Public Document Pack

RYEDALE DISTRICT COUNCIL

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OVERVIEW AND SCRUTINY COMMITTEE

Thursday 21 November 2019 at 6.30 pm

Council Chamber, Ryedale House, Malton

Agenda

1 **Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Minutes of the meetings held on 24th October and 4th November 2019** (Pages 3 - 10)

4 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

5 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

6 **Chair's Announcements**

7 **Standards Complaints Overview and Annual Report** (Pages 11 - 14)

8 **Local Government Ombudsman Annual Review Letter 2019** (Pages 15 - 32)

9 **Customer Complaints and Compliments Q2 2019/20** (Pages 33 - 48)

10 **Performance Report Q2 2019/20** (Pages 49 - 72)

11 **Decisions from other Committees**

Policy and Resources Committee held on 14 November 2019 (To follow)

12 **O & S Workplan** (Pages 73 - 74)

13 **Exempt item**

That under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items as they contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

14 **Provision of Learn to Swim Programme - Compensatory Payment** (Pages 75 - 86)

15 **Any other business that the Chairman decides is urgent.**

Overview and Scrutiny Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 24 October 2019

Present

Councillors Clark (Chairman), Garbutt Moore, Middleton, Oxley and Raper

In Attendance

Will Baines, Stuart Cutts, Jonathan Dodsworth, Anton Hodge, Gareth Mills and Christine Phillipson

Minutes

45 **Apologies for absence**

Apologies received from Councillor Brackstone, Councillor Keal, Councillor Raine and Thilina De Zoysa (Grant Thornton).

46 **Minutes of the meeting held on 3 October 2019**

Decision
That the minutes of the meeting of the Overview and Scrutiny held on 3rd October be approved and signed by the Chairman as a correct record.

Voting Record
5 For
0 Against
0 Abstentions

47 **Urgent Business**

The Chair raised two items under urgent business to be treated as exempt at the end of the meeting.

48 **Declarations of Interest**

There were no declarations of interest.

49 **Chair's Announcements**

The Chairman made the following announcements:

- A member briefing was to take place on 'Identifying Fraud in Local Government' ahead of the committee on Thursday 21 November. Run

by Jonathan Dodsworth and Sarah Wallis from Veritau, the briefing will take place from 6pm to 6:30pm in the Council Chamber.

- A reminder of the 'Cut my Carbon' Footprint free drop-in event at the Milton Rooms on Saturday 2 November from 10:30am to 2pm. The Ryedale Environment Forum will follow at 2:30pm.

- A reminder of the planned visits to the Job Centre, the option for additional dates was discussed and these will be circulated.

50 **First Internal Audit and Counter Fraud Progress Reports 2019/20**

Considered – Report of the Chief Finance Officer.

Decision

That the committee note the work undertaken by internal audit and the counter fraud team in the year to date and thank them for their work in producing the reports.

Voting Record
5 For
0 Against
0 Abstentions

51 **Update of Internal Audit Charter**

Considered – Report of the Chief Finance Officer.

Decision

That the committee approve the changes to the council's internal audit charter.

Voting Record
5 For
0 Against
0 Abstentions

52 **External Audit Annual Audit Letter**

Considered – Report of Grant Thornton.

Decision

That the annual audit letter be noted and thank the Auditors for their work.

Voting Record
5 For
0 Against
0 Abstentions

53 **External Audit Annual Fee Letter 2019-20**

Considered.

Decision

That the Annual External Audit fee letter be noted.

Voting Record
5 For
0 Against
0 Abstentions

54 **Treasury Management Mid-Year Review**

Considered – Report of the Chief Finance Officer.

Decision

That :
(i) Members receive this report; and
(ii) The mid-year performance of the in-house managed funds to date is noted.
(iii) Members note the update regarding NYCC Treasury services and sweeping.

Voting Record
4 For
0 Against
0 Abstentions

55 **Update on Risk Management**

Considered – Report of the Chief Finance Officer.

Decision

That the Committee notes the contents of this report and thanks the Chief Finance Officer and the wider team for its production. The Overview and Scrutiny Committee requests that Members of the Committee come forward to discuss any additions or amendments to the Corporate Risk Register.

Voting Record
5 For
0 Against
0 Abstentions

56 **Timetable of Meetings 2020-21**

Considered – Report of the Democratic Services Manager.

Decision

That the Committee defer feedback and comments on the initial draft timetable of meetings for 2020-2021.

Voting Record
5 For
0 Against
0 Abstentions

57 **O&S Forward Plan**

Considered

Decision

That the Forward Plan be noted.

58 **Exempt Information**

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following items as there will be a likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act as the information provided relates to individuals.

Voting Record
5 For
0 Against

0 Abstentions

A provisional additional Overview and Scrutiny meeting has been arranged for Monday 4th November at 7pm to discuss the following items unless clarity is received beforehand on a number of questions raised.

Eden Camp Business Park Food Enterprise Zone
DWP Tenancy at Ryedale House

59 **Any other business that the Chairman decides is urgent.**

There being no other business, the meeting closed at 9.05pm.

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Overview and Scrutiny Committee

Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH
on Monday 4 November 2019

Present

Councillors Bailey, Brackstone (Vice-Chairman), Clark (Chairman), Cussons MBE, Garbutt Moore, Middleton and Oxley

In Attendance

Will Baines, Beckie Bennett, Christine Phillipson and Phillip Spurr

Minutes

60 **Apologies for absence**

No apologies for absence were received.

61 **Urgent Business**

There were no items of urgent business which the Chairman considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

62 **Declarations of Interest**

The following interests were declared:

Councillor Cussons declared a personal non pecuniary but not prejudicial interest in item 7 as he is a frequent visitor to Malton Livestock Market.

Councillors Clark and Bailey declared a personal non pecuniary but not prejudicial interest in item 7 as visitors to Malton Livestock Market.

63 **Chair's Announcements**

There were no announcements from the Chairman.

64 **Exclusion of Press and Public**

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following item as there will be a likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act as the information provided relates to information relating to the financial or business affairs of any particular person (including the authority holding that information).

65 **Potential item for call in - Livestock Market**

Decision

It was moved that the Policy and Resources Committee reconsider the decision made on the Eden Camp Business Park Food Enterprise Zone item at its meeting on 23 October 2019, due to the limited climate change implication information in the report and to further consider the financial position with section 106 and land ownership information now clarified.

The call–in was made under the following principles of decision making:
(b) Clarity of aims and desired outcomes
(c) Proportionality
(d) Due consultation and the taking of professional advice from Officers and/or appropriately qualified consultants (relates to climate change only)

The Committee agreed that a special meeting of Policy and Resources committee be arranged to consider the call-in within the next ten working days if being presented at Full Council on 5 December 2019, or at the next scheduled meeting in the Policy and Resources calendar.

Voting record
4 For
3 Against
1 Abstention

66 **Potential item for call in - Tenancy Lease**

Decision

That the Policy and Resources Committee meet within the next ten working days to reconsider the decision on the Request to lease office space at Ryedale House item.

Voting Record
3 For
5 Against
0 Abstentions

67 **Any other business that the Chairman decides is urgent.**

There being no other items of urgent business the meeting closed at 8:45pm.

RYEDALE DISTRICT COUNCIL

PART A	**MATTERS DEALT WITH UNDER DELEGATED POWERS**
REPORT TO:	**OVERVIEW AND SCRUTINY COMMITTEE**
DATE:	**21 NOVEMBER 2019**
REPORT OF THE:	**DEPUTY MONITORING OFFICER SIMON COPLEY**
TITLE OF REPORT:	**STANDARDS COMPLAINTS OVERVIEW AND ANNUAL REPORT**
WARDS AFFECTED:	**ALL**

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To update Members of the Overview and Scrutiny Committee (acting as a Corporate Governance Standards Committee) of the complaints received under the Members' Code of Conduct from April to October 2019.

2.0 RECOMMENDATION

2.1 It is recommended that the Report be noted.

3.0 REASON FOR RECOMMENDATION(S)

3.1 To keep the Committee informed of complaints received and outcomes.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with reporting complaints.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 As part of its monitoring of the operation of the Members' Code of Conduct, the Overview and Scrutiny Committee (acting as a Corporate Governance Standards Committee) receives details of complaints received on an annual basis. When these were last received in April 2019, it was decided that future reports would be in November. This report therefore covers the period from April to October 2019.

REPORT

6.0 REPORT DETAILS

6.1 During the period April to October 2019 the Monitoring Officer received 4 complaints, two against Members of the Council and two against Parish Councillors. The table set out below provides details of the complaints and the outcome for each one.

6.2 All of the complaints were considered by the Monitoring Officer or Deputy Monitoring Officer in his absence, together with the Independent Person. None of the complaints were referred for investigation.

No	RDC Cllr	Parish Town Cllr	Nature of Complaint	No further action	Informal resolution
1	✓		Complaint of an inaccurate press-release given by a Member about another Member's political affiliation		Dealt with within the Political Groups concerned.
2	✓		Treating Officers with disrespect at a Council meeting; accusing them of sometimes putting undue pressure on Members in their decision making.		Raised with relevant Group Leader
3		✓	Being disrespectful, bullying, and intimidating at a Parish Council meeting, in not allowing a public speaker to exceed the 3 minute rule and rudely interrupting.	Found to be no breach of the Code	
4		✓	As above at a separate meeting at the same Parish Council.	As above	

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial
There are no significant financial implications.

b) Legal
There are no significant legal implications.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
There are no significant other implications.

Simon Copley
Democratic Services Manager & Deputy Monitoring Officer

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Background Papers:
The Members' Code of Conduct.

Background Papers are available for inspection at:
www.ryedale.gov.uk

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RYEDALE DISTRICT COUNCIL

REPORT TO:	**OVERVIEW AND SCRUTINY COMMITTEE**
DATE:	**21 NOVEMBER 2019**
REPORT OF THE:	**HEAD OF CUSTOMER SERVICES (INTERIM)**
TITLE OF REPORT:	**LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2019**
WARDS AFFECTED:	**ALL**

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To provide members with the 2019 Annual Review letter for Ryedale District Council from the Local Government and Social Care Ombudsman.

