy and procedures.
- The performance of lettings operations may not be adequately monitored and reported.
- There may not be adequate controls in place over the lettings systems (with particular regard to user access and permissions).
- Adequate control may not be in place over the risk of personal interests affecting the operation of the lettings policy.

Internal Audit was pleased to report that no issues were identified in the course of this review. Accordingly, no specific recommendations to address deficiencies in internal control were made.

6. **Treasury Management** **Assurance Opinion – Substantial**

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- Governance arrangements, including policies, procedures, performance reporting and monitoring for compliance with the CIPFA Code of Practice for Treasury Management in the Public Services, may not be adequate.
- Cash flow, (including overdraft management and the timing of loans and investments) may not be optimised.
- Treasury transactions may not be subject to appropriate review and authorisation prior to execution.
- Accounting arrangements (including reconciliations) may not be adequate.

- System access rights (including relevant authorisation levels) may not be appropriate.

Internal Audit was pleased to report that no issues were identified in the course of this review. Accordingly, no specific recommendations to address deficiencies in internal control were made.

7. Liberty Leisure Limited – Governance Assurance Opinion – Reasonable

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- Relevant formal documentation (including annual returns and formal financial statements) may not be appropriately prepared and / or filed at Companies House as required.
- Decision making processes may not be adequate or appropriate.
- Performance monitoring and reporting may not be adequate.

Internal Audit was pleased to report that no significant issues were identified in the course of this review. Two recommendations relating to the production of a comprehensive operational risk register (medium priority) and the provision of training to members of the Board (best practice) were proposed by Internal Audit and agreed with management.

8. Operational Risk Management (Depot) Assurance Opinion – Reasonable

The primary purpose of the audit was to provide assurance over the effectiveness of the policies, procedures and other systems of control implemented by management in mitigation of the following specific identified key risks:

- Adequate processes may not be in place for the assessment, recording and reporting of key operational risks.
- The processes in place for the mitigation and monitoring of identified risks may not be adequate.
- Appropriate processes may not be in place to manage security at the depot.

Internal Audit was pleased to report that no significant issues were identified in the course of this review. Three recommendations relating to the review of a small number of policy and procedure documents (best practice), the review of management arrangements for Council land near the Hemlock Stone (medium

priority) and the review of security arrangements at the entrance to Kimberley Depot (best practice) were proposed by Internal Audit and agreed with management.

Current Audit Performance

Progress on the Internal Audit Plan for 2023-24 is considered to be satisfactory with full completion anticipated by the end of the financial year.

A final report on the performance of the Internal Audit Service for 2022-23 is presented to this Committee as a separate agenda item at the present meeting.

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 high and medium priority agreed actions for such internal audit reports issued. Those audits where all actions have previously been reported as completed have been excluded from this list.

Audit Title	Report Issued	Original Assurance Opinion	Number of Actions (High Priority in brackets)	Progress
Council Tax	13/05/22	Substantial	1	Completed
Grounds Maintenance Services	27/06/22	LIMITED	3 (1)	1 Outstanding
Benefits	14/09/22	Substantial	1	Completed

Further details of progress being made with high and medium priority 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. Actions marked as 'superseded' refer to occasions where either 1) developments within the relevant Council department, or the environment within which the department operates, have occurred since the date of the original audit report and the action is no longer relevant or considered a priority in light of the consequent change to the Council's risk profile; or, 2) an alternative action has been implemented to mitigate the risk identified.

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. Grounds Maintenance Services****1.1 Housing Service Recharge**

Agreed Action (Medium Priority)

A review shall be completed to ensure that the recharges for works completed on behalf of the Housing Department are accurate.

Managers Responsible

Head of Environmental Services

Parks and Green Spaces Manager

Target Date: 30 November 2022

A verbal update will be provided by the Chief Audit and Control Officer on behalf of the new Interim Head of Environmental Services at this meeting.

Report of the Deputy Chief Executive

REVIEW OF STRATEGIC RISK REGISTER1. Purpose of report

To approve the amendments to the Strategic Risk Register and the action plans identified to mitigate risks.

2. Recommendation

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

3. Detail

In accordance with the corporate Risk Management Strategy, the Strategic Risk Management Group met on 7 June 2023 to review the Strategic Risk Register. General Management Team (GMT) has since considered the proposals made by the Group. The objectives of the review were to:

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

A summary of the risk management process is included in appendix 1. The Risk Management Strategy includes a '5x5' risk map matrix to assess both the threats and opportunities for each strategic risk in terms of both the likelihood and impact. The risk map is included to assist the understanding of the inherent and residual risk scores allocated to each strategic risk. These scores will be considered further and amended as necessary in due course.

Details of the proposed amendments to the Strategic Risk Register and actions resulting from the process are attached in appendix 2. The full Strategic Risk Register incorporating the proposed amendments is available on the intranet. An extract from the register of the entries relating to the highest rated 'red' risks are included in appendix 3 for Members consideration.

A new strategic risk has been proposed namely the "failure to deliver a Housing Repairs and Compliance Service which meets Right to Repair and Compliance legislation". This strategic risk includes elements of physical, reputational and financial risks. A copy of the new risk is also provided below in Appendix 3.

Further reviews of the Strategic Risk Register will be reported to future meetings of this Committee.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no direct financial implications that arise from this report. Any future additional budgetary requirements will be considered separately by Cabinet.

5. Legal Implications

The comments from the Head of Legal Services and Deputy Monitoring Officer were as follows:

The Strategic Risk Register is the main mechanism used by the Council to identify, assess and monitor key risks. Whilst there are no direct legal implications arising from this report, it is important to assess whether the risks identified are being effectively mitigated and managed.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Union comments in relation to this report.

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

Not applicable

9. Data Protection Compliance Implications

There are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

11. Background Papers

Nil

APPENDIX 1**REVIEW OF STRATEGIC RISK REGISTER****Introduction**

The Risk Management Strategy, as revised in December 2018, aims to improve the effectiveness of risk management across the Council. Effective risk management will help to ensure that the Council maximises its opportunities and minimises the impact of the risks it faces, thereby improving its ability to deliver priorities, improve outcomes for residents and mitigating legal action and financial claims against the Council and subsequent damage to its reputation.

The Strategy provides a comprehensive framework and process designed to support both Members and Officers in ensuring that the Council is able to discharge its risk management responsibilities fully. The Strategy outlines the objectives and benefits of managing risk, describes the responsibilities for risk management, and provides an overview of the process that the Council has in place to manage risk successfully. The risk management process outlined within the Strategy should be used to identify and manage all risks to the Council's ability to deliver its priorities. This covers both strategic priorities, operational activities and the delivery of projects or programmes.

The Council defines risk as "the chance of something happening that may have an impact on objectives". A risk is an event or occurrence that would prevent, obstruct or delay the Council from achieving its objectives or failing to capture business opportunities when pursuing its objectives.

Risk Management

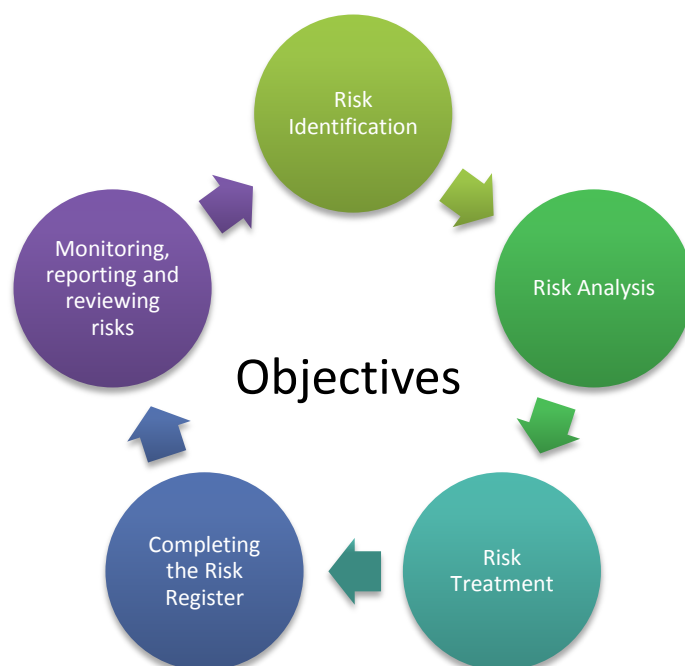
Risk management involves adopting a planned and systematic approach to the identification, evaluation and control of those risks which can threaten the objectives, assets, or financial wellbeing of the Council. It is a means of minimising the costs and disruption to the Council caused by undesired events.

Risk management covers the whole range of risks and not just those associated with finance, health and safety and insurance. It can also include risks as diverse as those associated with reputation, environment, technology and breach of confidentiality amongst others. The benefits of successful risk management include:

- Improved service delivery with fewer disruptions, efficient processes and improved controls
- Improved financial performance and value for money with increased achievement of objectives, fewer losses, reduced impact and frequency of critical risks
- Improved corporate governance and compliance systems with fewer legal challenges, robust corporate governance and fewer regulatory visits
- Improved insurance management with lower frequency and value of claims, lower impact of uninsured losses and reduced premiums.

Risk Management Process

The Council’s risk management process has five key steps as outlined below.



Process Step	Description
Risk Identification	Identification of risks which could significantly impact the Council’s aims and objectives – both strategic and operational.
Risk Analysis	Requires consideration to the identified risks potential consequences and likelihood of occurring. Risks should be scored against the Council’s risk matrix
Risk Treatment	Treat; Tolerate; Transfer; Terminate – Identify which solution is best to manage the risk (may be one or a combination of a number of treatments)
Completing the Risk Register	Document the previous steps within the appropriate risk register. Tool for facilitating risk management discussions. Standard template to be utilised to ensure consistent reporting.
Monitoring, reporting and reviewing the risks	Review risks against agreed reporting structure to ensure they remain current and on target with what is expected or manageable.

Risk Matrix

		Risk – Threats				
Likelihood	Almost Certain – 5	5	10	15	20	25
	Likely – 4	4	8	12	16	20
	Possible – 3	3	6	9	12	15
	Unlikely – 2	2	4	6	8	10
	Rare – 1	1	2	3	4	5
		Insignificant – 1	Minor – 2	Moderate – 3	Major – 4	Catastrophic – 5
		Impact				




Risk Rating	Value	Action
Red Risk	25	Immediate action to prevent serious threat to provision and/or achievement of key services or duties
	15 to 20	Key risks which may potentially affect the provision of key services or duties
Amber Risk	12	Important risks which may potentially affect the provision of key services or duties
	8 to 10	Monitor as necessary being less important but still could have a serious effect on the provision of key services
	5 to 6	Monitor as necessary to ensure risk is properly managed
Green Risk	1 – 4	No strategic action necessary






APPENDIX 2







Strategic Risk Register – Summary of Proposed Changes







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





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

Risk	Inherent Risk	Residual Risk	Changes
<p>1. Failure to maintain effective corporate performance management and implement change management processes</p> <p><i>The position with regards to this risk is unchanged.</i></p>	20	<p>4</p>  <p>Green</p>	<p>The action to consider the outcomes of the Local Government Association (LGA) Peer Review and produce an agreed improvement plan for Cabinet in March 2023 was completed. This action has been replaced with an action to deliver the agreed LGA Peer Review Improvement Plan.</p> <p>The action to consider undertaking an audit of project management was completed. Although the audit was not included in the latest Internal Audit Plan, this risk will be picked up again as part of audit planning for 2024/25.</p>
<p>2. Failure to obtain adequate resources to achieve service objectives</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had improved.</i></p>	20	<p>16</p>  <p>Red</p>	<p>The group noted the ongoing ‘cost of living crisis’ and high inflation which is keeping this risk as one of the highest rated red risks.</p> <p>No changes were proposed at this stage to the existing key controls, risk indicators and action points for this strategic risk.</p>
<p>3. Failure to deliver the Housing Revenue Account (HRA) Business Plan</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>12</p>  <p>Amber</p>	<p>The group noted that high pay and price inflation and the cost of living crisis continues to have an impact upon the HRA service provision and financial position.</p> <p>A new action was added to complete the review of the HRA 30-Year Business Plan, in conjunction with external consultants, with the outcome to be reported to Cabinet on 5 September 2023.</p>

Risk	Inherent Risk	Residual Risk	Changes
<p>4. Failure of strategic leisure initiatives</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>20</p>  <p>Red</p>	<p>The action to assess the financial implications and risks associated with options for a replacement for Bramcote Leisure Centre has been updated to present the outcomes of external consultancy reports (RIBA1 and financial due diligence) to further develop the business case for a replacement for Bramcote Leisure Centre to Cabinet on 25 July 2023 for the next steps to be agreed.</p> <p>A new action was added to consider and respond to the request from The Kimberley School regarding the financial viability of keeping the swimming pool open at Kimberley Leisure Centre – Cabinet 4 July 2023.</p>
<p>5. Failure of Liberty Leisure (LLL) trading company</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened.</i></p>	25	<p>12</p>  <p>Amber</p>	<p>A new action was added to consider and respond to the request from The Kimberley School regarding the financial viability of keeping the swimming pool open at Kimberley Leisure Centre – Cabinet 4 July 2023.</p>
<p>6. Failure to complete the re-development of Beeston town centre</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had improved.</i></p>	25	<p>8</p>  <p>Amber</p>	<p>No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.</p>
<p>7. Not complying with legislation</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>6</p>  <p>Amber</p>	<p>No changes were proposed to the key controls, risk indicators and action points for this strategic risk.</p>
<p>8. Failure of financial management and/or budgetary control and to implement agreed budget decisions</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>4</p>  <p>Green</p>	<p>The action to review and update the Council's Financial Regulations and Contract Procedure Rules was completed with the updated rules due to be presented to Governance, Audit and Standards Committee on 19 June 2023 for recommendation onto full Council for adoption in July 2023.</p>

Risk	Inherent Risk	Residual Risk	Changes
9. Failure to maximise collection of income due to the Council <i>The position with regards to this risk is unchanged</i>	20	9  Amber	A new action was added to migrate a larger proportion of Housing Rent accounts to regular rent collection by Direct Debit.
10. Failure of key ICT systems <i>The position with regards to this risk is unchanged.</i>	25	15  Red	The action to complete the relocation of the Backup Server from the Council Offices to Kimberley Depot has been delayed due to various issues involving contractors and supplies. Work is still planned and likely to be completed as part of the new SAN and ESX server environment. Target date extended to 31 December 2023. The action to review and refresh the corporate and departmental Business Continuity Plans is almost complete. Work is ongoing to complete the last remaining plans.
11. Failure to implement Private Sector Housing Strategy in accordance with Government and Council expectations <i>The position with regards to this risk is unchanged.</i>	20	4  Green	No changes were proposed to the key controls, risk indicators and action points for this strategic risk.
12. Failure to engage with partners/community to implement the Broxtowe Borough Partnership Statement of Common Purpose <i>The position with regards to this risk is unchanged</i>	15	4  Green	No changes were proposed to the key controls, risk indicators and action points for this strategic risk.
13. Failure to contribute effectively to dealing with crime and disorder <i>The position with regards to this risk is unchanged</i>	15	3  Green	No changes were proposed to the key controls, risk indicators and action points for this strategic risk.
14. Failure to provide housing in accordance with the Local Development Framework <i>The position with regards to this risk is unchanged</i>	20	12  Amber	The action to adopt the Toton Supplementary Planning Document has been completed.

Risk	Inherent Risk	Residual Risk	Changes
15. Natural disaster or deliberate act, which affects major part of the Authority <i>The position with regards to this risk is unchanged</i>	15	12  Amber	The action to review and refresh the corporate and departmental Business Continuity Plans is almost complete. Work is ongoing to complete the last remaining plans.
16. Failure to mitigate the impact of the Government's welfare reform agenda <i>The position with regards to this risk is unchanged</i>	20	4  Green	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.
17. Failure to maximise opportunities and to recognise the risks in shared services arrangements <i>The position with regards to this risk is unchanged</i>	20	9  Amber	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.
18. Corporate and/or political leadership adversely impacting upon service delivery <i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had improved.</i>	20	8  Amber	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.
19. High levels of sickness <i>The position with regards to this risk is unchanged</i>	16	6  Amber	The action to provide an update to managers on the Attendance Management Policy, including the application of the trigger point mechanism was completed by the Human Resources Manager in a presentation to SMT.
20. Inability to recruit and retain staff with required skills and expertise to meet increasing demands and expectations. <i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened</i>	20	12  Amber	A new action was added to ensure that an updated Job Evaluation review of all established posts has been completed in accordance with the agreed JE Panel work programme.

Risk	Inherent Risk	Residual Risk	Changes
21. Failure to comply with duty as a service provider and employer to groups such as children, the elderly, vulnerable adults etc. <i>The position with regards to this risk is unchanged</i>	20	6  Amber	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.
22. Unauthorised access of data <i>The position with regards to this risk is unchanged</i>	20	6  Amber	The action to complete the latest SIRO audit has been concluded, with a report being presented to GMT before the end of June 2023. The action to review and refresh the corporate and departmental Business Continuity Plans is almost complete. Work is ongoing to complete the last remaining plans.
23. High volumes of employee or client fraud <i>The position with regards to this risk is unchanged</i>	20	9  Amber	The action to participate with other local authorities and agencies in a review of the eligibility of individuals claiming the single person council tax discount has been completed. The action to complete the final elements of any post-assurance work for central government relating to the various Covid-19 related support grants was also considered to be concluded.
24. <i>Failure to achieve commitment of being carbon neutral for the Council's own operations by 2027</i> <i>The position with regards to this risk is unchanged</i>	20	12  Amber	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.