2.0 RECOMMENDATIONS

2.1 It is recommended that the 2019 Annual Review letter be noted.

3.0 REASON FOR RECOMMENDATIONS

3.1 To inform the Committee of the complaints and enquiries received for the year ending 31 March 2019 by the Local Government and Social Care Ombudsman and the decisions notices and investigations carried out. This will ensure openness and transparency and that lessons are learned from any findings made.

4.0 SIGNIFICANT RISKS

4.1 No significant risks have been identified

5.0 POLICY CONTEXT AND CONSULTATION

5.1 None

6.0 REPORT DETAILS

6.1 The Local Government and Social Care Ombudsman was formed under the Local Government Act 1974 to remedy injustice through independent and impartial investigations and to support the improvement of local services. The Ombudsman looks into complaints from the public against English local authorities and adult social care providers, as well as other public bodies such as national parks, fire authorities, police and crime commissioners and other Government bodies.

6.2 A complaint will only be considered by the Ombudsman if it has been through the two stage internal complaints procedure operated by the Council first. If the complainant is not satisfied with the Stage 1 and Stage 2 responses they have received from the

Council, they can then ask the Ombudsman to investigate the complaint on their behalf.

6.3 Every year the Ombudsman issues an annual report, publishing a summary of the complaints and enquiries they have received in the previous 12 months and the decisions they have reached in each case.

6.4 The Ombudsman is clear that when viewing data for individual councils, it is important to understand the volume of complaints does not, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. The Ombudsman notes that complaint figures should be used as the start of a conversation, rather than an absolute measure of corporate health of an authority.

6.5 The Annual Report for Ryedale District Council shows that from 1 April 2018 to 31 March 2019, the Ombudsman received 8 complaints and enquiries in the following service areas:

Department	Number of complaints and enquiries to the LGO
Corporate and Other Services	2
Housing	1
Planning and Development	5
TOTAL	**8**

6.5 In some instances the matter is referred back to the council for a local resolution. This often occurs where the person has not yet complained to the Council or has not completed the internal complaints process before approaching the Ombudsman. With regards to Ryedale District Council, there were 4 referrals back to the Council for a local resolution. Similarly, there were 2 instances where matters were closed after initial enquiries. This is because the Ombudsman's office will assess the complaints received before coming to a decision on whether they merit a detailed investigation or not.

6.6 There were 3 cases that progressed to the detailed investigation stage, with one resulting in an 'Upheld' decision and two of the detailed investigations concluding a 'Not upheld' decision.

6.7 The upheld decision related to a complaint on the treatment of an individual and the pre-planning advice they received. The Ombudsman found that "the Council wrongly described the development in the case officer's report, but acted in all other respects without fault in its consideration of the planning applications and pre-planning advice application, therefore we cannot challenge the merits of the decisions reached. The error in description is unlikely to have altered the final decision and therefore did not cause an injustice for which we can offer a remedy." The full breakdown of the upheld complaint is included with this report.

6.8 The Annual Reviews in previous years are broken down as follows:

Year	Complaints/Enquiries received	Progressed to detailed investigation stage	Upheld decisions	Not Upheld
2019	8	3	1	2
2018	11	1	0	1
2017	5	1	0	1
2016	6	2	0	2

2015	14	3	2	1

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial
None

b) Legal
The Local Government and Social Care Ombudsman can make recommendations on how the council can take retrospective action to remedy complaints where it has found fault in the service delivery/decision taken.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None

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Background Papers:
None

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Local Government & Social Care OMBUDSMAN

24 July 2019

By email

Stacey Burlet
Chief Executive
Ryedale District Council

Dear Ms Burlet

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our corporate strategy 2018-21 and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. Your Council's Performance shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, Under Pressure, this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on Good Administrative Practice. I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

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

Local Authority Report: Ryedale District Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our website

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	0	2	0	0	0	1	5	0	8

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
0	0	4	2	2	1	33	9

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**

Notes:
* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.
** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.

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28 September 2018

Complaint reference:
17 013 756

Complaint against:
Ryedale District Council

Local Government & Social Care OMBUDSMAN

The Ombudsman's final decision

Summary: The complainant says the Council gave poor planning advice and then contradicted that advice when granting planning permission for a development similar to that he had put forward. The complainant wishes the Council to pay his costs. The Council has shown it followed planning procedure and considered all relevant information when deciding in committee to grant planning permission. I therefore find but for an error in the officer's report the Council acted without fault and therefore I cannot challenge the merits of its decision.

The complaint

1. In brief, the complaint is that when considering pre-planning advice, the Council failed to:
   - Give consistent pre-planning advice and response to questions about that advice;
   - Impose the same planning conditions requiring local residency and offsite benefits on a later planning application the Council had said it would impose when giving the complainant pre-planning advice;
   - Explain why it gave planning permission for an application contrary to the advice given to the complainant.
2. The complainant, whom I shall refer to as Mr X, says this meant he has not been treated fairly and unnecessarily expended £1,455.00 on proposing a scheme. Mr X says he could have put in a similar scheme to the successful application but did not do so on the Council's advice.

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 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)***

5. The law says we cannot normally investigate a complaint when someone can appeal to a government minister. However, we may decide to investigate if we consider it would be unreasonable to expect the person to appeal. ***(Local Government Act 1974, section 26(6)(b))***

6. The Planning Inspector acts for the responsible Government minister. The Planning Inspector considers appeals about:

   - delay – usually over eight weeks – by an authority in deciding an application for planning permission
   - a decision to refuse planning permission
   - conditions placed on planning permission
   - a planning enforcement notice.

7. If satisfied with a council'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

8. In considering this complaint I have:

   - Spoken with Mr X and considered the information presented with his complaint and comments received during the investigation;
   - Put enquiries to the Council and reviewed its responses;
   - Researched the relevant law, guidance and policy
   - Shared with Mr X and the Council my draft decision and reflected on any comments received.

What I found

The law, government guidance and advice

9. Planning permission is required for the development of land (including its material change of use).

10. Planning permission may be granted subject to conditions relating to the development and use of land.

11. Planning permission may be granted subject to a legal agreement to make otherwise unacceptable proposals acceptable in planning terms.

12. There is no duty to provide pre-application planning advice. Councils cannot insist developers seek such advice. It is accepted good practice, however, for councils to offer and encourage pre-application discussions. The Government's National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) supports pre-application advice "to improve efficiency and effectiveness of the planning application system".

13. The Government's PPG "Before submitting an application", says councils should ask for a level of information proportionate to the development proposed. For example, the applicant would not need to provide all the information that would accompany a formal planning application but it needs to be enough to allow the

Council to take an informed view. The Council should give the prospective applicant clear advice on what information the prospective applicant should provide with a formal application and what consultations may be needed.

14. Pre-application advice is not binding on the Council. It can form a material planning consideration and considered when deciding a planning application.

15. Councils should act in good faith and with due diligence in providing pre-application advice. However, councils are not agents or consultants for prospective developers. Officers will respond to proposals or information put forward by the developer and whether they are likely to receive planning permission. They will give advice on how those proposals may be changed to better comply with relevant planning policies. If a developer wants a definitive view on whether the proposed development needs planning permission they may apply for a certificate of lawfulness of proposed development.

16. Before the decision of the Court of Appeal (in respect of West Berkshire Council v Secretary of State for Communities and Local Government) on 11 May 2016, the Council sought contributions from developers toward off site facilities. Following the decision in May 2016 the Council took legal advice and decided not to seek contributions from 5 July 2016. It adopted a Community Infrastructure Levy in March 2016.

17. Material considerations relate to the use and development of land in the public interest, and not to private considerations such as the applicant's personal conduct, covenants or reduction in the value of a property. Material considerations include issues such as overlooking, traffic generation and noise.

18. General planning policies may pull in different directions (eg in promoting residential development and protecting residential amenities).

19. It is for the decision maker to decide the weight to be given to any material consideration in determining a planning application.

What happened

Pre-application advice and planning application decision

20. Mr X contacted the Council in March 2015 through his architect to seek pre-planning application advice on a proposal to build a small development of homes. The 2010 and 2012 planning permissions established the principle of developing the site within a local conservation area for two bedroom semi-detached homes. Mr X's application asked for advice on a proposal to revise a condition of the existing planning permission to replace the plans showing the design of the proposed homes.

21. In the letter of application Mr X explains the reasons for proposing two schemes (A and B) and why he believed the original scheme had not been built. In his view, the approved scheme had homes that were too small and had design flaws that would affect the amenity of those living in them.

22. On 15 April 2015, the Council responded to the pre-application advice application saying both Scheme A and B were not suitable. The Building Conservation Officer had commented on the proposal. The Council said the design shows cross winged sections that would not be in keeping with the symmetrical appearance of other nearby properties. The advice also said the proposal would not reinforce the distinctive characteristics of the conservation area in terms of scale, form and design.

23. The Council said the current planning permission could still be implemented if started before 29 November 2015. That current planning permission did not have a condition attached restricting the properties to local needs occupancy. A later application may have such a control imposed if considered a new application.

24. On 20 April 2015 Mr X's architect wrote to the Council asking for further discussion on:

- Why the decisions made in 2010 and 2012 based on mirroring neighbouring property had not been implemented. Mr X believing the proposal to be uneconomic;
- The eclectic mix of properties within the area rather than any consistent pattern;
- Discussion on Mr X's Scheme B which he says the Council barely commented on in its decision;
- How the approved scheme met the access, parking and servicing standards;
- Whether any new scheme would now have a local needs occupancy restriction imposed on it whereas the existing and previous permissions did not have such a restriction.

25. On 5 May 2015, the Council in response issued its pre-application advice rejecting the proposals. It decided the applicant could present an amended or new scheme for consideration.

26. Mr X's architect wrote to the Council on 8 May 2015 expressing disappointment at the Council's advice. While accepting Scheme A of the two schemes did not meet the Council's criteria the architect argued Scheme B did. He pointed out he had found cross winged extensions in the area (although not in the immediate neighbouring properties). So, Mr X's architect could see no reason for opposing them. He also pointed out that in his view the development which had current planning permission was uneconomic and therefore could not be started before 29 November 2015. He asked if the Council was saying if that development did not start before 29 November 2015 it would impose a local needs occupancy condition on any later planning permission.

27. Following further discussion Mr X presented to the Council a planning application for a development of three bedroom semi-detached homes on 21 June 2015. Mr X's architect advised him he would need to excavate the ground floor to meet the Council's view any new property should not exceed the height of the existing neighbouring buildings.

28. The Council gave publicity to the application and consulted with statutory consultees. The Highways and Conservation officers offered objections and the Parish Council commented on the proposal. On 10 August 2015 Mr X's architect commented on the reasons for objection presented by the Council's Conservation Officer and Highways Officer. He challenged the professional view of the officers.

29. The case officer considered comments received from the publicity given. The case officer's report refers to the previous pre-planning application advice and discusses why officers disagree with Mr X's view the Council should not impose a local need occupancy condition. The report says because the 2012 permission has yet to start the Council may impose this condition as part of a new planning permission, which it must consider under the current development plan unless material considerations indicate otherwise.

30. The Council refused the application on 28 August 2015. The Decision Notice said the Council considered the proposal would have a harmful effect on the setting of listed buildings nearby. It said it was contrary to NPPF and local plan policies. The Decision Notice referred to the Council's adoption of Policy SP2 in September 2013 (that is after the existing planning permission). This policy meant the Council must consider imposing a local needs occupancy condition on future planning permissions. It could not approve the application without imposing such a condition which the applicant had said should not be applied.

31. The Council refused planning permission and that gave Mr X the right to test the Council's view by appealing to the Planning Inspectorate. Mr X decided not to appeal.

Planning enforcement investigation and retrospective planning application

32. In October 2016, following a complaint to the Council that building work on the site was not following the approved plans, the Council's Enforcement Officer investigated. The Council wrote to the developer following a site visit saying the Enforcement Officer found the internal ground floor to be higher than shown on the approved plans resulting in the building being 0.2m to 0.3m higher than it should be. The Council asked the developer to present amended drawings for its consideration as an amendment to the current planning permission.

33. The applicant presented new construction drawings showing the levels. The applicant argued the roof height exceeded the approved height by 100mm.

34. The applicant also admitted a clerical error in the measurements for siting the development within the plot. Measurements had been taken not from the rear boundary but from another feature. The applicant presented new drawings showing the difference.

35. The Council publicised the developer's new application. It received objections from the Parish Council which also asked the Planning Committee to decide the application rather than officers using delegated authority. Mr X also raised an objection.

36. The Council's Conservation Officer offered no objections saying while the increase in ridge height was 'regrettable' in the officer's professional view "…it is relatively minor. The effect of the height difference is mitigated by the way the surroundings are experienced…the natural topographical experience of the surrounding rising land mitigates the ridge increase of c. 300mm…".

37. The Conservation Officer also commented on the spacing between the development and neighbouring listed buildings and detailing on the building. The Conservation Officer decided that "… the alterations…do cause some harm to the character of the conservation area. In my opinion however, the degree of harm is very much on the minor end of the scale and is so slight, as to cause very much less than substantial harm…"

38. The case officer's report erroneously referred to this as "…still for 2.no.two bedroom…" homes. The application sought permission for three bedroom properties. The Council's planning committee deferred a decision in February 2017 so it could make a site visit. Following the site visit the Committee discussed the application again and granted planning permission in March 2017.

39. The Council says that in its view the variations shown in the built property and in the application approved in March 2017 were close enough to the 2012 planning permission. The Council says it had no grounds on which to refuse planning

permission or issue an enforcement notice. It believes the buildings as built are acceptable in planning terms. The Council told Mr X the buildings do not go against the points raised by the Council in its refusal of his planning application.

Mr X's complaint to the Council

40. Following the grant of planning permission Mr X complained to the Council. He said it had provided him with poor pre-planning application advice. Mr X also complained that in granting the latest planning permission the Council had performed an 'about turn' contradicting its earlier advice.

41. In response, the Council said it had refused Mr X's planning application because of his introduction of a cross wing design and had also repositioned the proposed buildings within the site. This the Council said differs from the planning permission approved in 2017. The 2017 planning permission approved a design that did not include a cross wing feature and the position within the site is closer to that in the original 2012 planning permission.

42. Mr X says had the Council's planning officers properly looked at the site they would know it was not possible to set the new homes as far back on the site as the neighbouring buildings. In such positions Mr X says it would not be possible to have either windows or rear doors to the new houses. Mr X believes the Council approved an application which did not meet its guidelines and the application he made was for an amendment to the existing planning permission. Therefore, Mr X is perplexed that the Council used as a reason for rejecting his application the lack of a local need argument and yet said later when granting planning permission to another developer, it could not impose such a condition.

Analysis – was there fault leading to an injustice?

43. The law says the Ombudsman may not usually consider complaints about issues that took place more than twelve months before a complaint is made. However, I have exercised the Ombudsman's discretion to investigate the complaint because Mr X's complaint only arose when the Council decided the planning application in March 2017.

44. Pre-planning application advice does not bind either party. Councils are expected to exercise due diligence but in giving advice they are not expected to carry out the same rigorous assessment as for a full planning application. Therefore, it does not always follow that a decision to grant planning permission for something a council may have advised against must be made with fault. The Council may only reach a fully informed view of a proposal having considered all relevant material planning considerations following a full planning application.

45. I find the Council gave each planning application due publicity enabling people to comment on the proposals. I note Mr X commented on the application received in 2016. The case officer considered the responses to the consultations. In the case officer's report, there is an error in saying the proposal is "…still for 2.no.two bedroom…" homes. In fact, like Mr X's refused application permission was sought for three bedroom, semi-detached homes.

46. On the final decision in 2017 the approval was given by the Planning Committee following discussion and a site visit. I see nothing to suggest the reference to this being for two bedroom semi-detached homes caused confusion or affected the final decision. The application plans clearly show the three bedrooms and their dimensions. It was open to the Committee to approve the application with or without imposing conditions, or to reject it. Committee members decided on the merits of the application and were free to take a different view from that

expressed by planning officers. Councillors had before them all relevant information when they reached their decision including references to the pre-application planning advice in the planning history, objections and comments received and their understanding of the site gained through their site visit.

47. I find the case officer's error in the report was unlikely on the balance of probabilities to have resulted in a different decision from the one taken by councillors and therefore I cannot find an injustice arises from that error.

48. I find but for the error in the case officer's report the Council acted without fault in its consideration and grant of the planning permission in 2017. Therefore, I cannot challenge the merits of the decision made by the Council's Planning Committee.

49. When faced with a retrospective planning application councils must consider if the developer had applied for permission to build the development as built would it be acceptable in planning terms. So, while the Council may have advised against such a proposal it may consider the impact of the building as built is not severe enough to warrant taking enforcement action or refusing retrospective planning permission.

50. For Mr X the 2017 planning permission poses several questions:

- The approved development is set forward on the land contrary to the advice given to him, in a similar way to his own proposal and contrary to the reasons given for refusing his planning application;
- The Council has not imposed a local occupancy condition on the approved development having told him in 2015 it may have to do so for any application received after 29 November 2015;
- The Council did not impose an off-site contribution or levy on the approved planning permission. Yet it refused Mr X's application saying his application made no off-site contribution towards providing open space, recreation or leisure facilities. Therefore, in Mr X's view it is contrary to part of its local plan strategy.

51. The Council does not deny the development as built is set forward on the site contrary to the advice it gave to Mr X about what it might approve. The Council must consider any application put before it on its merits. The pre-application planning advice is part of the planning history of the site and therefore a material planning consideration. It is not however, binding on the Council and does not mean it cannot approve an application for a development contrary to that advice. It has distinguished between the two designs for the developments. In its view while the approved development is not sited as the Council intended the design is not as large as that proposed by Mr X and does not contain cross wing sections. The Council takes a different view of the merits of the development from Mr X. In its view, it has not approved a development substantially the same as that it refused earlier or on which it gave advice. Mr X could have appealed the Council's decision on his application and he may have been successful. The refusal while a planning consideration does not mean the Council could not later grant planning permission for a similar development.

52. The law changed with the court decision in May 2016 which prevented councils from claiming a contribution towards off site facilities when approving small developments. When the Council came to consider the 2016 application it could not then impose such a levy. It also believed that the 2016 application was to vary the earlier 2012 application which it says the developer began on 27 November

2015. The Council had not imposed this condition on the 2012 application so it could not do so now.

53. Similarly, the Council says that as the 2016 application was for a variation of the earlier approved development it could not impose the local occupancy condition. In advising Mr X it may have to impose that condition it rightly let him know what changes it may impose in line with current planning policies. That depended on whether he started the 2012 development before that permission expired. The applicant for the 2016 application (2017 permission) had started work on-site by the end of November 2015. That means in the 2016 application the developer seeks permission retrospectively to amend the 2012 permission by submission of the drawings of the development as built in 2016. It is therefore an amendment to the earlier current planning permission. That planning permission did not contain a local occupancy condition and the Council therefore felt it could not impose one now.

54. Mr X could test the Council's decision to refuse his application through an appeal. I realise this may well have resulted in an appeal being heard after 29 November 2015 and the expiry of the earlier planning permission. However, that does not alter the fact I cannot challenge the merits of that planning decision because he had the right to appeal and have a definitive judgement made on that decision. The Ombudsman cannot give such a definitive view.

55. The pre-planning advice decision reflected policies current when it was given: i.e. in 2015. I recognise the dispute on the merits of cross wing developments and whether that would harm the conservation area. I cannot take a view on whether the existence of other similarly constructed properties within the area though not immediately adjacent to the development mitigates against the Conservation Officer's view. The Conservation Officer had to decide if the proposal would adversely affect listed buildings adjacent to the development site. In that officer's professional view, it would. It is for the decision maker be that officers exercising delegated authority or councillors in committee to decide what weight to give to the planning policies applicable to the site having considered consultees' views.

Final decision

56. I find the Council wrongly described the development in the case officer's report, but acted in all other respects without fault in its consideration of the planning applications and pre-planning advice application therefore I cannot challenge the merits of the decisions reached. The error in description is unlikely to have altered the final decision and therefore did not cause an injustice for which I can offer a remedy.

Investigator's decision on behalf of the Ombudsman

RYEDALE DISTRICT COUNCIL

REPORT TO:	**OVERVIEW AND SCRUTINY COMMITTEE**
DATE:	**21 NOVEMBER 2019**
REPORT OF THE:	**HEAD OF CUSTOMER SERVICE (INTERIM)**
TITLE OF REPORT:	**CUSTOMER COMPLAINTS AND COMPLIMENTS Q2 2019/20**
WARDS AFFECTED:	**ALL**

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To provide members with an overview of the customer complaints and compliments received from 1 July 2019 to 30 September 2019.