APPENDIX 3

**EXTRACT OF THE STRATEGIC RISK REGISTER – FEBRUARY 2023 –
ENTRIES RELATING TO HIGHEST RATED ‘RED’ RISKS****Risk 2 - Failure to obtain adequate resources to achieve service objectives**

Risk Owner(s)	Inherent Risk	Residual Risk
Deputy Chief Executive Head of Finance Services	20	16

Key Controls

- Medium Term Financial Strategy
- Business Strategy
- Economic Regeneration Strategy
- Commissioning and Procurement Strategy
- Capital Strategy
- Asset Management Strategy
- Energy Procurement Strategy
- Commercial Strategy
- Land Disposals Policy

Risk Indicators

- Formula grant
- Budget gap
- Fuel and energy prices
- Income levels
- Failed bids for external funding
- General economic indicators
- Interest rates

Action Points

1. Review service objectives in response to changing resources
2. Identify and assess external funding opportunities and ensure any accompanying targets are met
3. Investigate and develop opportunities for shared service working
4. Monitor the impact of the collection of business rates upon resources available to the Council
5. Seek the disposal of surplus assets to generate additional capital receipts
6. Be alert to potential funding opportunities for town centre re-generation initiatives.
7. Identify potential budget saving opportunities
8. Maximise income from Commercial Property and Industrial Units.

9. Assess the impact of the transfer of responsibility for land charges from local authorities to HM Land Registry.
10. Work collaboratively with Nottinghamshire local authorities to maximise the recovery of business rates income.
11. Assess the potential outcome of the Fair Funding Review, including proposals for greater localisation of business rates, upon the Council's finances.
12. Produce a new Commercial Strategy to replace the previous Commercial Strategy 2017-2020.
13. Respond as necessary to the outcome of the 'Town Deal' bid for Stapleford.
14. Develop Town Investment Plans for Eastwood and Kimberley.
15. Progress with the delivery of the successful Levelling Up Fund bid for Kimberley.
16. Seek full recovery of the agreed tram compensation claim against Nottingham City Council.
17. Monitor the impact of rising inflation and the cost of living crisis on the Council's service provision and its financial position.
18. Present an updated Medium Term Financial Strategy and Business Strategy to Cabinet in September/October 2023

Risk 3a - Failure to deliver a Housing Repairs and Compliance Service which meets Right to Repair and Compliance legislation

Risk Owner(s)	Inherent Risk	Residual Risk
Chief Executive Head of Housing	25	15

Key Controls

- Membership of Association of Retained Council Housing (ARCH)
- Membership of Chartered Institute of Housing (CIH)
- Housing Strategy
- Housing Revenue Account (HRA) Business Plan
- Repairs Policy
- Void Management Policy
- Garage Management Policy
- Gas Servicing Policy
- Electrical Servicing Policy
- Damp and Mould procedure
- Tenant Satisfaction Measures

Risk Indicators

- Gas Servicing compliance
- Electrical Servicing compliance
- Number of unallocated jobs
- Number of appointments made and kept
- Number of repairs completed at first visit

Action Points

1. Recruit to all posts following restructure
2. Fully establish new Housing Repairs Contact Centre
3. Fully establish new Compliance team
4. Update Capita Open Housing with M3 software to improve diagnosis of repair at first point of contact
5. Complete training programme for new and existing employees
6. Review and retender clean and clearance contract
7. Implement new caretaking service
8. Implement recharges, to increase HRA income
9. Update Lettable Standard for void properties
10. Review access procedures and use of legal powers.

Risk 4 - Failure of strategic leisure initiatives

Risk Owner(s)	Inherent Risk	Residual Risk
Deputy Chief Executive	25	20

Key Controls

- Leisure Facilities Strategy
- Leisure and Culture Service Specification
- Liberty Leisure Limited Business Plan
- External legal advice and support

Risk Indicators

- Results of consultation exercises
- Progress against business plans
- Progress against capital programme
- Events impacting upon joint use agreements
- Visitor numbers at leisure facilities
- Income at leisure facilities
- Financial viability of Liberty Leisure Limited

Action Points

1. Determine future strategy for investment in leisure facilities.
2. Review leisure opportunities arising from major developments.
3. Produce a programme to address the issues identified in the detailed property condition survey at Bramcote Leisure Centre.
4. Utilise external legal advice and support as required.
5. Establish a cross-party Task and Finish Group to consider options for potential leisure sites in the north and south of Broxtowe.
6. Work with Chilwell School to assess leisure facilities options at Chilwell Olympia Sports Centre and report back to Cabinet.
7. Forward plan any necessary capital repair works anticipated at Bramcote Leisure Centre and to submit, consider and profile the financial impact as part of the Capital Programme.
8. Further develop the business case for a replacement for Bramcote Leisure Centre and present the outcomes of the external consultancy reports (RIBA1 and financial due diligence) to Cabinet on 25 July 2023 for the next steps to be agreed.
9. Consider and respond to the request from The Kimberley School regarding the financial viability of keeping the swimming pool open at Kimberley Leisure Centre – Cabinet 4 July 2023.

Risk 10 - Failure of key ICT systems

Risk Owner(s)	Inherent Risk	Residual Risk
Executive Director Chief Information Officer	25	15

Key Controls

- ICT Strategy
- Service agreements
- Systems mainly supplied by external supplier
- Back-up server offsite
- Security Policies
- System availability
- Server virtualisation
- Provision of emergency power supply
- Identification of failure at points of entry
- Shared service arrangements with other local authorities
- Geo-location blocking on the firewall
- Warning, Advice and Reporting Point (WARP) service
- Cyber Security Information Sharing Partnership (CISP)

Risk Indicators

- Viruses
- Computer downtime
- Overrun/failure of overnight processing
- Key financial reconciliation processes
- Customer complaints
- Backlog of works
- Appropriate staffing resources to support key systems
- Number of security incidents

Action Points

1. Monitor implementation of and regularly test the Business Continuity Plan for ICT Services
2. Pursue partnership working initiatives, where appropriate
3. Assess the impact of the National Cyber Security Standard.
4. Complete the relocation of the Backup Server from the Council Offices to Kimberley Depot by 31 December 2023.
5. Address the matters raised by the independent LGA specialist review of the Council's cyber-risk arrangements and key controls.
6. Review and refresh the corporate and departmental Business Continuity Plans by 31 July 2023.

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Report of the Executive Director

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

1. Purpose of Report

To inform the Committee of the arrangements for the review of polling districts and polling places to be carried out later in the year.

2. Recommendation

The Committee is asked to NOTE the proposed arrangements for the review of polling districts and polling places to start in October.

3. Detail

All relevant local authorities are responsible for reviewing UK Parliamentary polling districts and places for so much of any constituency as is situated in their area. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews; the next is to be started and completed between 1 October 2023 and 31 January 2025 (inclusive). The length of the process is not specified in legislation but should allow sufficient time for consultation to be carried out. Details of the process to be followed when carrying out a review is set out in the appendix.

The public consultation period in Broxtowe will take place between 2 and 30 October 2023. A further report will be submitted to this Committee on 27 November 2023 setting out responses received to the consultation and recommendations for any changes to be considered by Council on 13 December 2023.

If any changes are made to polling district boundaries the Electoral Registration Officer must amend the electoral register accordingly. A revised register will, if necessary, be published on 1 February 2024. The (Acting) Returning Officers for both the Broxtowe and Nottingham North and Kimberley Parliamentary Constituencies will also be required to comment on the polling stations which would be used if any proposals for new polling places are accepted. Election rules require the (Acting) Returning Officer to decide how many polling stations are required for each polling place and must allocate electors to the polling stations as they think most convenient.

While legislation does not provide a role for the Electoral Commission in the review process, specified interested parties may make representations to the Commission to reconsider any polling districts and polling places once the Council has published the results of its review. The Commission may direct the Authority to make any alterations to the polling places which it thinks necessary and, if the alterations are not made within two months, may make the alterations itself.

4. Financial Implications

There are no financial implications arising from this report.

5. Legal Implications

The Representation of the People Act 1983 requires the Council to carry out a review of polling districts and polling places within each parliamentary constituency in its area.

6. Human Resources Implications

There are no Human Resources implications.

7. Union Comments

There are no comments from the Union.

8. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues.

9. Equality Impact Assessment

The review will seek to ensure that polling stations are accessible for all voters.

10. Background Papers

None

APPENDIXReview process

When carrying out the review, local authorities must:

- publish a notice of the holding of a review
- consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area
- publish all representations made by an (Acting) Returning Officer within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority's website
- seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the (Acting) Returning Officer(s).
- on completion of a review, give reasons for its decisions and publish:
 - a. all correspondence sent to an (Acting) Returning Officer in connection with the review
 - b. all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability
 - c. all representations made by any person in connection with the review
 - d. the minutes of any meeting held by the Council to consider any revision to the designation of polling districts or polling places within its area as a result of the review
 - e. details of the designation of polling districts and polling places within the local authority area as a result of the review
 - f. details of the places where the results of the review have been published

Notice of the review will be sent to the Acting Returning Officers for the Broxtowe and the Nottingham North and Kimberley Parliamentary Constituencies, all members of Broxtowe Council, County Councillors for electoral divisions within Broxtowe, the MPs for the Broxtowe and Ashfield Parliamentary Constituencies, local political parties and stakeholders representing disabled people in the borough. It will also be advertised on the Council's website and through social media.

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Report of the Monitoring Officer

COMPLAINTS REPORT 2022/231. Purpose of Report

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

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail

This report outlines the performance of the Council in dealing with complaints, including: at stage one those managed by the service areas, at stage two, managed by the Complaints and Compliments Officer and at stage three passed to the Local Government Ombudsman (LGO) or Housing Ombudsman (HO).

- Appendix 1 provides a summary of the Council's internal complaints 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 Ombudsman.

Of the 302 stage one complaints received overall, 72 were investigated under the stage 2 complaints procedure and 13 were investigated by the LGO. Under the stage 2 complaints procedure, 44 complaints (61%) were not upheld and 28 complaints (39%) were upheld. Further details can be found in appendix 2. The Ombudsman investigated 13 complaints made against the Council. 9 complaints were recorded as not upheld, resulting in no further action being required by the Council and 4 complaints were upheld. Further details can be found in appendix 3.

4. Financial Implications

Head of Finance Services were as follows:

The cost of compensation is charged either directly to the service or recognised in a central corporate budget. There are no additional financial implications associated with this report. Any significant additional budgets required, above virement limits, would require approval by Cabinet.

5. Legal Implications

Whilst there are no direct legal implications arising from this report, it is important to note that the Council's approach to handling complaints is within the parameters of the following key pieces of legislation: Part III of the Local Government Act 1974 and Chapter 6 of the Localism Act 2011 (for Housing Services complaints).

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments.

7. Union Comments

The Union comments were as follows:

No comments.

8. Climate Change Implications

N/A

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil

APPENDIX 1

Complaints received

The table below shows the figures for the overall complaints received in 2022/23 and the previous 2021/22 figures are shown in brackets for comparison.

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure Ltd
Number of Stage 1 complaints	302 (244)	226	43	31	2	-
No. of complaints investigated under Stage 2	72 (41)	54	10	6	2	-
No. of complaints determined by the Ombudsman	13 (10)	9	1	3	-	-

The Council has registered a total of 302 stage 1 complaints in the year 1 April 2022 to 31 March 2023, compared to 244 in the year 2021/22. The number of complaints concluded under stage 2 of the complaints procedure is 72, compared to 41 in 2021/22, and 13 complaints, compared to 10 in 2021/23 have been determined by the Local Government Ombudsman and the Housing Ombudsman Service.

Time taken to acknowledge receipt of stage one complaints (5 working day target)

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure Ltd
Number of complaints acknowledged within 5 working days	302	226	43	31	2	-
Number of complaints acknowledged over 5 working days	0	0	0	0	0	-

302 stage 1 complaints (100%) were acknowledged within the 5-day deadline.

The Council has seen an improvement in the time taken to acknowledge complaints, through continued use of electronic facilities in order to keep complainants updated as to the progress of their complaint.

Time taken to respond to stage 1 Complaints (10 working day target)

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure Ltd
Less than 10 working days	213	139	42	30	2	-
Over 10 working days	89	87	1	1	0	-

213 stage 1 complaints (71%) were responded to in 10 working days. 89 (29%) took longer than 10 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 to provide the complainant with an estimated timescale for completion.

Reasons for delays could include:

- Further information being required from the complainant.
- Complexity of the complaint including in-depth research required.
- Resource issues.

There has been a significant rise in damp and mould complaints being received following increased media coverage. The Housing Repairs Team report that this increase in complaints has had a significant impact on the service being able to respond to complaints within the 10 working days.

Furthermore, it has been reported that this problem has further been increased due to the current staffing and re-structure of the Housing Department. This has resulted in a backlog of complaints within the Housing Repairs Team.

The current backlog of complaints, their acknowledgement and extension, is currently being addressed. Due to the lack of resources within the Housing Repairs Team, the priority has been given to the inspection and repair of the issues raised in the complaint over providing the formal stage 1 complaint response.

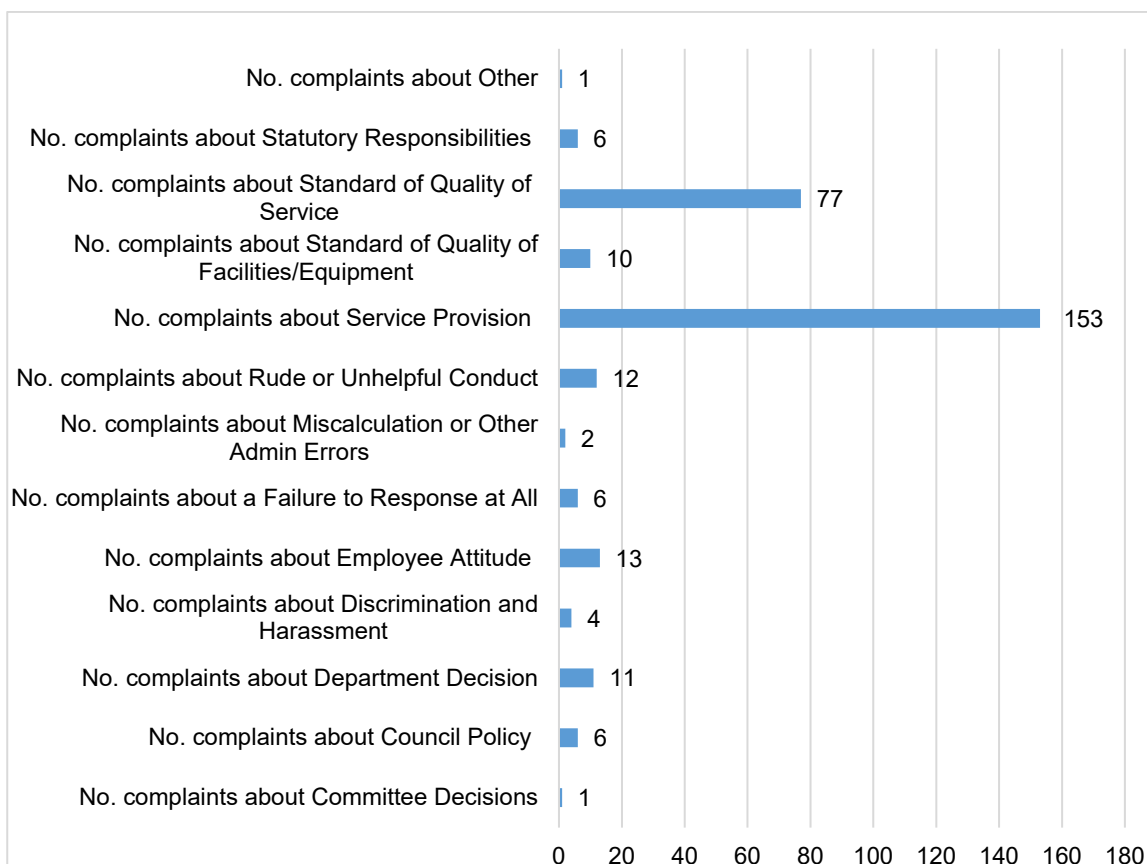
A new team took over the handling of Housing Repair complaints in May 2023. It is anticipated that this will improve the responsiveness of the stage 1 complaints. This new team’s priority will be engaging and responding to individuals and their complaints.

The Housing Repairs Team has been reminded by the Complaints Team of the need to contact complainants where the initial deadlines cannot be met. Furthermore, the Housing Repairs Team is provided a reminder to respond to the complainant with the full response or an extension by the Complaints Team when the 10 working day deadline is triggered.

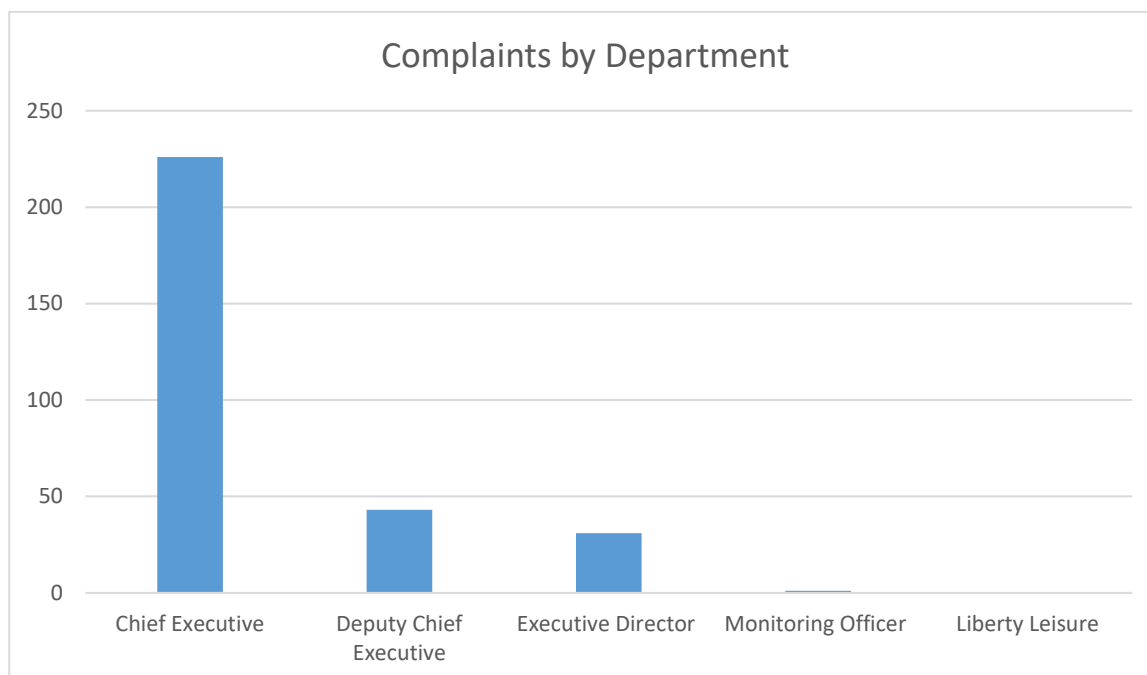
It should be noted that the current responsiveness for stage 1 complaints within the Housing Repairs Team have improved for 2023/24 with the additional resources and monitoring undertaking by the Complaints Team. Further information will be provided to a future Committee.

The Complaints Team pro-actively monitor the Housing Repairs Team stage 1 complaint responsiveness in order to these deadlines to be met.

What the complaints were about



Complaints by Department



Number of stage 2 complaints

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure
Number of Stage 2 complaints	72 (41)	50	14	7	1	-

Time taken to acknowledge to stage 2 complaints (5 working day target)

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure
Acknowledged within 5 working days	72	50	14	7	1	-

Time taken to respond to stage 2 complaints (20 working day target)

	Total
Responded in 20 working days	57
Responded in more than 20 working days	15

72 complaints were investigated and responded to under stage 2 of the formal complaint procedure. 100% were acknowledged within five working days and 57 (79%) were responded to within the 20 working day timescale. All the complainants who received their responses after 20 working days were informed that there would be a delay and were informed of the reason.

Reasons for the delays include:

- Further information being required from the complainant.
- Further information being required from the Department complained about.
- Complexity of the complaint including in-depth research required.
- Resource issues.

(This list is not exhaustive)

Equalities Monitoring

Of the 302 stage 1 complaints recorded, 302 were completed with some the monitoring data partially supplied.

Gender

Male – 120
Female – 182

Age groups

<17 – 0	45–59 – 69
18–24 – 16	60–64 – 22
25–29 – 33	65+ – 51
30–44 – 87	Not stated – 24

Ethnic Groups

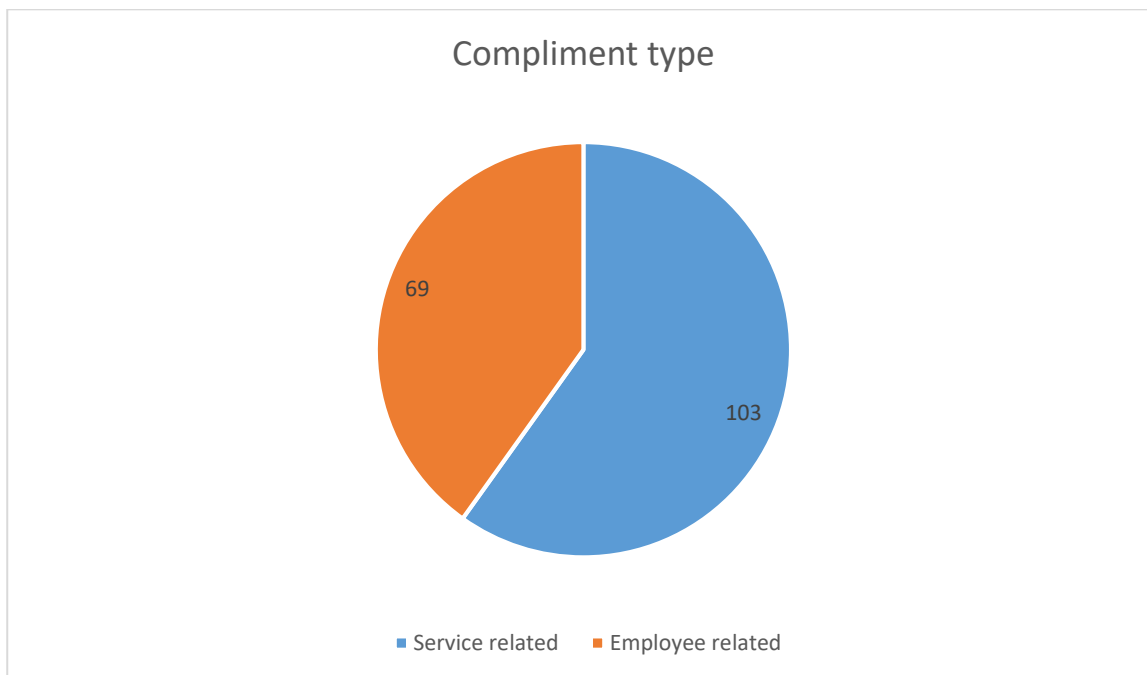
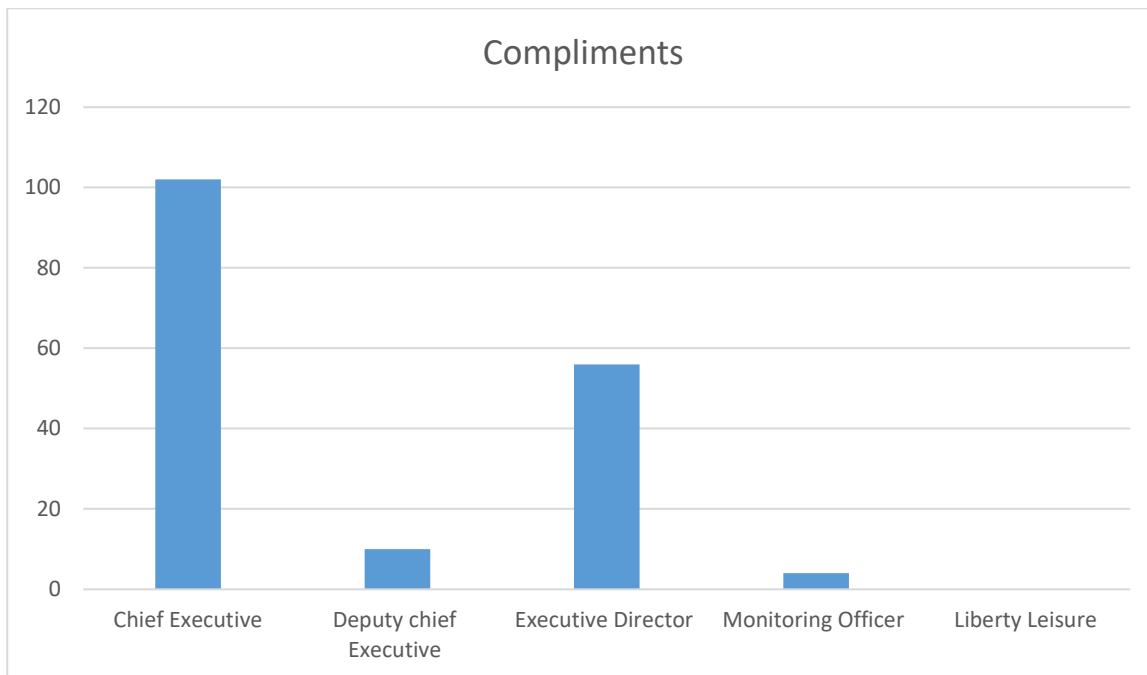
African - 1
British – 237
Caribbean - 2
Chinese - 1
Gypsy or Irish Traveller - 1
Indian – 2
Irish – 2
Other - 45
Not stated – 7
Pakistani - 4

Long term health problem that limits daily activity?

Yes – 104
No – 151
Not stated - 47

Compliments

There have been a total of 172 compliments registered in the period, 103 of which were in relation to specific employees and 69 were related to the service received.



Compliments are valuable, welcomed, and important in enabling the Council to understand that the services provided meet customers' satisfaction, provide positive feedback to employees, influence the organisational and service development and inform the Council's quality assurance.

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

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Development Control	43	11	4	5
Environmental Health	8	4	-	4
Housing and Income	15	8	-	38
Housing Operations	38	10	2	48
Housing Repairs	122	21	3	7
Total	226	54	9	102

Deputy Chief Executive's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Capital Works	5	2	-	2
Customer Services	2	-	-	4
Finance Services	1	1	-	1
Revenues	35	7	1	3
Total	43	10	1	10

Executive Director's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Waste and Recycling	26	1	1	33
Communications	1	-	-	3
Administrative Services	-	-	-	4
Bereavement Services	-	-	-	2
Freedom of Information	1	1	1	-
Parks and Environment	1	3	1	14
Data Protection	1	1	-	-
Health and Safety	1	-	-	-
Total	31	6	3	56

Monitoring Officer's Department

Service Areas	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Complaints	1	1	-	-
Democratic Services	-	-	-	4
Legal Services	1	1	-	-
Total	2	2	-	4

Liberty Leisure Ltd

Service Area	Stage 1 Complaints	Stage 2 Complaints	Ombudsman Complaints	Compliments
Kimberley Leisure Centre	-	-	-	-
Bramcote Leisure Centre	-	-	-	-
Chilwell Leisure Centre	-	-	-	-
Total	-	-	-	-

The Managing Director of Liberty Leisure has confirmed that no formal complaints have been received. After discussion between the Complaints Team and the Director of Liberty Leisure, the Director of Liberty Leisure will raise at their next management meeting whether the complaints process is being correctly followed and will report to the Complaints Team as necessary.

Reassurance was provided by the Director of Liberty Leisure that only service requests and minor service issues have been identified that did not require escalation to a complaint.

Financial Settlements

	Total	Chief Execs	Deputy Chief Execs	Executive Director	Monitoring Officer	Liberty Leisure
Stage 1	1	£980	-	-	-	-
Stage 2	6	£1,810	-	-	-	-
Ombudsman	1	£300	-	-	-	-
TOTAL	8	£3,090	-	-	-	-

Stage 2 – Formal Complaints

The complaints provided below have been summarised in order to prevent identification of individuals.

1. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not allowed the complainant to be entered on to the Council's housing register.

Council's response

During the investigation, it was found that the complainant did not have a local connection to Broxtowe Borough and therefore was ineligible to be considered for a Council property. The local connection is a criterion that is required for an individual to be eligible for a Council Property. It was concluded that the Housing Team had correctly applied the Allocations Policy to the complainant.

Head of Service Comments

The Housing Team correctly followed the Council's Allocations Policy. Consistent use of the policy ensures that the housing register is fairly administered.

2. Complaint against Capital Works

Response – 25 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had commenced building works at the Council property next door to the complainant's. The Complainant stated that the building works are invading their privacy and a mess is being left in their garden.

Council's response

During the investigation, it was found that the complainant, as a leaseholder, had a legal requirement to allow the Council access to their property to allow for building works. The Council, as such erected scaffolding at the neighbouring property which slightly overhung the complainants garden.

As part of the leaseholder contract, the complainant was required to allow the Council access to their property and air space to allow of works to be completed. Furthermore, the Council contractors were regularly cleaning the complainant's property.

It was concluded that the Council had acted appropriately when undertaking the necessary works.

Head of Service Comments

The Capital Works Team attempt to work with leaseholders where possible. Furthermore, the Capital Works Team work within the confines of the contracts of both leaseholders and Council tenants.

3. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had not correctly actioned the removal of the complainant's name from a Council tenancy and that they were being chased for the outstanding arrears on the tenancy.

Council's response

During the investigation, it was found that the complainant, was a joint tenant of a Council property.

The Council contacted the complainant to pursue the arrears that had accrued. As a joint tenant, the complainant remains responsible for any arrears accrued during their time as a tenant.

After the arrears were pursued, the tenant requested that their name be removed from the tenancy as they were no longer living at the property. There was no record of the complainant requesting that their name be removed from the tenancy before the arrears were chased.

It was concluded that the Council has acted appropriately when chasing the arrears.

Head of Service Comments

The tenant was contacted regarding arrears in line with agreed procedures and policy. As the tenant had not requested that their name was removed from the tenancy, it was appropriate for contact to be made.

4. Complaint against Planning

Response – 30 working days
Complaint not upheld

Complaint

The complaint stated that the Council had acted inappropriately when issuing an enforcement notice regarding overgrown trees/hedges.

Council's response

During the investigation, it was found that the complainant had been issued with an enforcement notice for overgrown trees/hedges. The Council, due to the complainant's personal circumstances, had allowed for extended time periods to comply with the notice.

When the works were not undertaken, the complainant was contacted and asked if they would allow the Council to undertake the works on their behalf.

The complainant agreed to this and the Council's Planning Committee further agreed to undertake the works at no cost to the complainant.

It was concluded that the Council had appropriately undertaken and communicated with the complainant regarding these works.

Head of Service Comments

The Planning Team attempted to assist the complainant with the works required to maintain the hedges. The complainant's needs were thoroughly considered thought this process.

5. Complaint against Planning

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had not appropriately dealt with a neighbouring planning application.

Council's response

During the investigation, it was found that the Planning department had considered the planning application in line with the necessary legislation and internal policies. Furthermore, the complainant's specific objections were considered and referenced by the Planning Department before the decision to approve the application was considered.

It was concluded that the Council had acted appropriately when determining the planning application.

Head of Service Comments

The Planning Department consider all objections and application in line with national legislation.

6. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had inappropriately removed the complainant's single person discount from their Council Tax account.

Council's response

During the investigation, it was found that the Council Tax Team received information from a neighbouring Council in 2013 to indicate that the complainant was no longer a single occupier. Revised bills were sent from 2013 to the date of the complaint to highlight that the single person discount had been removed.

The complainant was able to demonstrate that they were eligible from 2013 for the single person discount and the Council Tax Team issued a rebate for the overspend.

It was concluded that the Council Tax Team had correctly administered the complainant's Council Tax and issued the subsequent bills correctly. It was responsibility of the complainant to check the accuracy of the bills issued.

Head of Service Comments

The Council Tax Team act upon information from neighbouring authorities where appropriate. Any change to an individual's Council Tax account is highlighted in a timely manner.

7. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not appropriately considered their request to move to a higher banding on the housing register. Additionally, the complainant complained that they were unable to bid on three bedroom properties.

Council's response

During the investigation, it was found that the information provided by the complaint was correctly assessed by the Housing Operations Team. The complainant was a band 2 (high priority) to move property but the information supplied as part of their banding review was not sufficient enough to move to band 1.

Furthermore, it was found that the complainant was bidding on three bedroom properties.

It was concluded that the Housing Operations had correctly administered the complainant's housing application.

Head of Service Comments

The Allocations Policy was correctly applied. The recent amendments to the policy, approved at Cabinet in November, will help to provide clarity to applicants regarding the banding awarded.

8. Complaint against Environment

Response – 15 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had incorrectly terminated their use of an allotment.

Council's response

During the investigation, it was found that the allotment had transferred management from the Council to an allotment association in 2018. The allotment association terminated the complainant's contract based on the complainant's behaviour toward other members.

The complainant was informed to appeal against the decision with the allotment association or the Council could look to provide another allotment on site managed by the Council.

It was concluded that the decision to terminate the allotment contract was not the responsibility of the Council.

Head of Service Comments

The Environment Team attempted to assist the complainant in directing their complaint to the correct authority.

9. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that there were delays in Council undertaking repairs to a front door that had gaps in it.

Council's response

During the investigation, it was found that there had been delays in the Council undertaking works to the front door.

Furthermore, during the course of the investigation, it was found that while damp issues had been reported, there had been significant delays in the Housing Repairs Team issuing works to repair these.

The complainant was offered £300 compensation and the necessary works were undertaken.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

10. Complaint against Housing Operations

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the complainant had received poor service when contacting the Council using the "tell us once" service.

Council's response

During the investigation, it was found that the complainant had contacted the Council to report the death of their mother. However, following an internal error, a letter was issued to the complainant's deceased mother.

An apology was offered and the additional safeguards were put in place to ensure that the issue did not arise again.

Head of Service Comments

Following the complaint, further checks and audit measures were introduced to ensure that a similar issue would not occur again. This complaint was also upheld at stage 1.

11. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that the Council had not adequately managed the complainant's Council Tax account. Specifically, the complainant did not believe they owed the amount of arrears the Council Tax Team were chasing.

Council's response

During the investigation, it was found that the Council Tax Team had calculated the arrears owed correctly. The evidence provided by the complainant highlighted that the arrears owed and calculated by the Council Tax Team was correct.

As the complainant did not pay the exact amount of Council Tax each month, the Council Tax Team offered additional support to consolidate the debt and new payments into a manageable sum.

It was concluded that the Council Tax Team had correctly administered the complainant's Council Tax Account.

Head of Service Comments

The Council Tax Team are obligated to contact individuals whom are in arrears.