2.0 RECOMMENDATIONS

2.1 It is recommended that Members:

(i) note the report on the complaints and compliments received during quarter 2 of the reporting cycle.

3.0 REASON FOR RECOMMENDATIONS

3.1 To monitor the numbers of complaints received and the departments affected and identify any trends in the complaints data.

4.0 SIGNIFICANT RISKS

4.1 No significant risks have been identified

5.0 POLICY CONTEXT AND CONSULTATION

5.1 None

6.0 REPORT DETAILS

6.1 The customer complaints and compliments received form an important part of the feedback process for the Council to learn from any issues raised and improve how we deliver our services.

6.2 The Council operates a two stage internal complaints process to respond to the issues raised by complainants. The first stage is an initial response by the applicable line manager or service unit manager. If the complainant is not satisfied with the response they receive, then they can move to Stage 2, which is investigated and answered by the relevant Head of Service. Following this Stage 2 response, there is the option to then go to the Local Government and Social Care Ombudsman if they remain

dissatisfied.

6.3 Compliments received are logged corporately and passed on to the department concerned to highlight the service provided.

6.4 From 1 July 2019 to 30 September 2019, the Council received 19 complaints in the following service areas:

Department	Complaints received from 01/07/2019 to 30/09/2019	Completed within 5 working days
Benefits	1	100%
Business and Democracy	0	-
Community Team	3	100%
Customer Services	0	-
Environment	1	100%
Facilities	0	-
Forward Planning	0	-
Housing	1	0%
Human Resources	0	-
ICT	0	-
Legal Services	1	100%
Planning and Regulatory Services	3	33.3%
Revenues	2	100%
Ryecare	0	-
Streetscene	7	71.42%
TOTAL	**19**	**73.68%**

6.5 The report goes into further detail on the topics of the complaints received, outlines any actions resulting from the investigations carried out, and gives comparative performance for complaints handling in previous years.

6.6 As 14 of the 19 complaints received in quarter 2 were responded to within five working days, the complaints response rate for the quarter was 73.68%. This is currently showing as an Amber performance indicator, an improvement on the 52.9% performance achieved in quarter 1 but still below the 75% target set.

6.7 The Compliments report sets out the content of the 5 compliments received in the quarter in the following service areas.

Department	2019/20 compliments received from 01/07/2019 to 30/09/2019
Benefits	0
Business and Democracy	0
Community Team	0
Customer Services	0
Environment	0
Facilities	2
Forward Planning	0
Housing	2
Human Resources	0
ICT	0
Legal Services	0

Planning and Regulatory Services	0
Revenues	1
Ryecare	0
Streetscene	0
TOTAL	**5**

6.8 The report also shows the subject and content of the compliments received.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial
None

b) Legal
None

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None

Margaret Wallace
Head of Customer Services (Interim)

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Background Papers:
RDC Comments, Compliments and Complaints procedure

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Complaints Q2 2019-20

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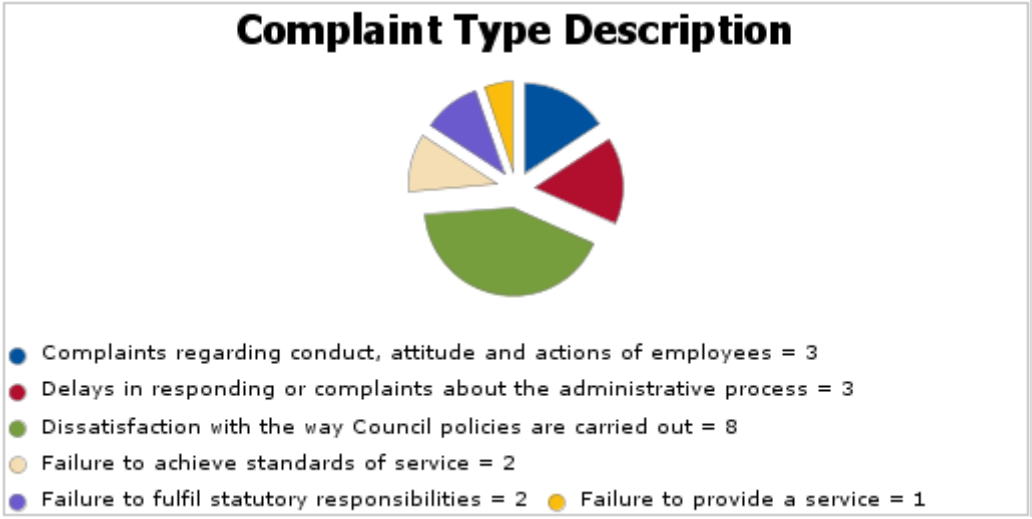
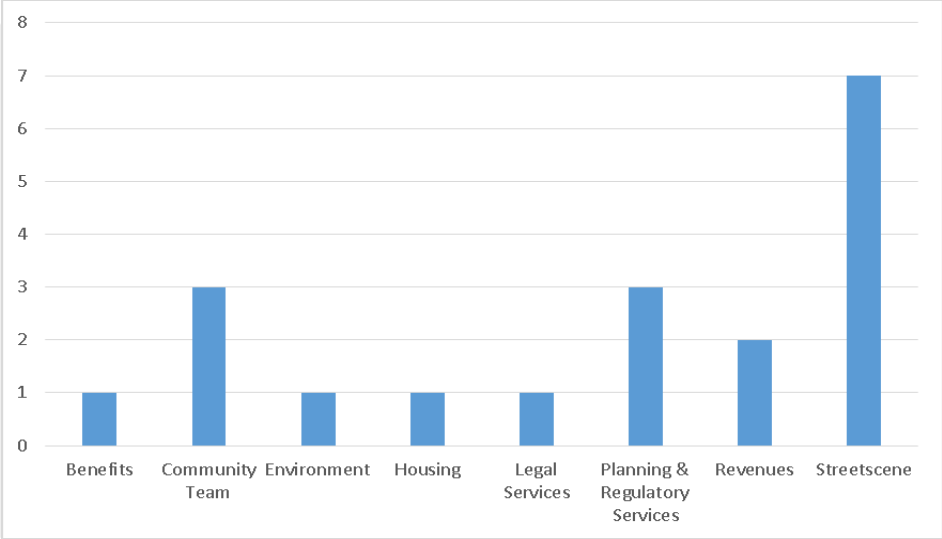
RYEDALE DISTRICT COUNCIL





Benefits

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Benefits application processing error	Dissatisfaction with the way Council policies are carried out	Written apology and Explanation Given		Malton	Initial complaint	25-Jul-2019	31-Jul-2019	1

Community Team

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Clearance of materials	Complaints regarding conduct, attitude and actions of employees	Explanation Given		Thornton Dale	Initial complaint	22-Jul-2019	25-Jul-2019	3

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Pickering Market Traders	Dissatisfaction with the way Council policies are carried out	Written apology and Explanation Given		Pickering East	Initial complaint	13-Aug-2019	16-Aug-2019	
Allotment Licence	Dissatisfaction with the way Council policies are carried out	Explanation Given		Norton West	Initial complaint	14-Aug-2019	20-Aug-2019	

Environment

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Nuisance noise	Failure to fulfil statutory responsibilities	Explanation Given at Stage 1		Dales	Formal complaint	13-Aug-2019	Stage 2 investigation ongoing	1

Housing

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Warm Homes Fund - Gas Connection	Dissatisfaction with the way Council policies are carried out	Explanation Given	Further options outlined	Malton	Formal complaint	01-Jul-2019	07-Aug-2019	1

Legal Services

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Proof of Life Identity	Dissatisfaction with the way Council policies are carried out	Explanation Given	Directed to other organisations providing proof of life certification	Cropton	Initial complaint	24-Sep-2019	24-Sep-2019	1

Planning and Regulatory Services

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Sensitive information disclosed as part of planning process	Delays in responding or complaints about the administrative process	Investigation carried out and no evidence found		Derwent	Initial complaint	24-Jul-2019	09-Aug-2019	
Planning case	Failure to fulfil statutory	Explanation Given		Cropton	Initial complaint	05-Aug-2019	30-Aug-2019	3

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
	responsibilities							
Planning Application process	Dissatisfaction with the way Council policies are carried out	Explanation Given		Derwent	Initial complaint	09-Sep-2019	09-Sep-2019	

Revenues

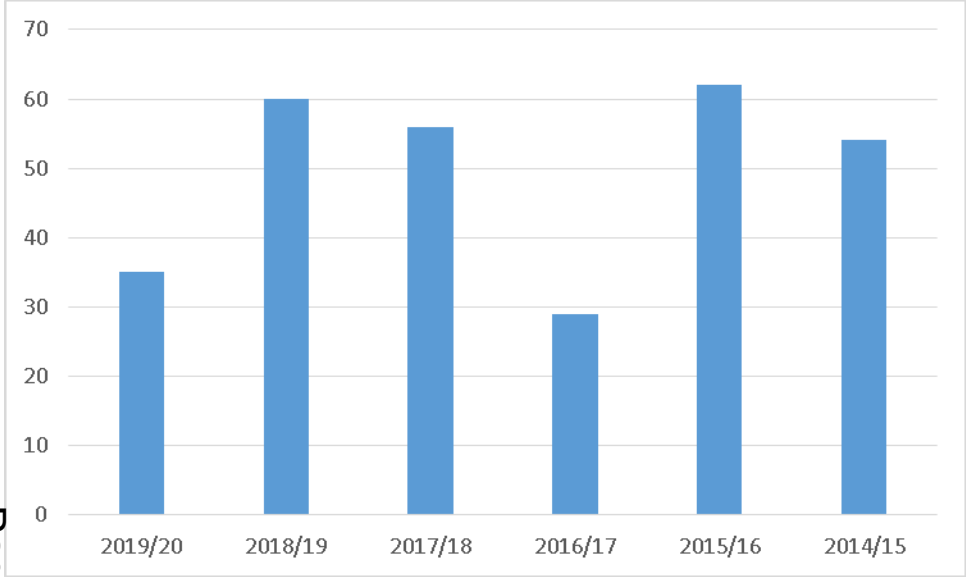
Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Incorrect information on account	Dissatisfaction with the way Council policies are carried out	Explanation Given		Wolds	Initial complaint	15-Jul-2019	16-Jul-2019	2
Council Tax Error	Dissatisfaction with the way Council policies are carried out	Explanation Given	Extended repayment plan put in place	Pickering West	Initial complaint	26-Jul-2019	26-Jul-2019	