12. Complaint against Planning

Response – 30 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not taken into account the construction of a dwelling at a neighbouring plot. The complaint stated that the new dwelling would block their solar panels.

Council's response

During the investigation, it was found that the Planning Team had taken into account the complainant's objections. These objections were detailed in the Case Officer's report.

It was found that the position of the proposed dwelling would not affect the complainant's solar panels.

It was concluded that the Planning Department had correctly assessed the neighbouring planning application.

Head of Service Comments

The Planning Department consider all objections and application in line with national legislation.

13. Complaint against Governance

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not correctly applied the Council's Dealing with Unreasonable Complainant Behaviour Policy against them.

Council's response

During the investigation, it was found that due to the complainant's behaviour and the nature of their correspondence with the Council that their contact should be limited.

The complainant did not agree that the Policy should be applied to them. An example of the form was sent to the complainant upon their request and they subsequently complained that a blank form was used as consideration when the Policy was applied against them.

The form used to consider the application was not blank and provided the Council's General Management Team with the necessary details to make a decision.

It was concluded that the Policy had been correctly applied.

Head of Service Comments

The Complaints Team attempted to work with the complainant to modify their behaviour before the Policy was applied. The form was correctly completed and approved by the Council's General Management Team.

14. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was charging a service charge for their Independent Living accommodation.

Council's response

During the investigation, it was found that all Independent Living properties are charged a service charge for a contribution toward property maintenance.

The complaint was given the opportunity to move property to another general needs property when theirs was re-designated. However, this offer was refused. Therefore, it was concluded that the service charge had been correctly applied.

Head of Service Comments

The level of rent and service charge can change between occupants. The charges were clearly explained to the tenant when they signed for the property, which they did not dispute.

15. Complaint against Private Sector Housing

Response – 30 working days
Complaint not upheld

Complaint

The complaint raised was that the Council did not adequately investigate their private rented landlord and the condition of the property.

Council's response

During the investigation, it was found that the complainant had contacted the Council to state that their property was in a state of disrepair and that their private landlord was not undertaking the necessary repairs.

The Private Sector Housing Team, following the registration of these concerns made regular contact with the landlord to ensure that the repairs were undertaken. The Private Sector Housing Team had provided regular reminders to the landlord to complete the work.

It was concluded that the Private Sector Housing Team had correctly investigated the landlord and the disrepair within the property.

Head of Service Comments

The Private Sector Housing treat all complaints of housing disrepair seriously. Furthermore, regular contact was established with the landlord to ensure the correct support was given to the complainant.

16. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Council had not adequately undertaken repairs to the complainant's garage.

Council's response

During the investigation, it was found that there were delays in the Council undertaking an assessment to the garage to determine the repairs needed. It was found that the roof was damaged beyond economical repair which was causing a leak.

As the roof was damaged beyond economical repair, the complainant was offered three options. These were, continue to rent the garage knowing it would not be repaired, terminate the tenancy or swap garage to another within the local area. The complainant was also offered £75 compensation.

The complainant did not accept the offers provided.

Head of Service Comments

The Housing Repairs Team was reminded of the necessity to investigate repair issues in a timely manner. However, the appropriate remedies had been given to the complainant.

17. Complaint against Independent Living

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was incorrectly administering their tenancy. The complainant was unhappy that they lived in an Independent Living property and the Council was undertaking the services relating to Independent Living. Particularly, visiting the property to ensure that the life line service worked as intended.

Council's response

During the investigation, it was found that the Council had explained to the tenant the services undertaken as part of the Independent Living service during their tenancy sign up. The complainant signed the tenancy agreement and moved into the property.

As part of this service, the Council are required to visit the property to ensure that life line pull cord is working. The Council undertake these checks quarterly and an appointment is made beforehand.

It was concluded that the Council was correctly undertaking the service relating to its Independent Living property.

Head of Service Comments

The Independent Living team attempted to assist the complainant with the issue they had with their tenancy, prior to the complaint being made. However, the tenant remained dissatisfied with the service.

18. Complaint against Independent Living

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was incorrectly administering their tenancy. The complainant stated that they did not want to receive the service relating to Independent Living and that the Housing Officers had been rude.

Council's response

During the investigation, it was found that the complainant had moved into an independent living property in 2018. As of 2022 the property was re-designated as general needs and all services relating to Independent Living were ceased. The complainant was notified of this re-designation accordingly before it happened.

Furthermore, all correspondence with the complainant was polite and factual.

It was concluded that the Housing Team had correctly administered the complainant's tenancy and there was no evidence of inappropriate behaviour.

Head of Service Comments

The Independent Living team attempted to assist the complainant with the issue they had with their tenancy, prior to the complaint being made. However, the tenant remained dissatisfied with the service.

19. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that there had been significant delays in the Council undertaking works to rectify an issue of damp within the complainant's property.

Council's response

During the investigation, it was found that while the Council had logged the damp works required, there had been significant delays in the repairs being undertaken.

The Council provided an apology and offered £450 compensation. The Housing Repairs Team were reminded of the need to undertake repairs in a timely manner. The Housing Repairs Team were further reminded of the need to effectively communicate with tenants to inform them of any delays.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

20. Complaint against Planning

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council's Planning Enforcement Officer entered their property, an MOT garage, without permission and did not follow health and safety rules. Furthermore, the complainant believed that the Council should not be pursuing the enforcement case.

Council's response

During the investigation, it was found that the Planning Enforcement Officer visited the property and met with the owner's colleagues. The owner's colleagues gave the Planning Enforcement Officer permission to enter the property to undertake the necessary measurements. The Planning Enforcement Officer did not enter the garage itself but took measurements from the outside. Furthermore, Planning Legislation states that the Planning Enforcement Officers do not need permission to enter properties for enforcement purposes.

The Planning Team was undertaking this enforcement case as the owner of the garage had constructed the garage roof higher than the specified plans and was refusing to submit a new planning application to regularise the application. The initial application was approved by the Planning Inspectorate following an appeal of the owner. However, as the owner had constructed the garage outside of the plans approved by the Planning Inspectorate the Planning Team was required to open an enforcement case.

The owner of the garage was notified of the need to submit a new application on several occasions.

It was concluded that the Planning Team had appropriately opened an enforcement case against the complainant.

Head of Service Comments

The Planning Enforcement Team are required to undertake investigations into developments that are not in line with the approved plans. These investigations are carried out in line with national legislation.

21. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council was excessively chasing the complainant to pay their rent arrears.

Council's response

During the investigation, it was found that the complainant was being contacted when they had accrued arrears and only when they had accrued arrears. The correspondence between the complainant and the Housing Income Officer was polite and factual.

It was explained that the Council is required to contact the complainant when they had accrued arrears.

It was concluded that the Council had acted appropriately when contacting the complainant regarding their arrears.

Head of Service Comments

The Housing Team are required to contact tenants whom have arrears on their account. Agreed processes were correctly followed.

22. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

The complaint stated that Council Tax records were not kept correctly as their account was solely in their name when it should have been a joint account. Furthermore, the complainant believed that another adult living at the property should not affect their Council Tax Discount.

Council's response

During the investigation, it was found that the complainant jointly owned the complainant and their son, who also lived at the property. The complainant had not notified the Council of the joint ownership of the property when the purchase was completed. The records were updated to reflect the ownership.

As a taxable individual also lived at the property, the correct discounts had been applied to their account.

It was concluded that the Council had correctly administered the complainant's Council Tax account.

Head of Service Comments

The Council Tax Team act upon information provided individuals when a change of circumstance occurs. Once receiving the appropriate information, the complainant's Council Tax account was correctly updated.

23. Complaint against Planning

Response – 30 working days
Complaint upheld

Complaint

The complaint raised was that there had been delays in their planning application being considered.

Council's response

During the investigation, it was found that there had been delays in the application due to Nottinghamshire Wildlife Trust requesting amendments to the complainant's application and due to the planning application backlog caused by the COVID-19 pandemic.

An apology was offered to the complainant for any distress caused by the delay.

Head of Service Comments

Delays had occurred in the application being processed due to the COVID-19 pandemic causing a backlog in applications.

24. Complaint against Planning Enforcement

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Planning Enforcement Team had not taken the appropriate action to enforce and individual dismantling cars at their property and disposing of hazardous waste down a drain.

Council's response

During the investigation, it was found that the Planning Enforcement Team had conducted several visits and written several letters to the individual regarding the dismantling of cars at their property. The issue of hazardous waste being emptied into a drain was reported to Severn Trent to investigate as the appropriate authority.

However, there was not enough evidence for the Council to take action upon.

It was concluded that the Planning Enforcement Team had appropriately investigated the enforcement issue.

Head of Service Comments

The Planning Enforcement Team investigate and enforce against issue were sufficient evidence has been obtained. As no evidence could be obtained in relation to this complaint no action could be taken.

25. Complaint against Environmental Health

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Environmental Health Tam had not taken the appropriate action to investigate an issue of noise nuisance.

Council's response

During the investigation, it was found that the Environmental Health Officer had installed monitoring equipment in the complainant's property. It was noted that there was a low frequency noise that was registered. However, as the noise was a low frequency the source could not be identified.

The complainant was notified this and the Environmental Health Officer undertook several visits in an attempt to locate the noise. As the noise could not be located, no further action could be undertaken.

It was concluded that the Environmental Health had correctly assessed the noise nuisance.

Head of Service Comments

The Environmental Health Team investigate and enforce against issues were sufficient evidence has been obtained. As no evidence could be obtained in relation to this complaint, no action could be taken.

26. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Housing Repairs Team had not undertaken repairs to their garage.

Council's response

During the investigation, it was found that the complainant's garage door had become damaged and was difficult to use. The Housing Repairs Team inspected the garage door but there was a delay in the repair being undertaken. During this period the complainant had ceased paying rent toward the garage.

Due to the delay in the repair being undertaken, the Council offered the complainant a credit payment toward the garage arrears of £196.08.

It was concluded that the Housing Repairs Team had not provided an appropriate level of service.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. However, the appropriate remedy had been given to the complainant.

27. Complaint against Data Protection

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Council had not released a copy of the form used to determine their Dealing with Unreasonable Complainant Behaviour policy when requested as part of a Subject Access Request.

Council's response

During the investigation, it was found that the form was originally refused as it was not considered to be the complainant's data and therefore was not required to be released. However, upon further inspection of the GDPR guidance it was determined that it was the complainant's data and required release.

An apology was offered and the data was released.

Head of Service Comments

The Data Protection Team updated its processes to factor in guidance provided by the Information Commissioner's Office

28. Complaint against Planning

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not adequately notified them of a major development at neighbouring site.

Council's response

During the investigation, it was found that the Planning Team had undertaken all the statutory responsibilities to notify the complainant of the development. This included, site notices being erected and letter being issued to the complainant. All the Council's records indicated that these actions had been performed correctly.

It was concluded that the Planning Team had appropriately notified the complainant of the development.

Head of Service Comments

The Planning Team are required to undertake notification of neighbours in line with national legislation. The Planning Team keep audit records to ensure that this is done correctly.

29. Complaint against Planning Enforcement

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not adequately dealt with an issue of planning enforcement at a neighbouring property.

Council's response

During the investigation, it was found that the issue of planning enforcement at the neighbouring had been investigated by the Planning Inspectorate and the development was deemed acceptable. Therefore, there was no further action that the Council could undertake.

It was concluded that the Planning Enforcement Team had appropriately investigated the enforcement issue.

Head of Service Comments

The Planning Enforcement Team investigate and enforce against issue were sufficient evidence has been obtained. As no evidence could be obtained in relation to this complaint no action could be taken.

30. Complaint against Freedom of Information

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had withheld data requested under the Freedom of Information Act.

Council's response

During the investigation, it was found that the complainant had requested information relating to individuals and their Council Tax accounts. As this information was personal information of the individuals it was withheld due to GDPR.

It was concluded that the Freedom of Information Team had correctly withheld the information.

Head of Service Comments

The Freedom of Information Team is required to ensure that GDPR are complied with. All data released is review to ensure that it is correct to do so.

31. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The complaint raised was that the Council had not adequately considered their request for a council housing banding review.

Council's response

During the investigation, it was found that while the complainant had submitted information to support their banding review, the information submitted was not by medical professionals and therefore was not sufficient for the Council to consider.

It was concluded that the Housing Operations Team had correctly assessed the banding review.

Head of Service Comments

Policies and procedures were correctly followed, however, the team was reminded to ensure that applicants were aware that not all letters received from medical professionals will be sufficient for banding to be increased.

32. Complaint against Council Tax

Response – 20 working days
Complaint not upheld

Complaint

This complaint relates to complaint number 11 summarised above. The complainant contacted the Local Government Ombudsman whom requested that the Council re-investigate the stage 2 complaint as they were unable to find an issue of fault within their initial investigation. They believe the complainant may have been confused by the correspondence sent by the Council.

Council's response

The outcome of the stage 2 complaint did not alter following investigation.

Head of Service Comments

No further comments can be provided.

33. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complaint raised was that the Council had not undertaken repairs to rectify a damp issue.

Council's response

During the investigation, it was found that while the Council had visited the property and scheduled the necessary works, an issue with the Council's repairs system booked these works in twice. Upon deleting the duplicate entry, both entries were deleted by the system.

An apology was offered and the works were re-booked.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

34. Complaint against Housing Income

Response – 30 working days
Complaint not upheld

Complaint

The Council was not correctly applying the assisted living service charge to their independent living property as the complainant's garden maintenance had been missed.

Council's response

During the investigation, it was found that the complainant, as an independent living tenant, should have been receiving regular garden maintenance. However, due to an administrative error, the property had been missed off the maintenance list. The garden was maintained when the complainant contacted the Council to enquire when the service would be undertaken.

The service charge in which the complainant raised a complaint covers garden maintenance, scheme cleaning and the use of the life line service. This charge is applied to all independent living properties irrespective of whether the property does not receive a certain service.

An apology was provided and the Council updated its procedures to ensure that all properties that require garden maintenance are included on the list.

Head of Service Comments

The Council is required to apply a charge to all Independent Living tenants to ensure that the tenancy was administered in a fair and consistent manner.

35. Complaint against Housing Income

Response – 30 working days
Complaint not upheld

Complaint

The Council was not correctly managing the parking spaces at a block of flats.

Council's response

During the investigation, it was found that the car park did not require the use of a parking permit. The vehicles parked there operate on a first come first served basis. However, the Council wrote to all residents to remind them that the car park was for residents only and visitors were not to park there.

Head of Service Comments

The Council do not monitor or enforce the car park attached to flat complexes. However, residents are reminded that these car parks are for residents only.

36. Complaint against Planning

Response – 20 working days
Complaint upheld

Complaint

There had been significant delays in the Council dealing with a planning application and that the complainant had not been treated fairly by the Planning team.

Council's response

During the investigation, it was found that there had been delays in the planning application being processed. The delays occurred due to the complainant's agent making multiple revisions to the application. The Council complied with the time extension requests of the agent resulting in a delay in the application being determined.

Furthermore, there was no evidence of the complainant being treated unfairly. However, there were delays in communication being issued from the case officer to the complainant.

Head of Service Comments

The Planning Team endeavours to assist applicants with their applications. On this occasion, communication could have been improved in order to assist the applicant with the delays requested by their agent.

37. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The temporary accommodation provided to the complainant as part of homelessness service was not suitable.

Council's response

During the investigation, it was found that the complainant contacted the Council due to being homeless. The Council initially placed the complainant into a hotel as a Council

temporary accommodation unit was not available. Upon one becoming available the complainant was moved in to a Council unit.

The temporary accommodation unit was cleaned before the complainant moved and the unit was capable of housing their family.

There was no evidence to suggest that the temporary accommodation unit was not fit for purpose.

Head of Service Comments

The Council ensure that its temporary accommodation units are fit for purpose in order to assist with individuals whom present themselves as homeless.

38. Complaint against Revenues, Benefits and Customers Services

Response – 20 working days
Complaint not upheld

Complaint

The Council had incorrectly administered the complainant's benefit account.

Council's response

During the investigation, it was found that the complainant's benefit entitlement had changed. The Council had re-assessed the complainant's benefit entitlement based on the change which resulted in a reduction of the entitlement.

The Council were required to re-assess the complainant's benefits based on the new information received.

Head of Service Comments

The Council are required to acted upon changes in circumstance when they are presented.

39. Complaint against Planning

Response – 20 working days
Complaint upheld

Complaint

The Council had not taken into account the complainant's objections in relation to a neighbouring planning application and had not provided the complainant with information requested about the planning application.

Council's response

During the investigation, it was found that the complainant's objections were received by the Council. However, due to an administrative error, these objections were not included in the case officers report and therefore were not considered.

Upon being alerted to the complainant's objections not being included, the Council with permission of the applicant, re-submitted the application and it was re-assessed with all objections being considered.

The complainant had further requested officer comments on the application from the planning department on several occasions. However, these had not been provided.

The comments were provided once the Democratic Services Team, whom were responsible for Freedom of Information Requests at that time, became involved and released the requested information.

An apology was provided and the Planning Team were reminded of the need to comply with request for information in a timely manner and to correctly record information.

Head of Service Comments

It is recognised that the error occurred had caused distress to the complainant. The Planning Team has been reminded of the importance to correctly record information.

40. Complaint against Housing Operations

Response – 20 working days
Complaint upheld

Complaint

Non-residents were using a car park within a block of flats.

Council's response

During the investigation, it was found that the car park the complainant was referencing did not have signs up to state that the car park was for residents only. The Council's records indicated that signs had been displayed at some point. However, these were no longer displayed.

The Council provided an apology and new signs were erected.

Head of Service Comments

The signs to car park should have been displayed correctly. As this was not the case, new signs have been erected.

41. Complaint against Insurance Services/Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The Council had not adequately dealt with an issue of invasive ivy growing on the complainant's property.

Council's response

During the investigation, it was found that the complainant was a private resident living next to a Council property. The complainant's property had extensive ivy growth which the complainant stated that originated from the Council property and had now caused damage to their windows.

The complainant claimed for the damage to the window through the Council's insurance Team. It was found that as the ivy was extensive, it was the complainant's responsibility to cut back any plants within their boundary. Furthermore, after additional investigation, it was determined that the ivy had originated from the complainant's property.

Head of Service Comments

The Council attempted to assist the complainant with the insurance claim and ivy issue. Ultimately, it is the responsibility of the complainant to maintain foliage on their boundary.

42. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The Council was chasing the complainant's parents to pay their rent arrears and the officer chasing the arrears was rude.

Council's response

During the investigation, it was found that the complainant's parents had fallen into significant rent arrears. As no consistent payments had been made toward the rent the Council were obligated to contact the complainant's parents to obtain payment toward the rent.

There was no evidence of the Income Team being rude to the complainant or their parents.

Head of Service Comments

The Council is obligated to contact individual's when they fall into rent arrears.

43. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

There had been significant delays in the Council repairing a faulty boiler and that the complainant's carbon monoxide detectors were faulty.

Council's response

During the investigation, it was found that the following the completion of external wall insulation in July at the complainant's property, the boiler was tested to ensure it was not blocked following the works. The contractor's carbon monoxide detector indicated that there

was fault with the boiler and it was switched off and capped, leaving the complainant without hot water. The carbon monoxide detectors installed by the Council did not sound during these works or before. While an issue had been detected, the levels of the carbon monoxide were not life threatening.

The boiler issue was passed to a contractor to attempt to repair the boiler on the same day. However, one of the numbers provided by the Council to the contractor was provided incorrectly. Over several days the contractor attempted to contact the complainant to book the repair. After these attempts the contractor did not make any more attempts to book the works in.

The Council requested an updated from the contractor in August as to the repair. The contractor alerted the Council to the contact issue and a repair was scheduled for September. The repair was undertaken but it was determined that the boiler could not be repaired and needed to be replaced.

A new boiler was installed in October. It was found that the Council should have been more proactive to ensure that the regular communication through different channels was issued to the complainant to ensure that the necessary works were booked in.

An apology was offered along with £350 compensation. Furthermore, the carbon monoxide detectors were to be inspected to ensure their effectiveness.

The appropriate teams were reminded of their responsibility to ensure that works are undertaken in a timely manner.

Head of Service Comments

The Housing Repairs Team was reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

44. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

An independent living complex was not being regularly cleaned and that a tenant was putting soiled bedding within the communal washing machines.

Council's response

During the investigation, it was found that the complex was cleaned on regular basis and was at an acceptable standard. The complex was regularly inspected by several senior officers to ensure that its cleanliness was maintained.

The Council had written to all residents to remind them not to put soiled bedding within the washing machines.

Head of Service Comments

The Council regularly inspect the cleanliness of its schemes.

45. Complaint against Housing Income/Housing Repairs

Response – 30 working days
Complaint not upheld

Complaint

The property they had signed up for was not at an acceptable standard. This was due to the kitchen counter tops being at a low height due to a partial adaptation that was undertaken for the previous tenant.

The complainant did not believe they should pay their rent toward the property because of this.

Council's response

During the investigation, it was found that the property was cleaned by an external contractor during the void process and was subsequently inspected by the Housing Repairs Team. It was determined that the property was in a fit and habitable state.

The complainant visited the property before signing the tenancy and did not raise any issues.

Once the tenancy commenced the complainant stated they were unable to reside in the property due to the counter tops and subsequently stopped paying their rent. The complainant had not moved into the property.

The Council replaced the kitchen counter tops in a timely manner.

The Income Team were obligated to chase the rent arrears accrued by the complainant.

The complainant subsequently terminated the tenancy without moving into the property.

Head of Service Comments

There was no evidence to suggest that the property was in an inhabitable state.

46. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately dealt with a damp issue within the property.

Council's response

During the investigation, it was found that the complainant contacted the Council to report an issue with damp and mould at their property in May 2022. An inspection was undertaken the following week. It was noted that there was an issue with the complainant ventilating

their property which was causing excessive condensation. The complainant was advised to ventilate the property to assist with damp issues.

The Council booked additional works to ensure that there were no initial issues with the property. This included checking for grounded plaster. This work was undertaken in August 2022. There were no structural issues with the property that was causing any damp issues.

An apology was offered and £310 was offered as a gesture of goodwill to the complainant.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

47. Complaint against Complaints

Response – 20 working days
Complaint not upheld

Complaint

The Council was restricting the complaint from Council services by placing them on the Dealing with Unreasonable Complainant Behaviour Policy.

Council's response

During the investigation, it was found that the complainant had been subject to the Dealing Unreasonable Complainant Behaviour Policy for several years. This Policy was applied to the complainant due to the excess and unacceptable behaviour they had demonstrated toward the Council. While the complainant was subject to this Policy, all services could still be accessed through their designated single point of contact.

Head of Service Comments

The Council only apply the Dealing with unreasonable Complainant Behaviour Policy when absolutely necessary. The complainant is aware of the adjustments required to have the Policy rescinded.

48. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately dealt with a damp issue within the property.

Council's response

During the investigation, it was found that the complainant contacted the Council to report an issue with damp and mould at their property in June 2022. The works were passed to an external damp specialist contractor to complete. However, due to the increased need for

these works there is backlog which has resulted in the complainant's works not being completed.

An apology and £150 compensation was offered. The contractor was reminded of the need to attend the property and Housing Teams was reminded of the necessity to effectively communicate with residents.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

49. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately dealt with a damp issue within the property.

Council's response

During the investigation, it was found that the complainant contacted the Council in April 2022 to report that leak from the flat above there's had caused damp issues within their property. The works were booked for June 2022 and completed in July 2022.

An apology for the delay and £200 compensation was offered.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to investigate repair issues in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

50. Complaint against Environment

Response – 30 working days
Complaint not upheld

Complaint

The Council had not adequately cut back a large hedge that resulted in significant gap appearing in the hedge. The complainant wished the Council to install a fence within this section.

Council's response

During the investigation, it was found that the complainant contacted the Council in order for an overgrown hedge to be cut back.

Upon cutting the hedge back, a section was revealed that was not part of the hedge but was several different overgrown hedges growing into one section. This section of hedge could not successfully cut back due to the competing foliage. While a gap had appeared, the boundary was still clearly defined and the property was secure.

The Council is only responsible for marking the boundary, the hedge with the gap, served the purpose of establishing a boundary. The complainant was able to install a fence but this would require permission from the Council.

Head of Service Comments

The Council had correctly undertaken works to assist with the overgrown hedges.

51. Complaint against Revenues, Benefits and Customer Services

Response – 30 working days
Complaint not upheld

Complaint

The Council had issued a summons to the complainant's employer for the non-payment of Council Tax. The complainant stated that the Council had not applied the student discount to the property.

Council's response

During the investigation, it was found that the complainant had contacted the Council in June 2021 to state that six students were moving into a property they manage. The information provided by the complainant only showed four students. The Council requested that student certificates be provided in order for the discount to be correctly applied. This was not provided by the complainant and as such a Council Tax bill was issued for two people residing at the property. The certificates were provided in April 2022 and the Council subsequently applied the discount and cleared the arrears.

Following the completion of the students courses, several individuals remained in the property. A new bill was issued for the residents as they were now eligible to pay Council Tax. A charge was applied from June 2022 and payment was not made toward this new bill. A reminder was issued and a subsequent summons when payments were not made.

Head of Service Comments

The Council has attempted to work the complainant and their employer with the management of the properties and the tenants. Ultimately, the Council are required to collect Council Tax charges from eligible individuals.

52. Complaint against Housing Income

Response – 20 working days
Complaint not upheld

Complaint

The Council's Income Team were threatening the complainant with eviction if they did not pay toward their rent arrears.

Council's response

During the investigation, it was found that the complainant had fallen into significant rent arrears and the Council were required to obtain a court order to assist with the rent collection. The complainant had stopped paying their rent despite the court order and they were advised that by not paying, they were at risk of the Council ending their tenancy.

Head of Service Comments

The Council is obligated to contact individual's when they fall into rent arrears.

53. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The Council had not adequately dealt with and issue of Anti-Social Behaviour (ASB) and drug related activity within the area.

Council's response

During the investigation, it was found that the Council had opened an ASB when the complainant registered a noise issue with the block of flats. The Council monitored the issue but as no further noise related issues were registered, the Council closed the case.

The Council was made of potential drug related activity by the complainant. This was referred to the Police as the appropriate authority. The Police informed the Council that no evidence had been obtain in relation to drug activity.

Head of Service Comments

The Council appropriately monitored the ASB issues raised.

54. Complaint against Waste Services

Response – 20 working days
Complaint upheld

Complaint

The Council had frequently missed the complainant's bin collection.

Council's response

It was concluded that the Council had repeatedly missed the complainant's bin collection, particular the garden waste bin. The collection was repeatedly missed due to construction traffic and works taking place at the new build estate where the complainant lived.

In recognition of the inconvenience caused by the repeated missed collection, the Council apologised and refunded the subscription to the garden waste service and put additional

checks and return checks in place to ensure that the bins are collected on the scheduled day. There have been no further reports of a collection being missed.

Head of Service Comments

The Waste Team were reminded of the necessity to attempt collections where feasible. The appropriate actions have been put in place to rectify the issue raised by the complainant.

55. Complaint against Environmental Health

Response – 20 working days
Complaint upheld

Complaint

The Council had not adequately investigated an issue regarding noise nuisance.

Council's response

It was concluded that while the Environmental Health Team had taken steps to mitigate and investigate the noise nuisance, there had been a lack of communication with the complainant to provide updates on the status of the noise issue.

It was further found that while communication had not been to a satisfactory standard, the Council's Business Support Team had provided incorrect advice regarding the registration and investigation of noise nuisance complaints.

An apology was provided and the Environmental Health Team was reminded of its obligation to contact complainants in a timely manner. Furthermore, it was recommended that a fresher training session be provided to the Council's Business Support Team.

Head of Service Comments

The Environmental Health Team were reminded of the necessity to communicate with complainants in a timely manner.

56. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had locked away the complainant's utility meters which resulted in their utility bill being higher than expected.

Council's response

It was concluded that the Council had not locked away the complainant's utility meters. The lock to the meters are suited with the lock to the communal entrance. The complainant had access to the meters since the commencement of their tenancy and they were reminded that any discrepancy with their utility bills was the responsibility of their energy provider and themselves.

However, it was found that there had been delays in the Council confirming the suited locks with the complainant. This resulted in the complainant having to chase the Housing Repairs Team on multiple occasions for a response. An apology was provided for any inconvenience caused.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to communicate with tenants in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

57. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The complainant's property was in a state of disrepair on commencement of their tenancy.

Council's response

It was concluded that the Council had cleaned the property before commencement of the complainant taking up residence. However, during the cleaning process several repair issues were found and attended to. Following the additional repairs there was no record of an additional clean having taken place.

An apology was offered and the complainant was offered £150 compensation.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to book any additionally cleaning services where necessary following any works to a void property. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

58. Complaint against Revenues and Benefits

Response – 20 working days
Complaint not upheld

Complaint

The Council uses Royal Mail for the delivery of Council Tax bills and benefit change notifications. The complainant believed this to be inappropriate for important documents and often delivery does not take place.

Council's response

It was concluded that the Council had correctly generated and posted the complainant's Council Tax and benefit letters. The responsibility for their delivery was with Royal Mail.

Head of Service Comments

The use of Royal Mail as a postage service is standard practice.

59. Complaint against Housing Operations

Response – 20 working days
Complaint not upheld

Complaint

The Council did not allow the complainant to keep and charge a mobility scooter at their property. Additionally, the Council did not correctly take into account their medical needs and have not changed their housing band accordingly.

Council's response

It was concluded that at the time of the complaint, the complainant resided in a ground floor flat. As part of the Council's Mobility Scooter Policy, the Council require mobility scooters to be kept out of communal areas and charged in a safe manner so not to cause a fire risk. In this case, it was not possible to satisfy these requirements and as such the permission to keep a mobility scooter at the property was refused.

Furthermore, the Council had taken into account the complainant's medical needs when the appropriate information was provided. This resulted in the complainant being awarded a band one and an offer of a new property that was more suitable.

Head of Service Comments

The Council are required to consider all medical information, when provided by a professional, to ensure that all tenancies are managed fairly. Furthermore, the Council correctly applied the conditions of the Mobility Scooter Policy.

60. Complaint against Housing Repairs

Response – 20 working days
Complaint upheld

Complaint

The Council had not undertaken remedial works to the complainant's flat following a leak from the flat above.

Council's response

It was concluded that while inspections had taken place to the complainant's flat, follow up works had not been appropriately logged in order to repair the damage caused by the leak. This resulted in significant delays in the repairs being undertaken.

An apology and £200 compensation was offered to the complainant. Furthermore, the repairs were scheduled following the conclusion of the complaint.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to communicate with tenants in a timely manner and to book works in a timely manner. Furthermore, work had commenced

on reviewing the services as a whole to determine where significant improvements could be made.

61. Complaint against Planning Services

Response – 20 working days
Complaint upheld

Complaint

The Council had not correctly taken a planning application to the Council's Planning Committee despite a request from the complainant's local Councillor for it to be considered. This resulted in the application being determined using delegated powers. The complainant requested that planning approval be revoked for the application.

Council's response

It was concluded that the complainant's local Councillor had requested that a specific planning application be considered at a meeting of the Council's Planning Committee. It was found that the Head of Planning and Economic Development had correctly passed the request to the case officer to start the process of taking the application to the Planning Committee. However, the case officer had missed this request.

An apology was offered to the complainant. Furthermore, it was explained that planning permission cannot be revoked due to an administrative error. The permission could only be revoked if a material planning consideration had not been taken into account.

The case officer's report detailed the complainant's objections to the application thoroughly. These objections were not material planning considerations and the professional opinion of the Planning Team was that the application was acceptable.

The Planning Team are reviewing their practises regarding Councillor call-ins in order to formalise the process.

Head of Service Comments

It was regrettable that the application was not heard at the Planning Committee as had been requested. It was not the intention to cause the complainant any distress or to disenfranchise them. The Planning Team had correctly considered the complainant's objections and ultimately the application was acceptable for the area.

62. Complaint against Housing Repairs

Response – 20 working days
Complaint withdrawn

Complaint

The complainant's property was in a state of disrepair on commencement of their tenancy.

Council's response

During the course of the investigation, the works required to the complainant's property were undertaken. As the outcome that the complainant desired had been achieved, they requested that the complaint be closed without further investigation.

Head of Service Comments

The Housing Repairs Team will continue to monitor and book any works that are required to the property.

63. Complaint against Legal Services

Response – 30 working days
Complaint upheld

Complaint

The Council had delayed the complainant's Right to Buy application.

Council's response

It was concluded that while the Council had commenced the Right to Buy application appropriately, there were several months in which the Council and the complainant's solicitor did not communicate with each other despite the application still being processed.

The complainant's solicitor had provided the complainant with information to suggest that they had chased the Council during the months in which no communication was taking place. There is no record of these reminders having been received by the Council.

The Council during this time were awaiting additional information from the complainant's solicitor in order to complete the sale. This related to a signed duplicate of the complainant's lease. The information was hand delivered to the Council but not in duplicate. There was a period of delay in the Council attempting to locate the copy of the signed lease to determine if two copies were delivered.

The Council recognises that a more proactive approach could have been undertaken to ensure that the process was concluded in a timely manner.

An apology was offered and the complainant was provided with details on how to complain about the service provided by their solicitor should they wish.

Head of Service Comments

While the process had been undertaken correctly, it was recognised that a more proactive approach could have been undertaken in order to complete the sale in a timely manner and eliminate doubt that the Council had caused the delay.

64. Complaint against Housing Repairs

Response – 30 working days
Complaint upheld

Complaint

The Council had delayed the repair of a leak at the complainant's property.

Council's response

It was found that the leak in which the complainant had reported was an outside tap. The complainant informed the Council of this through the out-of-hours' service over the Christmas period. The leak was classed as a non-emergency and was subsequently capped the following day.

During this time, the complainant had turned off the property's stop-cock resulting in them having no heating or water. There is no evidence to suggest that the Council provided this advice or similarly to turn the stop-cock back on.

Additionally, while the leak had been capped, there was no record of the full repair having been booked.

An apology was offered to the complainant if the advice regarding the stop-cock had not been correctly provided to them. The complainant was advised that the Housing Repairs team would contact them to provide a date for the full repair.

Head of Service Comments

The Housing Repairs Team were reminded of the necessity to communicate with tenants in a timely manner and to book works in a timely manner. Furthermore, work had commenced on reviewing the services as a whole to determine where significant improvements could be made.

65. Complaint against Housing Repairs

Response – 30 working days
Complaint upheld

Complaint

The complainant's property was in a state of disrepair on commencement of their tenancy. This included damp issues caused by the failing of a damp proof course.

Council's response

It was found that while void works had taken place, there was no record or signs of damp related issues at the property.

As the Council attended the property to replace a kitchen cupboard it was found that the damp course behind the kitchen cupboards had failed and had caused a significant damp issue within the area.

As the works were extensive the complainant was offered a temporary decant or permanent move to a different property. The complainant chose to move to a new property.

Furthermore, the Council offered an apology and £300 compensation.