Streetscene

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Recycling and Assisted Collection	Delays in responding or complaints about the administrative process	Explanation Given		Malton	Initial complaint	18-Jul-2019	22-Jul-2019	7
Incident on Church Street, Norton	Complaints regarding conduct, attitude and actions of employees	Written Apology	Offer made to meet with complainant	Norton West	Initial complaint	26-Jul-2019	08-Aug-2019	
Rosedale Abbey Public Toilets	Failure to achieve standards of service	Apology and Explanation Given	To feed into review of WC facilities	Dales	Initial complaint	06-Aug-2019	08-Aug-2019	
Ropery Walk Toilets	Failure to achieve standards of service	Explanation Given	To feed into review of WC facilities	Pickering West	Initial complaint	12-Aug-2019	12-Aug-2019	
Waste collection in Sheriff Hutton	Complaints regarding conduct, attitude and actions of employees	Written Apology	Options to remedy situation considered and crews briefed to avoid reoccurrence	Sheriff Hutton	Initial complaint	15-Aug-2019	20-Aug-2019	

Summary of Complaint	Complaint Type	Complaint Remedy	Additional Action	Ward	Stage of Complaint	Opened Date	Closed Date	Total
Hedgerow Maintenance	Failure to provide a service	Explanation Given	Maintenance schedule now in place	Pickering East	Initial complaint	16-Sep-2019	20-Sep-2019	
New waste bin and recycling equipment	Delays in responding or complaints about the administrative process	Explanation Given	Equipment delivered	Malton	Initial complaint	24-Sep-2019	30-Sep-2019	
							TOTAL	19

Number of customer complaints received (up to 30/09/2019)



Year	Number of Complaints
2019/20 (up to 30/09/19)	**35**
2018/19	60
2017/18	56
2016/17	29
2015/16	62
2014/15	54

2019/20 year to date (up to 30/09/2019)

Department	2019/20 complaints	Completed within 5 working days
Benefits	1	100%
Business and Democracy	0	N/A
Community Team	3	100%
Customer Services	1	100%
Environment	1	0%
Facilities	0	N/A
Forward Planning	3	100%
Housing	3	0%
Human Resources	0	N/A
ICT	0	N/A
Legal Services	2	50%

Planning	7	14.3%
Revenues	4	100%
Ryecare	0	N/A
Streetscene	10	80%
TOTAL	**35**	**62.86%**

2018/19

Department	2018/19 complaints	Completed within 5 working days
Business and Democracy	1	100%
Community Team	4	75%
Ryecare	2	50%
Customer Services	1	100%
Facilities	4	50%
Environment	2	50%
ICT	2	0%
Housing	4	50%
Planning and Regulatory Services	5	60%
Forward Planning	1	0%
Streetscene	27	70%
Revenues	5	80%
Legal Services	1	0%
Human Resources	1	0%
TOTAL	**60**	

2017/18

Department	2017/18 complaints	Completed within 5 working days
Customer Services	6	50%
Place Team	12	33%

People Team	5	60%
Streetscene	18	83%
Community Team	3	100%
Facilities	2	50%
Resources and Enabling	4	0%
Multiple service areas	1	0%
Confidential	1	100%
Environment	4	100%
TOTAL	**56**	

2016/17

Department	**2016/17 complaints**	**Completed within 5 working days**
Revenues and Benefits	6	33.3%
Development Management/Place	11	27.3%
Economy and Community	1	100%
Facilities	2	100%
Health and Environment	2	100%
Legal Services	2	50%
Streetscene	5	75%
TOTAL	**29**	

2015/16

Department	**2015/16 complaints**	**Completed within 5 working days**
Access to Services	6	100%
Revenues and Benefits	12	83%
Development Management/Place	12	67%

Democratic Services	6	100%
Facilities	3	33%
Health and Environment	3	67%
Housing Services	3	33%
Human Resources	2	100%
ICT	1	100%
Legal Services	4	25%
Streetscene	10	90%
	62	

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Compliments Q2 2019-20

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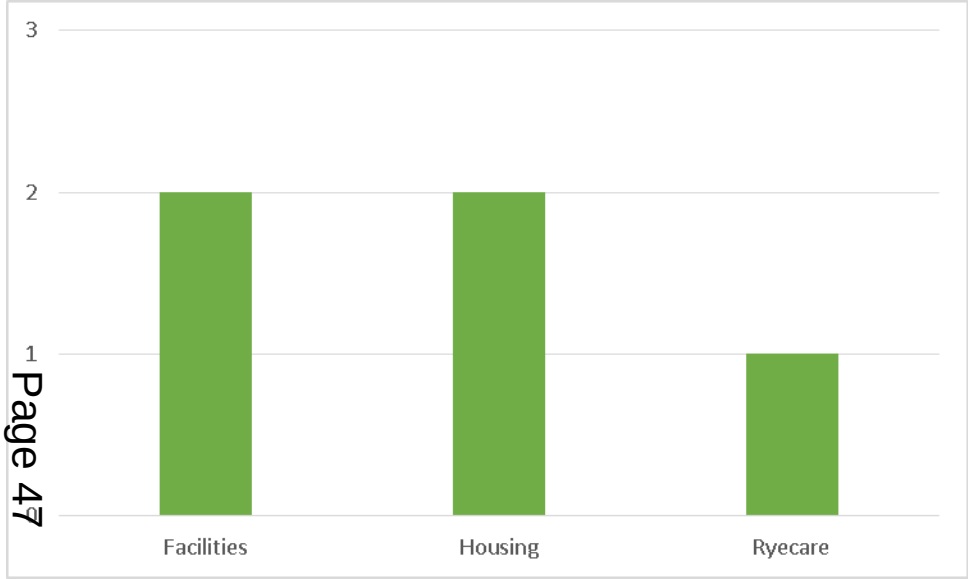

Facilities		
Title	**Description**	**Opened Date**
Motorhome parking in Helmsley	I just wanted to well done in providing dedicated motorhome parking in Helmsley.... if only other councils had your foresight. We love exploring places and eating in local restaurants.	12-Aug-2019
Public Toilets - Rosedale and Hutton-le-Hole	Our camping trip the weekend of Rosedale Show. We went to the show on the Saturday and as usual it was well attended. On the Saturday we went for a walk & I chose to use the public toilet. It was a very pleasant surprise to find the toilets so clean after such a busy day. In fact I would say that it is the cleanest public toilet I have ever been to. Also Hutton le Hole was equally as clean & well kept.	23-Aug-2019

Housing		
Title	**Description**	**Opened Date**
Housing enquiry	Myself and my children want to sincerely thank you all your help.	04-Jul-2019
Housing service	When I first walked through the doors of Ryedale House and asked for help and for someone to hold my hand I didn't know what to expect. If I am honest in my heart I didn't think I would be eligible for any help. But I was overwhelmed by the kindness and the support of every person I came into contact with and for this I am truly thankful.	30-Jul-2019

Ryecare		
Title	**Description**	**Opened Date**
Ryecare service	I would like to take this opportunity to thank you and all the Ryecare Staff for all your help regarding mum since being on the system. It was comforting to know that help was so near to hand and indeed you did have to contact me on numerous occasions when mum had pressed her pendant. The caring approach of all the staff was second to none (and I also include the young couple of lads who came to test it a few months ago when we thought there was a problem).	23-Jul-2019

RYEDALE DISTRICT COUNCIL

REPORT TO:	**OVERVIEW AND SCRUTINY COMMITTEE**
DATE:	**21 NOVEMBER 2019**
REPORT OF THE:	**DEPUTY CHIEF EXECUTIVE**
TITLE OF REPORT:	**PERFORMANCE REPORT**
WARDS AFFECTED:	**ALL**

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To provide details of progress to elected members showing the status of key performance indicators (PIs) comparing actual performance against targets for the period up to the end of quarter 2 of the reporting cycle (July - September 2019).

2.0 RECOMMENDATIONS

2.1 It is recommended that Members:

(i) note the progress report

3.0 REASON FOR RECOMMENDATIONS

3.1 To inform elected members of progress in delivering the council's objectives and where applicable, identify any specific areas where progress for individual PIs has not been achieved together with further explanation and details of planned management action to address performance. The detailed Performance Report is attached at Appendix 1.

4.0 SIGNIFICANT RISKS

4.1 No significant risks have been identified

5.0 POLICY CONTEXT AND CONSULTATION

5.1 The Performance Report shows progress across all of the Council's Corporate Priorities: Sustainable Growth, Customer and Communities and One Ryedale.

6.0 REPORT DETAILS

6.1 The report attached at Appendix 1 shows the status of key performance indicators comparing actual performance indicators (PIs) against target performance up to the end of the second quarter of reporting, the end of September 2019.

6.2 The performance indicators are grouped under the three current priorities of the council: Sustainable Growth, Customers and Communities and One Ryedale.

6.3 Overall, 16 of the performance indicators are showing a green status, 5 as an amber status and 1 as a red status.

6.4 A motion was passed by Council in October 2018, stating that "on a repeat of 'unavailable', red or amber, a report is produced for the appropriate committee. An explanation to be given as to why the target is close or missed on more than one occasion. Members to agree / recommend to Full Council appropriate changes so that actions can be implemented."

6.5 Under this criteria, there are 2 performance indicators with a repeat amber status in quarter 1 (April – June) and quarter 2 (July to September) of the reporting cycle:

- Processing of planning applications (Other applications – 8 weeks)
- Customer complaints resolved within five working days

6.6 There is also one performance indicator currently showing a red status:

- Prevention of Homelessness through Advice and Proactive intervention

6.7 The processing of Other planning applications within 8 weeks has performed slightly under target levels for the year to date from April to the end of September. At the moment there are currently two vacancies within the team which has had an impact on processing levels in this area, however these posts are currently out to recruitment to support and improve performance as soon as possible.