Head of Service Comments

The Council recognises the inconvenience caused by the damp issues not being correctly identified in the first instance. The appropriate action has been undertaken to remedy this.

66. Complaint against Housing Repairs

Response – 20 working days
Complaint - upheld

Complaint

The Council had not adequately dealt with an issue of damp and mould at their property.

Council's response

It was found that damp inspections had taken place and it was identified that the guttering was damaged at the property causing water to pour on to the walls. The Council repaired the guttering on several occasions but this repair failed causing the leak to return. The Council has since repaired the leaking guttering without it further returning.

It was recognised that the work undertaken to repair the guttering was not satisfactory and caused an inconvenience to the complainant.

Furthermore, the Council offered an apology and £200 compensation.

Head of Service Comments

The Council recognised the inconvenience caused by the damp issues not being correctly identified in the first instance. The appropriate action has been undertaken to remedy this.

67. Complaint against Planning Service

Response – 20 working days
Complaint not upheld

Complaint

The Council had approved an application for planning permission for gate that was built on the complainant's property without their permission.

Council's response

It was found that the applicant for the gate had submitted the appropriate plans and notices for the erection of the gate.

The notices show that the appropriate land owner was notified of the application to install the gate, in this case, the land owner was not the complainant. Furthermore, the Case Officer

had appropriately considered the complainant's objections and determined that the application was appropriate for the area.

Issues of land ownership are not a material planning consideration and the complainant was advised to seek independent legal advice.

Head of Service Comments

The Council had correctly assessed and determined the application.

68. Complaint against Capital Works/Housing Repairs

Response – 20 working days
Complaint – upheld

Complaint

The Council's contractor had damaged the complainant's flooring during works to the damp proof course. Additionally, there were outstanding works that required attention at the property.

Council's response

It was found that the floor had become dirtied and damaged during the works to the damp proof course by the external contractor undertaking the works on behalf of the Council.

Furthermore, the Council has not correctly managed the expectations of the complainant in relation to the repairs that were required at property by misinforming the complainant of what works were due to take place and due to the lack of communication relating to the outstanding works.

An apology and £300 compensation was offered. The offer of compensation was not accepted.

Head of Service Comments

The Council recognises the inconvenience caused by the damage to flooring. The Council offered an appropriate action to remedy this.

69. Complaint against Housing Repairs

Response – 20 working days
Complaint not upheld

Complaint

An Officer of the Housing Repairs department trapped the complainant's leg in a door while they attempted to leave the property.

Council's response

It was found that while the Housing Repairs Officer was at the property to discuss repair issues, the complainant became aggressive and the Officer left the property due to their conduct.

While the Officer was leaving the property the complainant placed their foot in the door prevent the Officer from closing the door.

The complainant contacted the Police regarding this issue. The Police in turn closed the investigation as no evidence could be provided by the complainant.

Head of Service Comments

The Council was unable to locate any information to suggest that the Officer had deliberately shut the door on the complainant's leg. Due to the aggressive nature of the complainant, the Officer left the property but the complainant attempted to prevent this from being undertaken in a safe manner.

70. Complaint against Environmental Health

Response – 20 working days

Complaint – upheld

Complaint

The Council had provided incorrect advice regarding turning a former Council flat into a House in Multiple Occupation (HMO) which had negatively affected the complainant.

Council's response

It was found that while the Environment Health Team had correctly informed the complainant of the works required to bring the property into a lettable standard, it was determined the property was not suitable to become a HMO and that the complainant should seek independent legal advice regarding the property.

The complainant disputed this conclusion and the Environmental Health maintained its position.

However, the case officer contacted the complainant to express a personal apology to the complainant should they feel that they had been misinformed. The complainant further contacted the Council to state that the apology they had been offered was an admission of wrongdoing.

As part of the stage 2 complaint, the position of the Council was clarified. An apology was offered for any confusion caused by the case officer and it was identified that this contact was not appropriate.

Head of Service Comments

The Environmental Health Team have been reminded of their responsibility to correctly and appropriately contact complaints to manage their expectations.

71. Complaint against Capital Works

Response – 30 working days
Complaint –not upheld

Complaint

The complainant had been discriminated against by the Council's Aids and Adaptations Team.

Council's response

It was found that the Aids and Adaptations team had correctly assessed the requests for adaptations made by the complainant. This being the installation of driveway at the complainant's property.

It was determined that the driveway was not possible to install due to a large tree at the property and the complainant's Occupational Therapist informing the Council that the driveway was not necessary.

There were no records to indicate that the complainant had been discriminated against.

Head of Service Comments

The Capital Works Team had correctly assess the needs of the complainant in line with the Council procedures and information submitted by a medical professional.

72. Complaint against Housing Operations

Response – 30 working days
Complaint –not upheld

Complaint

The complainant has been placed in the wrong housing band and their medical information was not correctly assessed when placing them in their current banding.

Council's response

It was found that the complainant had contacted the Council in order to increase their banding on the housing allocations list. The Housing Operations Team contacted the complainant to request any medical information that would allow for them to have their banding increase.

The complainant did not supply the requested information and therefore the Housing Operations Team were unable to increase the banding.

Head of Service Comments

The Housing Team correctly followed the Council's Allocations Policy. Consistent use of the Policy ensures that the housing register is fairly administered.

APPENDIX 3

Stage 3 - Ombudsman Complaints

1. Complaint against Freedom of Information (stage 2 no.30)

The complaint was not upheld.

Complaint

That the Council had withheld data requested under the Freedom of Information Act.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council withholding the information.

2. Complaint against Council Tax (stage 2 no.11 and 32)

The complaint was not upheld.

Complaint

That the Council had not adequately managed their Council Tax account. Specifically, the complainant did not believe they owed the amount of arrears the Council Tax Team were chasing.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council's management of the Council Tax.

The Local Government Ombudsman requested that the Council re-investigate the stage 2 complaint as they were unable to find an issue of fault within their initial investigation. They believe the complainant may have been confused by the correspondence sent by the Council.

3. Complaint against Planning (stage 2 no.5)

The complaint was not upheld.

Complaint

That the Council had not adequately considered their objections into a neighbouring planning application.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making when approving the application. It was found that all the objections submitted were documented and considered before the application was deemed appropriate.

4. Complaint against Housing Repairs (complaint concluded in 2021/22)

The complaint was upheld.

Complaint

That the Council had not rectified an issue of damp within their property.

Ombudsman's conclusion

It was found during the stage 2 complaint process, that the property had been subject to a series of leaks for a number of years due to the failure to install and properly repair a fascia.

During the stage 2 complaint process the Council recognised that the leak had been persistent and that there had been significant delays in the repairs being undertaken. The Council offered the complainant £1,000 compensation in recognition of these delays.

The HO confirmed the fault found by the Council but found further fault in the way the compensation had been calculated. The HO further found fault that the initial stage 1 complaint was not dealt with in a timely manner.

The HO recommended an additional payment of £700 be made in recognition of this delay and inconvenience.

The Council has made the compensation payments to the complainant.

5. Complaint against Housing Operations (stage 2 no.1)

The complaint was not upheld.

Complaint

That the Council had not allowed them to be entered on to the Council register.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making to refused the complainant access to the housing register. The LGO noted that the complainant did not make the criteria as set out by the Allocations Policy and therefore it was appropriate to refuse the application.

6. Complaint against Planning (complaint concluded in 2021/22)

The complaint was not upheld.

Complaint

That the Council had not adequately considered their objections into a neighbouring planning application.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making when approving the application. It was found that all the objections submitted were documented and considered before the application was deemed appropriate.

7. Complaint against Council Tax (stage 2 no.6)

The complaint was not upheld.

Complaint

That the Council had inappropriately removed the complainant's single person discount from their Council Tax.

Ombudsman's conclusion

The Local Government Ombudsman found that there was no fault in the Council decision making when removing the single person discount. It was found that the Council had acted on information provided by another Council appropriately. It was noted that this change was highlighted to the complainant over several years and bills. It was the responsibility of the complainant to check the bills are accurate.

8. Complaint against Housing Repairs (complaint concluded in 2021/22)

The complaint was not upheld.

Complaint

That the Council did not adequately undertake repairs to a noisy boiler.

Ombudsman's conclusion

In summary, the complainant contacted the Council regarding the noise made by their boiler when it was used.

It was found that boiler was inspected on several occasions by several different officers. On each occasion the officer noted that the boiler was in full working order and that the noise was typical of a boiler.

The HO determined that the boiler was correctly working and that the Council had undertaken the appropriate action by inspecting the boiler when it was reported by the complainant.

9. Complaint against Environment (stage 2 no.8)

The complaint was upheld.

Complaint

In summary, the complainant, a member of an allotment association operating on a Council allotment contacted the Council to dispute the termination of their tenancy by the association.

It was found that the complainant was advised that the decision to terminate the tenancy was not undertaken by the Council but by the Allotment Association that had the necessary powers to do so.

The Council attempted to assist the complainant with the termination but ultimately determined that the behaviour of the complainant, the police and involvement and correspondence issued by the Allotment Association was sufficient. It was determined that the Council could not provide any more assistance in the matter. The complaint was subsequently offered use of an alternative plot on another allotment site.

Ombudsman's conclusion

The LGO determined that the Council had not appropriately dealt with the complainant complaint as a significant delay had occurred in the stage 1 complaint being issued. Furthermore, the LGO determined that the Council should have a management procedure in place to deal with issues in which individuals complain about allotment associations on Council owned allotment sites.

The LGO found fault in the Council's in handling of the complainant's stage 1 complaint. Additionally, fault was found in the Council's management of the Allotment Association. It was recommended that the Council review its management procedures of allotments and the Allotment Association, issue an apology and £100 compensation to the complainant.

The Council provided a written apology to the complainant and requested that their required bank details be provided in order to facilitate the payment. However, the complainant has not provided these bank details to date. This payment will remain available to the complainant should they wish to accept it and provide the necessary details.

As recommended, the Environment Team have now reviewed their procedures for the management of allotment sites.

10. Complaint against Housing Operations (complaint concluded in 2021/22)

The complaint was upheld.

Complaint

The concern raised was that the Council did not conduct the consultation in a relation to the demolition of two garage sites correctly. Additionally, the Council had not communicated effectively with the complainant.

Ombudsman's conclusion

The LGO determined that the Council had correctly assessed and consulted with residents regarding the demolition of the garage sites.

The LGO recognised that the complainant submitted lengthy correspondence to the Council, which were responded to fully and in a timely manner. However, an e-mail was not responded to by a former employee of the Council. As part of the stage 1 complaint, a response to this e-mail was provided.

The LGO was satisfied that the e-mail was responded to, albeit delayed, and that this was the appropriate action to take to remedy the issue. However, the LGO recorded this decision as a fault and subsequently upheld the complaint.

It should be noted that despite this information being provided to the LGO on three separate occasions, the initial decision did not include the fact that the Council had responded to the missed e-mail until challenged.

11. Complaint against Waste Services (stage 2 no.54)

The complaint would not be investigated.

Complaint

The Council had frequently missed the complainant's bin collection.

Ombudsman's conclusion

The LGO determined that the Council had correctly put in place the appropriate actions by refunding the garden waste subscription and putting additional checks in place. As the bins had not been reported as missed since the conclusion of the stage 2 complaint an additional investigation by the LGO would not provide a different outcome.

12. Complaint against Building Control (complaint not raised with the Council)

The complaint would not be investigated.

Complaint

The Council had failed to identify Building Control issues with a property before signing it off as compliant with the appropriate regulations.

Ombudsman's conclusion

The LGO determined that the Council was not responsible for the defects with the property and that the responsibility for any warranty on the property lay with the developer and the complainant.

It should be noted that this complaint was not considered at stage 1 or 2 of the Council's complaint procedure. It should be noted that this complaint has not followed the usual LGO process. In that the LGO did not contact the Council to request that the complaint be processed through the Council's complaint procedure.

The LGO determined the complaint without the Council's process being undertaken or consulted with. Furthermore, Building Control functions are undertaken by Erewash Borough Council (EBC) on behalf of the Council and therefore this complaint should have been registered against EBC and not the Council.

There is no evidence to suggest that EBC have been consulted or notified of this decision.

The Council has written the LGO to reconsider the allocation of this complaint to the responsible authority.

13. Complaint against Planning Services (complaint conclude in 2021/22)

The complaint was not upheld.

Complaint

The complaint raised was that the Council had not appropriately dealt with a neighbouring planning application.

Ombudsman's conclusion

The LGO determined that the Planning Department had considered the planning application in line with the necessary legislation and internal policies. Furthermore, the complainant's specific objections were considered and referenced by the Planning Department before the decision to approve the application was considered.

It was concluded that the Council had acted appropriately when determining the planning application.

Report of the Monitoring Officer

REPORT OF THE MONITORING OFFICER1. Purpose of Report

The Local Government Ombudsman (LGO) has made a finding of injustice in respect of the Council failing to intervene with a complaint regarding the eviction from an allotment association and the failure to correctly process the complaint at stage 1 of the Council's procedure.

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail

In summary, the complainant contacted the Council to state that they had been evicted from their allotment by the association that ran the site and wanted the Council to intervene.

The Council reviewed the complainant's issue and determined that no further action could be undertaken by the Council as the decision to evict the complainant was within the rights of the allotment association to undertake. However, the LGO found fault that the Council had delayed this response and responded to the complainant outside of the timeframe specified by the Complaints Procedure. Furthermore, it was found as the owner of the allotment, the Council should have an appeals process in place in to deal with such disputes. As the Council did not have such a process, the LGO found further fault.

The LGO has ordered the Council to pay the complainant £100 compensation in recognition of the issues caused. It should be noted that despite several attempts by the Council to obtain the necessary bank details from the complainant to facilitate the payment, these details have not been provided.

This payment will remain available to the complainant should they wish to accept it and provide the necessary details.

As recommended by the LGO, the Environment Team has reviewed its procedures for the management of allotment sites.

The full report is attached as an appendix.

4. Financial Implications

The comments of the Head of Finance Services were as follows:

The cost of this compensation would be charged to the service budget when accepted by the complainant.

5. Legal Implications

The comments of the Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows:

N/A

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

N/A

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil

The Ombudsman's final decision

Summary: Mr X complained about the Council's failure to intervene when he was evicted by an allotment association, acting on the Council's behalf, and its complaint handling. We have found fault with the way the Council handled Mr X's complaint. To remedy the injustice caused by this fault, the Council has agreed to apologise, make a payment to Mr X, assess the allotment association's appeal and review process and share this decision with relevant officers.

The complaint

1. Mr X complains an allotment association ("the Association"), acting on the Council's behalf, unfairly evicted him following a boundary dispute. He says the Council has not supported him or followed its complaints guidance. Mr X says he is missing out on the physical and mental benefits of his allotment.

What I have investigated

2. Paragraph six (below) applies to this complaint. I have exercised discretion to investigate Mr X's complaint back to 2020, when he first contacted the Council about the issues as it did not progress the matter at this time.

The Ombudsman's role and powers

3. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
4. We cannot question whether an organisation's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
5. We investigate complaints about councils and certain other bodies. Where an individual, organisation or private company is providing services on behalf of a council, we can investigate complaints about the actions of these providers. (*Local Government Act 1974, section 25(7), as amended*)

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6. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
 7. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(j), as amended*)

How I considered this complaint

8. I have considered all the information Mr X provided and discussed this complaint with him. I have also asked the Council questions and requested information, and in turn have considered the Council's response.
9. Mr X and the Council had the opportunity to comment on my draft decision. I have taken any comments received into consideration before reaching my final decision.

What I found

The relevant law

10. Under The Smallholdings and Allotments Act 1908, a council must ensure there are allotments in its area if six or more people in the area ask for them.

Contractual arrangements

11. A council can manage allotments in its area or can instead jointly manage allotments with an allotment association. A council can also lease land to an association to delegate the entire management to the Association or similar body.
12. When a council leases out land, the lease will set out the terms under which the council grants use of the land to the association or the trustees. This contract is between the council and the association and does not automatically result in a direct or implied contractual relationship between the council and the individual allotment holder.
13. In this case, while no contract exists between the individual allotment holder and the Council, the Association is acting on behalf of the Council in providing allotments on the land under the 1908 Act. There is an agreement between the Council and the Association that sets out the expectations of how the allotment should be run.

What happened

14. Mr X leased an allotment in the Council's area and had done so for several years. The day to day running of the allotments is carried out by the Association which is run by an allotment committee (the AC). The site became self-managed in January 2018 after its transfer from the Council.
15. The Council sent out named letters to allotment holders before the transfer. These advised that if the individual did not consent to the Council sharing their information with the Association, then their tenancies would be terminated.
16. The agreement between the Council and the Association states that the Association shall be responsible for the complete day to day running of the allotments, shall give notice to allotment holders for breach of agreement and will ensure compliance with the Council-approved tenancy agreement.

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17. In September 2020, the AC wrote to Mr X about alleged boundary disagreements between him and his allotment neighbour. The AC also reminded Mr X about the condition of his tenancy agreement stipulating that plot holders respect the boundaries between their plot and those next to them. The AC had marked out the boundary between Mr X and his neighbour.
 18. Mr X wrote to the Council in November 2020 to ask it to intervene. He felt he had reached deadlock in his negotiations with the AC and he said he wanted to use his right to an appeal to the Council.
 19. Over the coming months, Mr X and the AC communicated on numerous occasions. The AC sent several letters to him about the boundary issue.
 20. At the end of April 2021, Mr X visited the Council offices to seek assistance as he said he had never received a reply to his letter of November 2020. A Council officer (Officer J) then contacted him.
 21. Officer J liaised with the AC and Mr X over the coming months to try and mediate the situation.
 22. The AC wrote to Mr X in the middle of August 2021. Following a committee meeting, it decided to formally terminate his tenancy with immediate effect. The letter cited various actions which it considered as a violation of his tenancy agreement, all of which were related to the boundary dispute.
 23. At the beginning of October 2021, Officer J wrote to Mr X and confirmed he was waiting to obtain a written report from the police about alleged incidents at the allotment. He confirmed, in writing, the Council's previous verbal offer of an alternative allotment plot at a different site.
 24. Mr X wrote to the Council to make a formal complaint later in October 2021. He complained that Officer J had now changed his stance, was asking him to give up his plot and had taken a year to respond to him in writing.
 25. In December 2021, Mr X approached the Ombudsman to raise a complaint. We referred him back to the Council as it had not yet responded to him.
 26. Late in December 2021, the Council wrote to Mr X in response to his complaint letter from October. In this letter, the Council:
 - apologised for the delay in responding;
 - recounted the main points of contact that Council officers had already had with Mr X, including its unsuccessful attempts to telephone him on numerous occasions;
 - advised that the day-to-day running of the allotment was administered by the AC, re-iterating that if the AC makes the decision to terminate a tenancy it was its right to do so;
 - advised the Council could do nothing further; and
 - confirmed the position of the Council to offer Mr X a plot at another allotment site.
 27. Mr X contacted the Ombudsman again in January 2022 to complain about the Council. He was referred back to the Council by us. When we asked the Council if it had completed its complaints process, it said no. We asked it to ensure the procedure was completed and that it remain in contact with Mr X.
 28. In mid-March 2022, the AC again sent Mr X a letter outlining the reasons for the termination of his tenancy.

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29. At the same time, Mr X again approached the Ombudsman to try and log a complaint. We asked the Council if it had completed its complaints process, it said no. We referred Mr X back to the Council again. We again asked it to ensure the procedure was completed and that it remain in contact with Mr X.
 30. Mr X complained to the Council again late in April 2022. The Council treated this as a stage two complaint escalation request.
 31. As part of its subsequent investigation in May 2022, the Council received copies of nine letters the AC sent to Mr X between September 2020 and March 2022. The AC explained the key events surrounding the eviction and explained its justification for doing so.
 32. Later that month, the Council sent its stage two complaint response and directed Mr X to the Ombudsman if he remained dissatisfied.

Analysis

33. Mr X complained the Council has not supported him or followed its complaints guidance and that he was unfairly evicted. In this context, I am investigating both the actions of the Council and the Association who acts on its behalf.

The boundary dispute

34. The Council is the landlord of the Association and should ensure it abides by the terms of its lease.
35. Mr X says the Council did not respond to his original request for help in November 2020. Mr X then waited almost five months before he contacted the Council again. The Council's failure to respond in November is fault. However, I cannot ignore the fact Mr X did not pursue the matter during these five months. For this reason, I cannot therefore say Mr X suffered any significant injustice as a result of this delay.
36. I have considered the Council's actions once it became aware of the ongoing dispute in April 2021. Case records show the Council:
 - went further than it was required by trying to act as a mediator between the two parties;
 - visited the site to view the boundary line established by the AC and was satisfied it was in the correct position; and
 - offered Mr X a plot elsewhere.
37. In May 2022, the Council received the Association's documents and written rationale for evicting Mr X. The Council should have made enquiries in December 2021 following Mr X's complaint about his eviction, rather than wait until May 2022 after he had complained to it further. This is fault. However, there is no injustice to Mr X as when the Council did make enquiries the outcome was the same.
38. When it did view the documents, the Council was satisfied the Association had acted within the terms of the tenancy agreement. This is a decision the Council was entitled to make. There is no fault in its actions here.

Right of appeal to the Council

39. Mr X asked to use his right of appeal when he contacted the Council in November 2020. The tenancy agreement with the Association contains no right of appeal to the Council. Any right that may have been contained in Mr X's previous tenancy agreement ceased when the Association took over. There is no fault on the part

of the Council here because it was up to the Association, not the Council, to decide what appeal rights should be included within its agreement with its tenants.

The eviction process

40. Mr X complains he was unfairly evicted by the Association. Even though it has overall responsibility for the day-to-day running of the allotments, the Association is still acting on behalf of the Council. As such, the Council should ensure it is satisfied with the processes and procedures the Association uses.
41. Evidence shows that the Association wrote to Mr X on multiple occasions from September 2020 to March 2022. In these letters, the Association:
 - explained its concerns;
 - clarified the consequences of not respecting the boundary imposed; and
 - offered Mr X the chance to appeal the boundary decision.
42. Correspondence sent by the Association to Mr X shows that he did not always engage with it when it wrote to him to advise of his right to an appeal regarding the dispute. However, Mr X's termination letter advises that the boundary was verified on appeal but is unclear when this took place.
43. Letters from the Association show Mr X was not always advised of a timescale by which to lodge appeals, so it sent him subsequent letters to clarify when he should respond by.
44. As part of my enquiries to the Council, I asked it to send me details of any appeals process for tenants of the allotments. No evidence was provided. Additionally, there is no process for appeal mentioned in the tenancy agreement between the Council and the Association or the separate agreement between the Association and the allotment tenants.
45. Whilst it is clear that Mr X was offered the right to an appeal with the Association and that the Association reviewed its decision to evict, it is unclear whether the Association has this process written down and how it might be shared with tenants. Furthermore, 'appeal' is mentioned in some correspondence but the eviction itself was 'reviewed' by the Association. This leads to a lack of clarity on what the processes are.
46. The Council has provided no evidence to show it has viewed any such review or appeal document should it exist. This is a fault. Where a complaint is received, the Council should take steps to ensure that any review or appeal process is written down, is transparent and fit for purpose. I have made a recommendation to remedy this fault below.
47. Despite this lack of clarity regarding reviews and appeals, it remains the case that the Association was entitled to make the decision to evict Mr X. The Association reviewed and confirmed its decision in March 2022. Any fault on the part of the Council in not checking any review or appeal process is mitigated by the fact that the outcome for Mr X would have been the same due to the violation of his tenancy agreement, therefore there is no injustice to Mr X in this regard.

Formal complaint process

48. When Mr X made a formal complaint in writing to the Council in October 2021, it took ten weeks to respond. This was not in accordance with its published complaints process. The Council did not advise Mr X of his right to seek a stage two response from its separate complaints team if he was still unhappy. Instead, it

said there was nothing more it could do. The delay and miscommunication is fault and would have caused Mr X frustration. I have made recommendations below to remedy this injustice.

Agreed action

49. To remedy the injustice caused by the faults I have identified, the Council has agreed to take the following action by 26 January 2023:
- apologise to Mr X for not correctly handling his complaints;
 - pay Mr X £100 to acknowledge the time and trouble taken to make them;
 - assess any review or appeal process used by the Association and
 - a) consider amending the Association's formal agreements with both the Council and allotment tenants to refer to these processes;
 - b) ensure any review or appeal processes are written down and readily available to share should the need arise; and
 - share this decision with relevant officers to remind them of the proper complaints handling process.

Final decision

50. I have now completed my investigation. I uphold this complaint with a finding of fault causing an injustice.

Investigator's final decision on behalf of the Ombudsman

Report of the Monitoring Officer

REPORT OF THE MONITORING OFFICER1. Purpose of Report

The Local Government Ombudsman (LGO) has made a finding of injustice in respect of the Council failing to respond to an e-mail in timely manner.

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail

In summary, the complainant contacted the Council regarding the consultation undertaken in relation to the demolition of a garage site.

The Council found that no fault was undertaken during the consultation process. This was further confirmed by the LGO. However, an e-mail that was sent by the complainant to a former employee was not responded to. Upon being alerted to this, the Council provided a full response to the complainant's e-mail.

It should be noted that despite the Council providing the information to the LGO demonstrating a full response was provided to the missed e-mail on two separate occasions, the LGO initially concluded that no response was issued. The Council challenged this and the information was provided for a third time. The LGO revised the decision to demonstrate that the Council had provided a response.

Despite the above, the LGO found that not responding to the e-mail in a timely manner caused the complainant injustice. However, the LGO was satisfied that the appropriate action was undertaken to remedy to the complaint before the complaint progressed to the them.

No further action was required by the Council.

The full report is attached as an appendix.

4. Financial Implications

The comments of the Head of Finance Services were as follows:

No financial implications associated with this report.

5. Legal Implications

The comments of the Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows:

N/A

8. Climate Change Implications

The Comments from the Waste and Climate Change Manager were as follows:

N/A

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil

The Ombudsman's final decision

Summary: Miss X complained the Council allowed her mother, Mrs Y's garage to fall into disrepair. Miss X complained the Council did not follow a fair process when deciding to demolish the garage and communication has been poor. We do not find fault with how the Council maintained Mrs Y's garage or made the decision to demolish it. We find the Council at fault for failing to respond to one of Miss X's emails, but we are satisfied it has acted to acknowledge the injustice this has caused.

The complaint

1. Miss X complains the Council has failed to maintain Mrs Y's garage in line with her agreement and allowed it to fall into disrepair, despite increasing rent and directing funds elsewhere. Miss X also complains about how the Council made the decision to demolish the garage, how it consulted on this, and believes its communication has been poor.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We consider whether there was fault in the way an organisation made its decision. If there was no fault in the decision making, we cannot question the outcome. (*Local Government Act 1974, section 34(3), as amended*)
4. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

5. I spoke to Miss X about her complaint and considered information she provided. I also considered information received from the Council.
6. Miss X and the Council had a chance to respond to a draft of this decision, and I considered any comments before making a final decision.

What I found

The Council's Garage Management Policy

7. The Council's Garage Management Policy is published on its website. The policy explains the Council can terminate garage tenancies under certain circumstances, including when the Council requires possession for demolition. It explains that as a garage tenancy is not a dwelling, tenants have no security of tenure and tenancy can be ended by the Council serving a 28 day Notice to Quit.
8. The Council's policy explains the Council will ensure garage stock is kept in a good standard of repair and improved on a programmed basis to ensure they remain in good condition. It goes on to explain if the Council decides to redevelop a garage site it will terminate existing tenancies and provide an alternative garage to rent where possible.
9. The Council also publishes its Garage Strategy 2020-2024 on its website. This explains the Council has three priorities for housing which is impacted by its garage stock:
 - Build more houses, more quickly on under used or derelict land
 - Invest to ensure homes are safe and more energy efficient
 - Prevent homelessness and help people to be financially secure and independent
10. The strategy document explains its purpose is to ensure garages and surrounding land are managed effectively and efficiently, maximising rental income for the Council and providing development opportunities for affordable housing.
11. One of the key considerations set out in the Garage Strategy is to deliver sites for development to enable the Council to use land for housebuilding. The Garage Strategy explains the Council will involve communities in decision making with early consultation and involvement of local residents an essential part of that.

Garage tenancy agreements

12. The Council's garage tenancy agreements are a legal contract between the Council and its garage tenants. This sets out both the tenant and the Council's obligations. It states the Council will carry out any repairs that are required to the garage but does not specify whether or how frequently it will carry out any modernisations.

What happened

13. Miss X and Mrs Y are Council tenants. The property they occupy backs onto an area of hardstanding for car parking and some garages, one of which Mrs Y rented on a separate agreement to her social housing.
14. In January 2020, the Council decided to consider the garages for demolition so it could put up new houses. At this time, the Council conducted a parking survey to better understand the needs within the area.
15. The Council has said it stopped including the garages in its modernisation program after it decided to consider them for demolition as it felt this would not be a good use of public money. However, it has said it still undertook repairs reported as needed on any occupied garages.
16. In May 2020 the Council wrote to the garage tenants explaining there were alternative garages available for rent on different sites.

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17. While there was no statutory duty to consult with the garage tenants, in November 2020 the Council sent consultations to garage tenants and local residents to inform them of its plans and seek their views. Responses to the consultation were presented to the Council's Housing Delivery Plan committee to consider how to proceed.
 18. In response to the consultation, Miss X wrote to the Council in December 2020. Miss X explained she objected to the Council demolishing the existing garages and provided 104 points to support her position.
 19. The results of the consultation showed only 20% of respondents supported the Council's proposal. The main objections identified were concerns about the lack of parking, loss of privacy and overshadowing to existing homes, increased noise, population density in the area, damage to local nature, and the potential for increased crime and anti-social behaviour.
 20. Miss X wrote to the Council again on 9 January 2021 reiterating her concerns and providing a further 25 points to consider. Miss X also explained she felt the Council's failure to keep the garages in its modernisation program may have created a bias towards the Council's position.
 21. On 15 March the Council received a request to inspect Mrs Y's garage roof and door, its records show it did this on 30 March.
 22. On 26 March the Council responded to Miss X's letter of December 2020, addressing each of her 104 points.
 23. On 8 April the Council received a request to repair the roof of Mrs Y's garage. Its records show it did this on 19 May.
 24. Miss X responded to the Council further on 26 April to question the Council's response and raise an additional 60 points for consideration. The Council has confirmed it did not respond to Miss X's email of 26 April until several months later but has no explanation for this.
 25. Miss X then called the Council on 6 October to complain about the decision to demolish the garages. Miss X said by explaining garage tenants could apply for garages elsewhere as part of the consultation, she believed the Council had pre-empted the decision. Miss X explained she felt the Council had ignored her and the decision-making process had been unfair with tenants' views not properly considered. Miss X also enquired about where the Council was in terms of the planning process.
 26. The Council responded to Miss X's complaint on 12 November. It explained:
 - It understood that by offering alternative garages it may seem as though a decision had already been made, but that was not the case and it was just offering the opportunity for tenants to explore other options.
 - It believed it had responded to Miss X's email of 26 April, but it apologised if this was not the case and agreed it could not see any evidence of a reply. The Council agreed Miss X had to chase a response and apologised for this being below its usual standards.
 - No planning application had yet been submitted but would be later in the year and residents would have a chance to comment on the application.
 - There is no evidence the consultation was not completed appropriately, and it felt it had addressed Miss X's points in its email of 26 March.

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27. On 30 November the Council wrote to Miss X to provide a response to her email of 26 April.
28. Miss X wrote to the Council again on 17 February 2022. Miss X explained she disagreed with the Council's response to her complaint and asked it to reconsider this. On 22 February Miss X wrote to the Council again to reiterate her complaint points.
29. On 14 April the Council wrote to Miss X to give its final response to her complaint. The Council explained:
- It had provided a comprehensive response to Miss X's complaint on 12 November 2021. It explained it had tried to answer all of Miss X's points but apologised if it had missed anything and invited her to highlight any concerns that remained unanswered.
 - Mrs Y had received two consultation letters – one as she was a resident near the proposed development and one as she was a garage tenant on the land relating to the proposed development. Both letters were different and contained different information. The reference to taking a new garage elsewhere was only mentioned as an option due to Mrs Y renting one of the garages being consulted on.
 - Once the Council decided to consider demolishing the garages it decided to reduce the maintenance as it could better invest this money elsewhere but it still committed to repairing the occupied garages on request.
 - It carried out a parking survey in January 2020 and considered this as well as the dwellings in the proposed development to calculate what parking would be needed.
 - The proposed development would not go ahead if the planning application was unsuccessful but, if this were the case, the Council may submit revised plans and this would mean another opportunity for public comments.
 - Mrs Y had an opportunity to object to the demolition of the garages and could comment on material planning aspects during the planning application. The consultation was not a statutory process but was undertaken as a matter of best practice to get comments from local residents.
 - The Council noted and considered any correspondence received during the consultation.
30. Unhappy with the Council's response, Miss X brought her complaint to the Ombudsman later that month.
31. In response to a draft of this decision, Miss X said she believed the Council had already decided to dispose of the garages as far back as 2017 and the consultation was weighted unfairly towards achieving this aim. Miss X said she felt the process was unfair and the Council acted to create bias towards its objective of disposing of the garages.

Analysis

32. When considering complaints, if there is a conflict of testimony or evidence, we make findings based on the balance of probabilities. This means weighing up the available relevant evidence and basing our findings on what we think was more likely to have happened. Sometimes it is not possible to come to a finding, even on the balance of probabilities, where there is no independent evidence and both sides have differing views on the same events.

Failure to maintain Mrs Y's garage

33. The terms of the Council's garage tenancy agreements oblige it to carry out repairs, they do not oblige it to carry out regular modernisation.
34. The Council decided it would not be a good use of funds to include Mrs Y's garage in its modernisation program from January 2020 as it had identified it as a possible candidate for demolition. I can understand why this would be frustrating for Mrs Y, but it is a decision the Council is entitled to make. I do not find fault with the Council here.
35. The Council's records show that after it decided to consider the garages for demolition it received two requests for maintenance work on Mrs Y's garage. The records show both these requests were completed promptly and I do not find the Council at fault here.
36. Miss X has said Mrs Y made multiple requests to the Council for garage repairs that went ignored but has not provided evidence of these. The Council only has two reports on its system which are recorded as having been completed. I find there is not enough evidence for me to say the Council is at fault for having failed to carry out repair work that was reported to it.

Decision to demolish garages

37. The Council's decision to demolish the garages and use the land for other purposes is a commercial decision it is entitled to make. This is also set out in the Council's published garage management strategy. I cannot find fault with the decision the Council has made here.
38. The Council did not need to consult with garage tenants and local residents, but it did this as a matter of best practice to get their views and make them aware of its plans. The Council has said it considered all the points it received, including those from Miss X and Mrs Y, before deciding to proceed with its plans and I do not find fault with the Council's decision-making process.