6.8 The delivery of the customer complaints process is under review, to devise a new policy and targets to improve the efficiency of our complaints handling process. Initial investigations have identified that the council's five working day response target for Stage 1 and Stage 2 complaints can be unrealistic when considering more complex complaints, and is not in line with the complaints procedures of other local authorities within our family group and within North Yorkshire. All steps of the process, including an assessment of the response targets, will form part of the review in line with the Local Government and Social Care Ombudsman document 'Guidance on running a complaints system' to use good practice to develop a system that provides a clear, accessible process for residents to make complaints, and ensures that we can learn from the information gathered to make improvements to service delivery.

6.9 On having fewer cases to prevent homelessness through advice and proactive intervention, we have been affected by the changes to housing legislation following the implementation of the Homelessness Reduction Act 2017 (HRA), which came into force in April 2018. Since that date, we have only been able to claim cases as preventions if households have approached us and are homeless or threatened with homelessness within 56 days. The comparative drop in performance so far this year has been caused by the new HRA legislation, as previously we were able to claim preventions when people approached us at an earlier stage. Also, we used to be able to claim partner preventions where certain local partner agencies such as Citizens Advice Bureau and Horton Housing prevented homelessness in Ryedale, but this is no longer possible under the new legislation. In addition, there has also been a reduction recently in the number of households approaching us for advice. Following the introduction of HRA, the target of achieving 39 prevention cases in a quarter has remained unchanged, and needs to be looked at again as the experimental statistics are further developed.

6.10 Appendix 2 of the report provides data on the previous performance of all three indicators currently displaying an amber or red status having missed their targets, and additional detail on the steps being taken to improve or examine the indicators as applicable.

6.11 As part of the review of the Council Plan, officers continue to work on improving the

current performance management reporting arrangements.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial
None

b) Legal
None

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None

Tony Galloway
Deputy Chief Executive

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Background Papers:
None

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RYEDALE DISTRICT COUNCIL

Performance Report – Appendix 1

Status	Performance Indicators showing as Amber or Red on more than one consecutive occasion
	Prevention of Homelessness through Advice and Proactive intervention
	Customer complaints resolved within 5 working days
	Processing of planning applications (Other)

SUSTAINABLE GROWTH

This Council wants to do all it can to create the conditions for economic success in our area. We also want Ryedale residents to have the skills, opportunities and living conditions that allow them to benefit from a healthy local economy and enjoy a good quality of life. A supply of local labour with the right skills is also essential for our businesses.

To guide our policies, proposals and priorities we monitor our relative performance in terms of the key baseline issues of: Employment and benefit claimant levels, Wage levels, Qualifications and education, Supply of homes (market and affordable) and housing sites. Housing affordability, including fuel poverty, and dealing with homelessness. Where local performance doesn't reflect our ambitions for our economy and communities, we will work with the appropriate partners to seek to address this through the most deliverable means.

To support both our businesses and our communities we also need new homes, particularly affordable homes for local people. We can only influence and seek to facilitate these matters in partnership with others.

CUSTOMERS AND COMMUNITIES

In terms of supporting the growth agenda and by meeting the needs of customers, the Council has continued to determine major planning applications in a timely manner with 100% of major applications determined in time and/or agreed extensions of time.

The processing of **'Other' planning applications** continuing at an Amber status for the second consecutive quarter.

Following a request from the committee, and a previous report from the Benefits Manager, the processing of new claims for Council Tax Support has been split out into Universal Credit and non-Universal Credit claims to show the difference in the processing times for elected members.

Customer complaints resolved within 5 working days has moved from a Red to an Amber status in Q2.

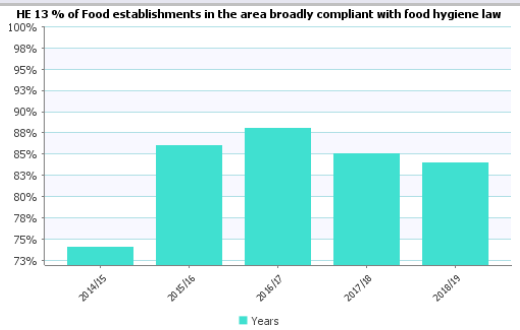
ONE RYEDALE

Both the collection rate for Non-Domestic Rates and the percentage of Council Tax collected PIs have moved from an amber to a green status at the end of Q2.

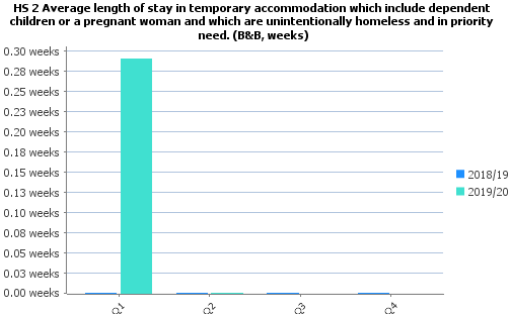
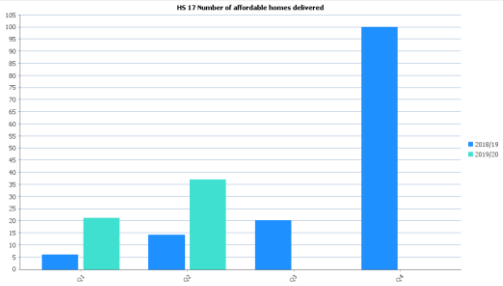
SUSTAINABLE GROWTH

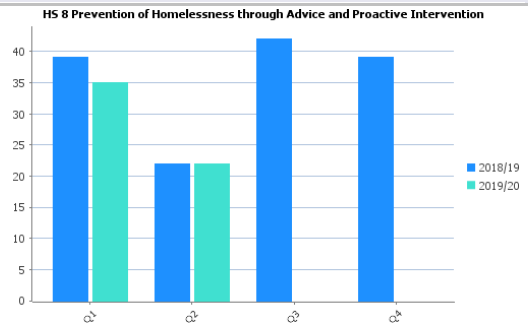
- Promoting a strong economy with thriving business and supporting infrastructure
- Capitalising on our culture, leisure and tourism opportunities
- Managing the environment of Ryedale with partners
- Enabling the provision of housing that meets existing and anticipates future need
- Minimising homelessness, improving the standard and availability of rented accommodation and supporting people to live independently

ENVIRONMENT - GARY HOUSDEN

Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	% of Food establishments in the area broadly compliant with food hygiene law	84%	72%	2018/19 result Aim to maximise		The assessment is based on a scoring system that is defined in the national Code of Practice. When officers inspect a food business they rate the business with respect to several aspects. Three of those aspects, namely the standard of hygiene, the structural standard and the confidence in management are awarded numerical values and if any one of them falls below a prescribed level, then the establishment is judged to be non-broadly compliant.

HOUSING - PHILLIP SPURR

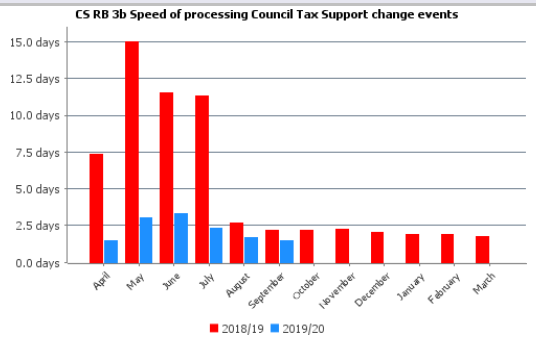
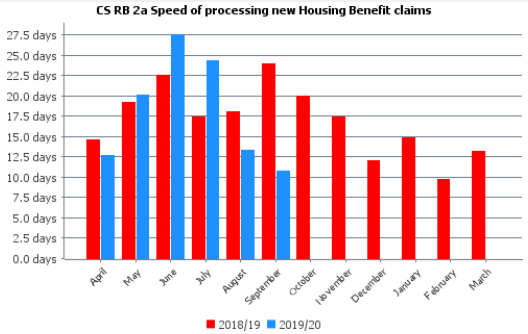
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Average length of stay in temporary accommodation which include dependent children or a pregnant woman and which are unintentionally homeless and in priority need. (B&B, weeks)	0.00 weeks	4.00 weeks	Q2 2019/20 result Aim to minimise		Zero dependent children or pregnant women placed in Bed & Breakfast accommodation during this quarter
	Number of affordable homes delivered	37 homes	38 homes	Q2 2019/20 result Aim to maximise		37 affordable units have been completed to date and on target to complete another 115 by the end of March 2020. Units completed so far in 2019/20: - 7 at Broughton Manor, Malton - 12 at Mickle Hill. Pickering - 5 at Easthill, Thornton-le-Dale - 6 at Firthlands Road, Pickering - 7 at Auburn Cottages, Langton Road, Norton

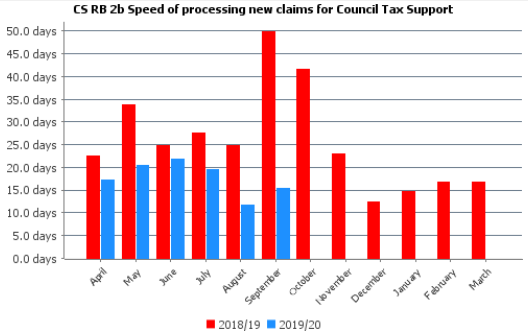
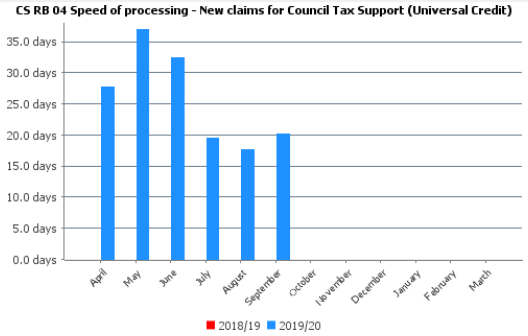
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Prevention of Homelessness through Advice and Proactive Intervention	22 cases	39 cases	Q2 2019/20 result Aim to maximise		Since the implementation of the Homelessness Reduction Act 2017 (HRA), we have only been able to claim preventions if households have approached us and are homeless or threatened with homelessness within 56 days. We were previously able to claim preventions when people approached us at an earlier stage. Also, we used to be able to claim partner preventions where certain local partner agencies such as Citizens Advice Bureau and Horton Housing prevented homelessness, which is no longer possible under the new legislation. Following the introduction of HRA, the target of achieving 39 prevention cases in a quarter has remained unchanged, and needs to be looked at again as the experimental statistics are further developed.

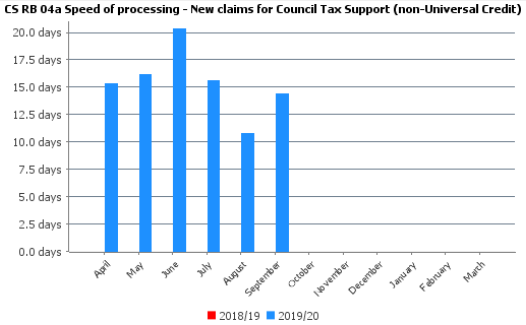
CUSTOMERS AND COMMUNITIES

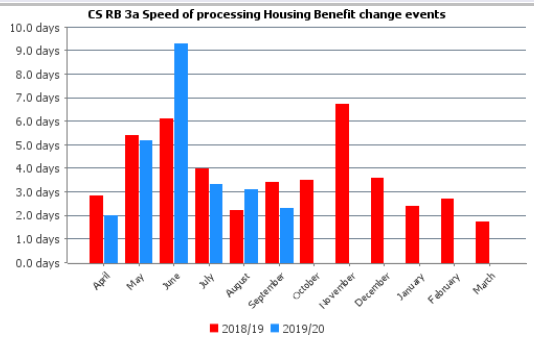
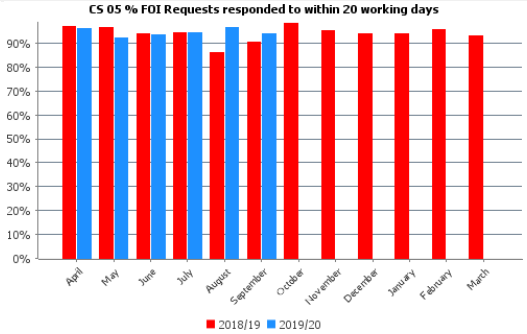
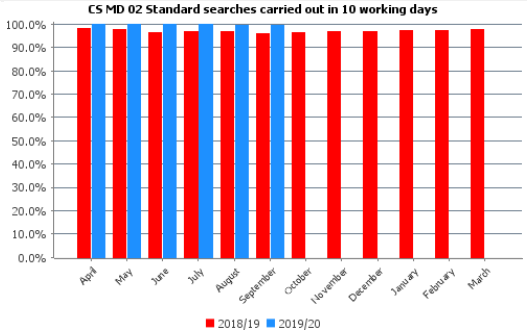
- Designing all of our services with the customer at the heart of everything we do
- Making the best use of resources to ensure maximum benefit for all customers and communities across the district, particularly the most vulnerable
- Helping our partners to keep our communities safe and healthy
- Supporting communities to identify their needs, plan and develop local solutions and resilience

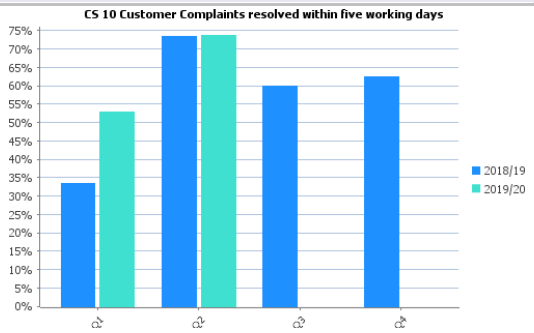
CUSTOMER SERVICES - MARGARET WALLACE

Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Speed of processing Council Tax Support change events	2.2 days	12.0 days	Q2 2019/20 result Aim to minimise		The processing times following notification of change events on Council Tax Support continues to perform well within the target levels. To maintain this strong level of performance, system processes have continued to be developed and staff continue to encourage citizens to provide all the required information as soon as possible so it can be worked on as soon as it is received.
	Speed of processing new Housing Benefit claims	18.1 days	21.7 days	Q2 2019/20 result Aim to minimise		The processing times for new housing benefit claims continues to perform within the target levels. To maintain and improve performance, new processing procedures have been implemented and staff continue to encourage citizens to

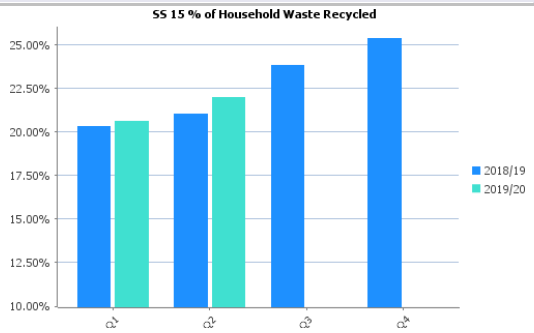
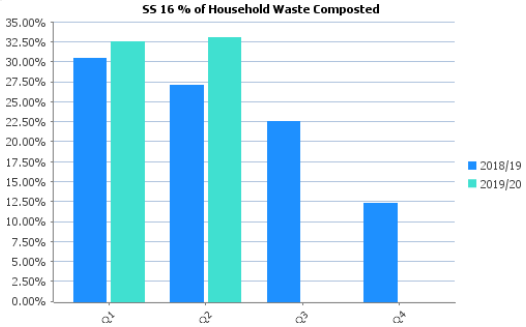
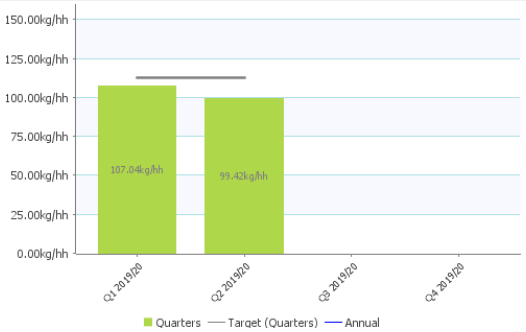
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
						provide all the required information as soon as possible so it can be worked on as soon as it is received.
	Speed of processing new claims for Council Tax Support (Overall)	17.7 days	25.0 days	Q2 2019/20 result Aim to minimise		The processing times for new claims of Council Tax Support continues to perform within the target levels. To maintain and improve performance, new processing procedures have been implemented and system processes have been improved.
	Speed of processing New claims for Council Tax Support (Universal Credit)	21.0 days	25.0 days	Q2 2019/20 result Aim to minimise		The initial new claim made under Universal Credit will be processed by the Department of Work and Pensions and paid within 35 days. Although it takes 35 days (5 weeks) for the customer to receive their first payment they are able to view their Universal Credit award via their Journal after approximately 30 days, at this point we are notified of the award and the new Council Tax Support (CTS) claim is assessed. Following notification of a new claim for Universal Credit, if a customer's income is too high for

Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
						Council Tax Support, the new claim CTS is cancelled at that point but still monitored. If a customer's income subsequently reduces in their next Universal Credit Assessment period which makes them eligible for CTS going forward, this is sent through by the DWP and counts as a new claim for CTS purposes. As the previous new claim has been cancelled, the claim is processed within one or two days of the award being received. This is why the average processing time for the performance indicator is down at the current 21 day value.
	Speed of processing New claims for Council Tax Support (non-Universal Credit)	14.4 days	25.0 days	Q2 2019/20 result Aim to minimise		This performance indicator demonstrates the speed of processing Council Tax Support new claims the Benefits team receives **directly** from Ryedale citizens to us at Ryedale House.

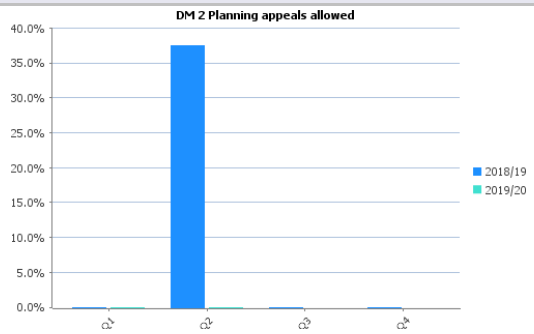
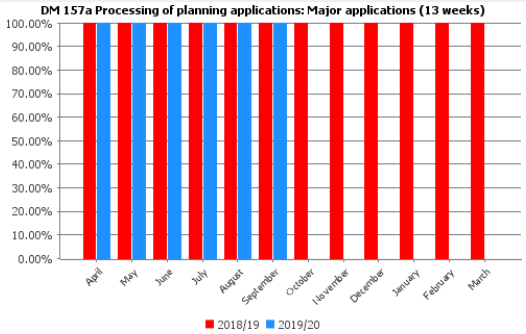
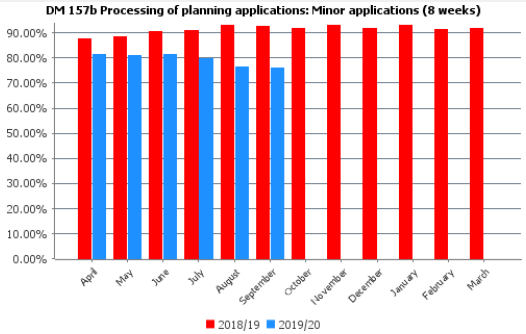
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Speed of processing Housing Benefit change events	4.2 days	12.0 days	Q2 2019/20 result Aim to minimise		The processing times following notification of changes to Housing Benefit claims continues to perform well within the target levels. To maintain performance, staff continue to encourage citizens to provide all the required information as soon as possible so it can be worked on as soon as it is received.
	% FOI Requests responded to within 20 working days	94.6%	90%	Q2 2019/20 result Aim to maximise		176 out of 186 FOI requests received were responded to within 20 working days.
	Standard searches carried out in 10 working days	99.6%	100.0%	Q2 2019/20 result Aim to maximise		The performance to date to carry out standard searches within 10 working days is under the target levels, but this work area has two vacancies in the team which has affected performance levels.

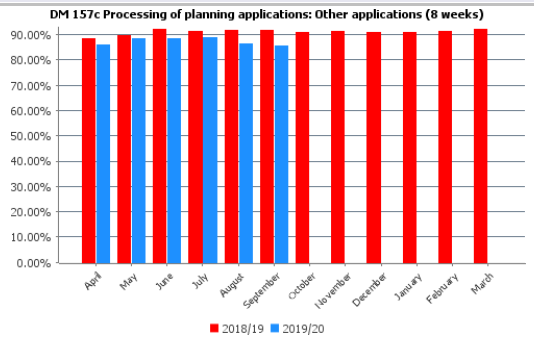
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Customer Complaints resolved within five working days	73.68%	75%	Q2 2019/20 result Aim to maximise		14 out of 19 customer complaints were responded to within the five working day target. Review currently underway to revise the current complaints policy and refine processes to improve response times.