Communication

39. Miss X wrote to the Council several times with lengthy responses and multiple points she wanted it to consider. From the information I have seen, the Council generally provided Miss X with comprehensive replies, including responding to all 104 points she raised in December 2020. For the most part, I do not find fault with how the Council communicated with Miss X.
40. That said, the Council did not respond promptly to the email Miss X sent it on 26 April 2021. This is fault and would have caused Miss X uncertainty, which is injustice. The Council has already apologised for not responding to Miss X's email and gave its response on 30 November 2021, I find this is a suitable remedy to recognise the impact of the fault.

Final decision

41. I do not find the Council at fault for how it decided to demolish the garages, or for failing to maintain them. I find the Council at fault for not responding to one of Miss X's emails, but my view is the Council's apology is sufficient to remedy the injustice caused. I have now completed my investigation.

Investigator's decision on behalf of the Ombudsman

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Report of the Monitoring Officer

REPORT OF THE MONITORING OFFICER1. Purpose of Report

The Housing Ombudsman (HO) has made a finding of maladministration in respect of the Council failing to deal with a persistent leak at the complainant's property.

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail

In summary, the complainant contacted the Council regarding a persistent leak at their property.

During stage 2 of the complaint process, it was found that the property had been subject to a series of leaks for a number of years due to the failure to install and properly repair a fascia. Furthermore, the Council recognised that the leak had been persistent and that there had been significant delays in the repairs being undertaken. The Council offered the complainant £1,000 compensation in recognition of these delays.

The HO confirmed the fault found by the Council but found further fault in the way the compensation had been calculated. Moreover, the HO found that the initial stage 1 complaint was not dealt with in a timely manner.

It should be noted that HO took 12 months to investigate and response to this complaint. The HO initially contacted the Council to state that a response would be issued within 6 months of them initially receiving the complaint. However, the 6-month deadline set by the HO was missed. The HO did not notify the Council of this delay until they were contacted to request an update. The Council requested that the HO provide a specific date for when the complaint was to be completed. The HO did not provide a date and concluded the complaint 6 months after this contact.

The Council is due to provide the HO feedback to request that the HO improve its communication with the Council, especially where they expect delays to occur. Additionally, it is to be suggested that HO include the date of when they receive the complaint and the date it was concluded in the decision reports to provide greater transparency and accountability of the service they provide. It should be noted that the Council is required to pay for the service provided by the HO.

The Council has completed the orders as set by the HO and the recommendations have been completed. Furthermore, during the 12-month period the HO took to investigate the complaint, the Council had already issued the £1,000 payment to the complainant and provided them with a new property.

The full report is attached as an appendix.

4. Financial Implications

The comments of the Head of Finance Services were as follows:

The cost of this compensation was charged to the service budget.

5. Legal Implications

The comments of the Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows:

N/A

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

N/A

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil

Housing

Ombudsman Service

REPORT

COMPLAINT 202202045

Broxtowe Borough Council

23 May 2023

Our approach

The Housing Ombudsman's approach to investigating and determining complaints is to decide what is fair in all the circumstances of the case. This is set out in the Housing Act 1996 and the Housing Ombudsman Scheme (the Scheme). The Ombudsman considers the evidence and looks to see if there has been any 'maladministration', for example whether the landlord has failed to keep to the law, followed proper procedure, followed good practice or behaved in a reasonable and competent manner.

Both the resident and the landlord have submitted information to the Ombudsman and this has been carefully considered. Their accounts of what has happened are summarised below. This report is not an exhaustive description of all the events that have occurred in relation to this case, but an outline of the key issues as a background to the investigation's findings.

The complaint

1. The complaint is about:
 - a. The landlord's handling of the resident's reports of multiple repairs, including roof repairs, cladding, leaks, damp and mould.
 - b. The landlord's complaint handling.

Background

2. The resident is a secure tenant. The property is a two bedroom flat on the top floor of the block.
3. According to the landlord's repairs logs, an issue with the roof and loft was first reported in December 2014. While a repair was undertaken within the same month, records show that several further repairs were required over the years that followed, and up until November 2019. This Service has been unable to see that there were any reported issues in 2020.
4. On 19 January 2021 the landlord again became aware of a roof leak. It noted the resident's assertion that rainwater was coming through the ceiling in the children's bedroom and another room opposite. Although works to address this were completed in August 2021, this issue reoccurred on 31 December 2021. This was followed by a complaint from the resident within which she expressed that the issue had been worsening, now impacting several rooms, and she had receive no update. The resident chased the landlord on 12 and 17 January 2022.
5. On 19 January 2022 the resident reported that the roof was leaking. The landlord's records show that the repairs raised for the roof and cladding were not

completed on 19 August 2021. The evidence states that this repair job was abandoned and the landlord decided it needed to be passed to a contractor.

6. In the landlords stage one response dated 18 January 2022, it upheld the resident's complaint and offered £100 in compensation. It informed the resident that following its investigation, it believed the problem stemmed from the cladding. It acknowledged that despite undertaking several repairs, its records showed that within six months the issues returned. It pledged to look at renewing the cladding to the block, once a contractor had been decided.
7. The resident escalated her complaint to stage two on 8 January 2022 stating she had not received the landlord's stage one response until the 26 January 2022. In her escalation she stated that the landlord's response did not provide her with any new information or explain the reasons for delays with the repairs. There was no date for commencement of the repairs or a timeframe and she rejected the landlord's offer of £100 compensation as redress.
8. On 8 February 2022, the landlord sent a letter to the resident where it apologised and informed them that the repair works had been passed to its capital works team to complete. The landlord issued its final response on 11 March 2022 within which, it acknowledged that the resident had experienced a continuous roof leak since 2014 and works undertaken to fix it had been unsuccessful. It noted that scaffolding had been erected at the property and works started to carry out the necessary repairs. In order to recognise this service failure the landlord offered compensation of £1,000 and pledged to carry out decoration work to the rooms affected by the leak.

Post-final response

9. On 12 and 21 April 2022, the resident requested a repairs update from the landlord, stating that no further works had been carried out since 5 April 2022 and the continuing leak problems were causing the loft to disintegrate. On 22 April the landlord pledged to send a detailed summary of completed works to the resident.
10. On 3 May 2022 the landlord inspected the property and found that the repairs had not been completed. The resident remained dissatisfied and logged a complaint to the landlord on 27 June 2022 telling it that the roof had been patched several times but no substantial repair had taken place. Also, that the leak had now spread to four rooms and there continued to be delays for the cladding repairs.

Assessment and findings

Scope

11. Although the landlord has offered compensation from 2014, this Service is unable to investigate the landlord's handling of matters as far back as this. This is because this Service will not investigate complaints which were not brought to the attention of the landlord as a formal complaint within a reasonable period – which is usually within six months of the matter occurring. Whilst communication and repair logs provided by the landlord show historic issues, there is no evidence of the resident raising a formal complaint about the landlord's approach at this time. This investigation will therefore only seek to comment on events from June 2021, six months prior to the resident's stage one complaint.
12. The resident explained in their complaint to the landlord that the damp and mould in the property had impacted both her and her family's health. Unfortunately, this service cannot draw conclusions on the causation of, or liability for, impacts on health and wellbeing. This would be more usually dealt with as a personal injury claim through the courts. The courts can call on medical experts and make legally binding judgements. Nonetheless, consideration will be given to the general distress and inconvenience which the situation may have caused the resident and her family.

The landlord's handling of the resident's reports of multiple repairs, including the roof repairs, cladding, leaks, damp and mould.

13. Section 11 of the Landlord and Tenant Act 1985 places an obligation on a landlord to maintain the structure and exterior of a property. In accordance with this obligation the landlord was required to investigate the resident's reports of a leak into the property and to put right any issues it identified which were its responsibility.
14. With regards to leaks, mould and damp within a property, the landlord's repairs handbook makes clear that it is the landlord's responsibility for rectifying such issues. This Service would however expect in the first instance for the landlord to carry out inspections of leaks, damp and mould reported in order to understand the cause and decide on an appropriate course of action. Despite the resident first reporting the repairs on 18 January 2021, the landlord did not carry out a pre-inspection to consider the cause of the problems, until 25 February 2021. On 19 January 2021, the landlord had stated that the job would not be treated as an emergency and that it will call the resident to inform them that it will try and deal with the repairs 'as soon as able'. The delay in the landlord taking action led to distress and inconvenience for the resident.
15. The landlord failed to proactively update the resident on the schedule for works or the current situation. These delays caused significant time and trouble for the resident in that she had to chase up the landlord multiple times over several months for updates. The landlord's internal emails show that they were having trouble arranging for scaffolding to be put up to allow the works to commence.

The chaser email the landlord sent though was some months after the original request made in February for the scaffolding. Also, in any case, in such instances this Service would expect the landlord to keep the resident informed that there would be delays to the works, which it did not do.

16. The landlord's records show that in August 2021, after receiving several reports that the leak issue remained ongoing, some works were completed. It is unclear whether this fully resolved the issue at this time, however this Service can see that by 21 December 2021, the landlord noted that the resident was again experiencing an issue and that further works were required. The resident asserted that this was adversely affecting the living conditions for her and her child.
17. On 31 December 2021 the landlord in its internal communication acknowledged the residents persistent leak problem and enquired about renewing the cladding for the block. It inspected the property on 5 January 2022 however failed to update the resident on the outcome of this inspection, resulting in the resident having to chase the landlord for an outcome on 12 January 2022.
18. The records show that the landlord did attempt to do works. On 13 and 19 January 2022, the landlord attended the property but it was unable to gain access. Under the terms of the tenancy agreement, the resident had to provide access to a landlord so that it could carry out the necessary inspections and repairs. Although, on 17 January 2022 the resident called chasing an update, stating that the leak was worsening, the landlord had taken proportionate action prior to this to remedy the situation.
19. On 8 February 2022, the landlord wrote to the resident, apologised and stated that the repairs works would now be passed to its capital works department to carry out. It also stated that it had been having problems with its scaffold contractor due to sickness, but believed that the scaffolding was now up so the works would begin. It was appropriate and reasonable that the landlord apologised for its failings and updated the resident on why there was delays and when the works would commence. However, on 9 February 2022 the resident called the landlord, and informed it that the scaffolding was put up but in the wrong area. The landlord despite acknowledging internally that it should call her back, failed to do so, leading to more frustration for the resident.
20. On 10 February 2022 the resident emailed the landlord and informed it of further issues that had arisen. The resident attached photographs of the damage to the property due to leaks, damp and mould. The resident also confirmed to the landlord that they required repairs to their extractor fans, however this was not carried out by the landlord.

21. On 16 February 2022 the sub-contractor emailed the landlord the pricing for the scaffolding only and was instructed by the landlord to proceed. The landlord missed an opportunity at this time to update the resident and reassure her that the works would be progressing. On 21 February 2022, the resident emailed the landlord requesting when the rest of the scaffolding would go up. The landlord apologised in its response email for the delay and stated that it will be completed on Friday of that week. However, the resident had needed to chase the landlord repeatedly for an update, leading to considerable time and trouble spent for her.
22. It is evident that throughout this period when the repairs were first reported, there were significant delays to carrying out the works and significant delays in the landlord's communication with the resident. This caused an extended period of distress and inconvenience to the resident as well as causing her time and trouble in having to chase up responses from the landlord. It was appropriate therefore that the landlord has apologised for the delays with the repairs and that it reassured her of what actions it was taking to fix the leak.
23. The landlord upheld the complaint at its stage one and offered compensation of £100 for the damage caused by the most recent leak to the residents property. The landlord acknowledged in its final stage complaint response on 11 March 2022 that the resident did not receive the appropriate level of service due to the length of time it took to fix the leak and failings of its previous repairs. It recognised that it should have identified a solution to the faulty cladding much sooner within the period of 2014 to 2022 and offered compensation covering this period of £1000.
24. The landlord has told this Service that they have used both the HOS remedies guidance and a past determination in calculating the £1000, total compensation offered as redress. Its stage two response suggests, however, that it based its compensation on a yearly calculation, offering £100 for each year from 2014 to 2022, and an additional £100 for the inconvenience caused.
25. This Service's published '*Remedies Guidance*', which includes guidance on compensation amounts offered, recognises compensation awards of £100 - £600 as reflective of "*considerable service failure or maladministration, but there may be no permanent impact on the complainant*" with examples of this including where a resident has had to repeatedly chase a landlord, failure over a considerable period of time and serious failures which have been recognised and resolved by the landlord. This Service is also able to consider aggravating factors, which in this case, include the fact that there were children in the property and the resident's and her children's physical and mental health.
26. Although it was appropriate that the landlord has offered an amount of compensation to remedy its maladministration, this Service would not consider this amount to be reasonable redress because it does not take into account the

detrimental impact that the delays in repair works and responses have caused the resident and her child. Also, in the Ombudsman's opinion, it does not go far enough to recognise the time and trouble the resident has experienced in continuously chasing the landlord.

Post final response

27. On 4 April 2022 the resident emailed for an update on the roof repairs and on 5 April confirmed that the contractors had started works. The landlord responded to the residents emails on 5 April 2022 stating that it will be meeting with its contractor on 6 April 2022 and will update the resident after that. On 12 April 2022 the resident emailed the landlord for an update and informed it that there had been no further works carried out since 5 April 2022. On 21 April the resident emailed again chasing an update on repairs.
28. The subsequent evidence seen by this Service has demonstrated that the landlord had not learned from its past mistakes. Its responses to the resident were still unreasonably delayed. Although on 22 April 2022 the landlord apologised and pledged to send a detailed summary of the completed works, this Service has seen no evidence from the landlord that this was done.
29. In summary, the landlord was required to carry out the repairs/works it was notified of, within a reasonable period of time, in accordance with the terms of the tenancy agreement and in law. However, despite the two occasions where there was no access, the landlord failed in its obligations to do this and to compound matters did not update the resident despite being repeatedly chased. This Service understands that the resident has now moved out of the property.

Complaints handling

30. On 31 December 2021 the resident made the stage one complaint over the phone. She informed the landlord that the leak had worsened and spread to all the rooms in the property. The landlord's complaint policy notes that it will respond to acknowledge receipt of a complaint within five days at stage one and provide a response within 10 working days. Also that where it is not possible to meet these timeframes the landlord would contact the resident with an estimated date of response which would not exceed 10 working days without good reason.
31. The landlord sent its response to the complaint on 18 January 2022 which the resident stated she did not receive until 26 January 2022. In both cases, this was contrary to the timescale set out in the landlord's policy. This Service notes that the landlord missed an opportunity to do advise the resident that the response would be delayed when she chased it for updates on the repairs during that period.

32. On 28 January 2022 the resident escalated the complaint to stage two. The landlord's complaint policy notes that a written response will be sent to the resident with an outcome of its investigation within 20 days. Also that where it is not possible to meet these timeframes the landlord would contact the resident with an estimated date of response which would not exceed 10 working days without good reason.
33. The landlord acknowledged both the complaint and amendments the resident made to it on 1 February 2022 in a timely manner. On 8 February 2022 the landlord wrote to the resident to apologise and inform her that the repairs works would be passed to its capital works department to carry out. On 25 February 2022 the landlord emailed the resident to apologise for the delay in the complaint response, and informed her that the new response deadline was 11 March 2022. It was reasonable that as the response was taking more time to put together, due to awaiting further information from one of its teams, the landlord brought this to the resident's attention. In the Ombudsman's view, however, the landlord should not have waited for the deadline to elapse before seeking to extend the timescale for response. This was inappropriate.

Determination

34. In accordance with paragraph 52 of the Scheme, there was maladministration in the landlord's handling of the residents reports for repairs.
35. In accordance with paragraph 52 of the Scheme, there was service failure in the landlord's handling of the complaints.

Orders

36. In addition to the £1,000 already awarded by the landlord, it should also pay the resident £700 compensation, comprised of the following:
- a. £600 to recognise the delays in scheduling the works, the communication failures, and for the lack of information provided to the resident.
 - b. £100 to recognise the landlord's poor complaint handling.
37. The landlord to confirm compliance with the above orders within 28 calendar days of the date of this determination.

Recommendations

38. The landlord should consider putting together a compensation policy document to enable it to effectively and consistently calculate awards where redress is due.

39. The landlord should keep clear records on the disrepair log so that there's a clear distinction between the landlord's internal communications and communication with the resident.
40. The landlord should carry out staff training for the complaint handling team to ensure that complaints are dealt with in line with its complaints policy.

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Report of the Monitoring Officer

WORK PROGRAMME

1. Purpose of Report

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

2. Recommendation

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

3. Detail

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.

18 September 2023	<ul style="list-style-type: none"> • Annual Audit Letter – External Auditors Report on the Statement of Account 2022/23 • Internal Audit Progress Report • Annual Counter Fraud Report 2022/23 • Governance Dashboard – Major Projects • Review of Strategic Risk Register • Audit of Accounts and Associated Matters
27 November 2023	<ul style="list-style-type: none"> • Internal Audit Progress Report • Review of Strategic Risk Register • Review of Polling Districts and Polling Places • Community Governance Review • Fraud and Corruption and Prevention Policy • Money Laundering Prevention Policy
18 March 2024	<ul style="list-style-type: none"> • External Audit Plan 2023/24 • Statement of Accounts 2023/24 – Accounting Policies • Statement of Accounts 2023/24 – Underlying Pension Assumptions • Internal Audit Plan 2024/25 • Internal Audit Progress Report • Review of Strategic Risk Register

4. Legal Implications

The terms of reference are set out in the Council’s constitution. It is good practice to include a work programme to help the Council manage the portfolios.

5. Background Papers

Nil.

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