OPERATIONS - BECKIE BENNETT

Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	% of Household Waste Recycled	20.09%	20.00%	Q2 2019/20 result Aim to maximise		The percentage of household waste recycled is just above the 20% target.
	% of Household Waste Composted	33.39%	23.00%	Q2 2019/20 result Aim to maximise		The percentage of household waste composted (up to the end of September) is well above the 23% target.
	Residual household waste - kg per household	99.42kg/hh	112.50kg/hh	Q2 2019/20 result Aim to minimise		The kilograms of household waste per household is below the target as the recycling and composting rates have improved over the second quarter.

PLANNING & REGULATION - GARY HOUSDEN

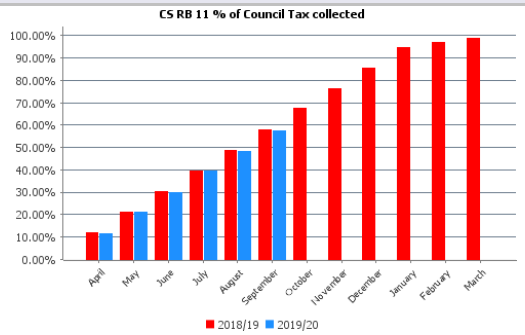
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Planning appeals allowed	0.0%	33.0%	Q2 2019/20 result Aim to minimise		No appeal decisions have been received so far this year.
	Processing of planning applications: Major applications (13 weeks)	100.00%	70.00%	September 2019 result Aim to maximise		We are currently performing at 100%, with 7 major applications received in this quarter. Whilst this performance can be volatile due to small numbers, we are currently performing well above target level of 70%.
	Processing of planning applications: Minor applications (8 weeks)	75.90%	80.00%	September 2019 result Aim to maximise		Performance has been above target for Quarter 1, but has dropped from July to September 2019 and processing levels will continue to be monitored. 47 minor applications were received during this quarter.

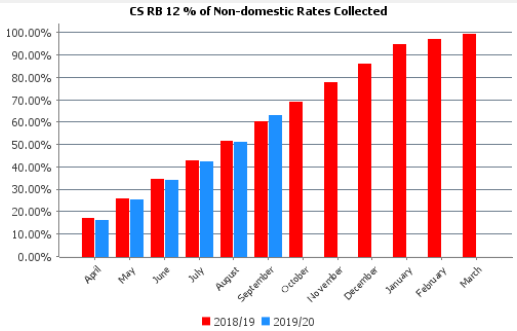
Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	Processing of planning applications: Other applications (8 weeks)	85.60%	90.00%	September 2019 result Aim to maximise		The processing of Other planning applications has been slightly under the 90% target from April to the end of September. This work area currently has two vacancies in the team which has affected performance. 126 applications have been received in this quarter.

ONE RYEDALE

- Working together as One Ryedale, members and staff share the PROUD values and behaviours
- Utilising assets in supporting the delivery of priorities
- Developing business opportunities for the council and optimise income
- Building capacity and influencing policy in partnership
- Enabling services through the innovative use of ICT
- Delivering the Towards 2020 programme and anticipating further savings required to 2022

CUSTOMER SERVICES - MARGARET WALLACE

Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
	% of Council Tax collected	57.51%	57.49%	Latest result for 2019/20 as of September 2019 Aim to maximise		The monthly targets were amended this year to compensate that the collection rate falls behind in the earlier months of the financial year, but then catch up again towards the end of the year. This is due to the ongoing increase in uptake of customers opting to pay over 12 instalments of the year as opposed to 10. We are now

Traffic Light	Short Name	Latest Actual Result	Latest Target	Last Update	Trend Chart	Latest Note
						keeping a record of the uptake of taxpayers that pay by 12 instalments, so these stats can be provided upon request. The collection rate is now back above the target rate set for the end of September.
	% of Non-domestic Rates Collected	62.91%	60.20%	Latest result for 2019/20 as of September 2019 Aim to maximise		Business Rate collection is prone to substantial fluctuation due to increases and decreases to rateable values, but the collection rate has moved from an Amber Status in Quarter 1 to a Green Status as of the end of September.

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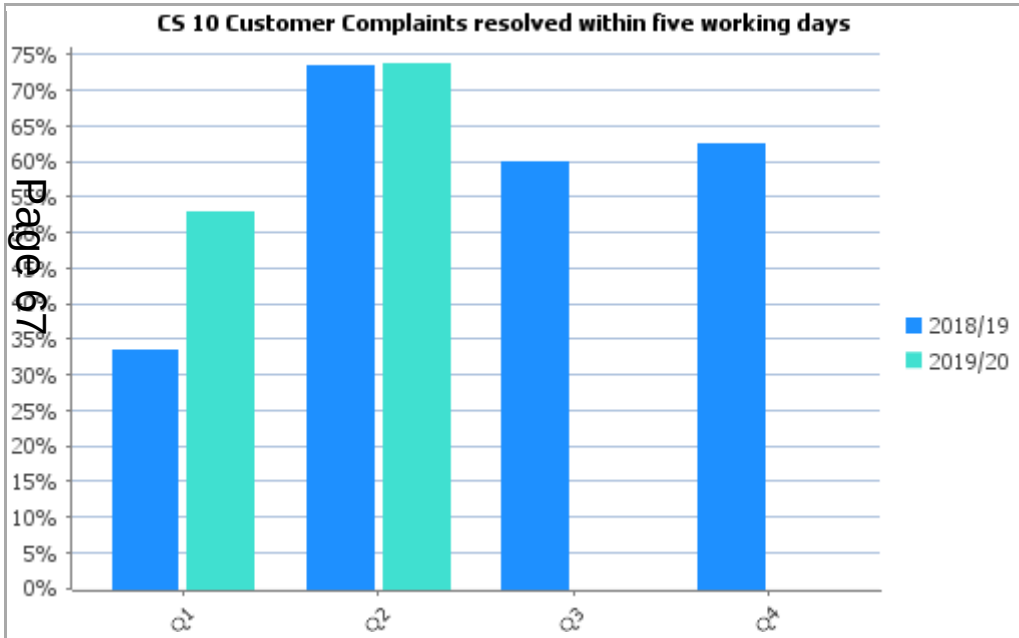
Appendix 2

Red and Amber Performance Indicator Review

RYEDALE DISTRICT COUNCIL

Performance Indicators are included in this report if they show a repeat Amber or Red status in reporting periods
(Quarter 1: 1 April to 31 June 2019 and Quarter 2: 1 July to 30 September 2019)

Customer Complaints resolved within five working days



Past Performance

2017-18			
	Status	Value	Target
2017/18		34.38%	50%
2018-19			
	Status	Value	Target
2018/19		60%	75%
2019-20			
	Status	Value	Target
Q1 2019/20		52.9%	75%
Q2 2019/20		73.68%	75%

Officer comments and actions to take:

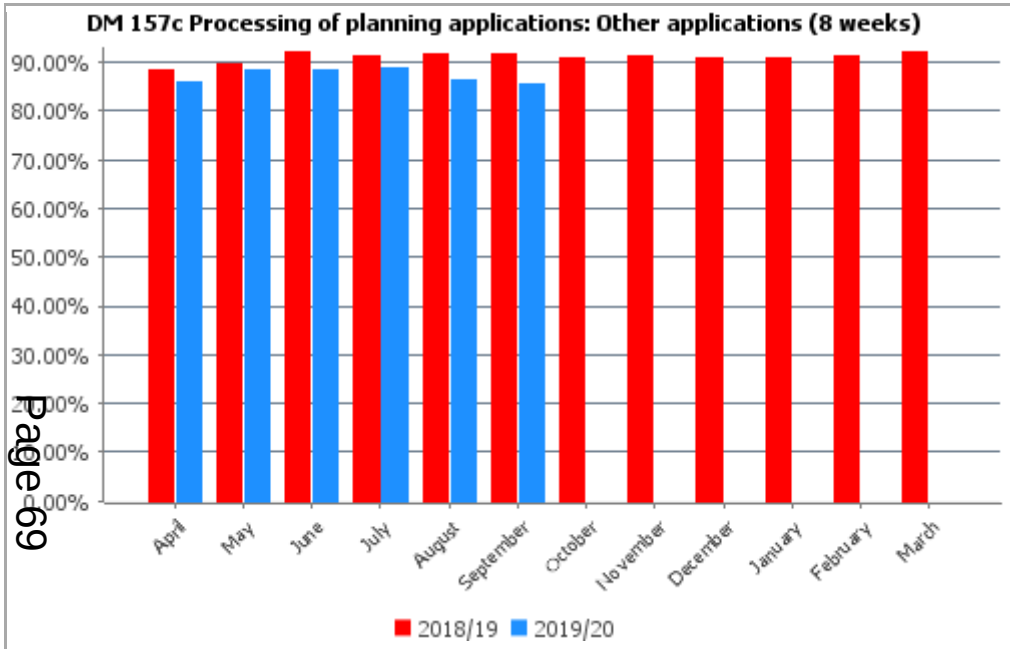
The delivery of the customer complaints process is under review, to devise a new policy and targets to improve the efficiency of our complaints handling process. Initial investigations have identified that the council's five working day response target for Stage 1 and Stage 2 complaints can be unrealistic when considering more complex complaints, and is not in line with the complaints procedures of other local authorities within our family group and councils across North Yorkshire. All steps of the process, including an assessment of the response targets, will form part of the review in line with the Local Government and Social Care Ombudsman document 'Guidance on running

Appendix 2

a complaints system' to use good practice to develop a system that provides a clear, accessible process for residents to make complaints, and ensures that we can learn from the information gathered to make improvements to service delivery. During quarter 2, 14 out of 19 customer complaints received were responded to within the five working day target, this is a 20% improvement on the previous quarter, but still below the 75% target set.

Appendix 2

Processing of planning applications: Other applications (8 weeks)



Past Performance

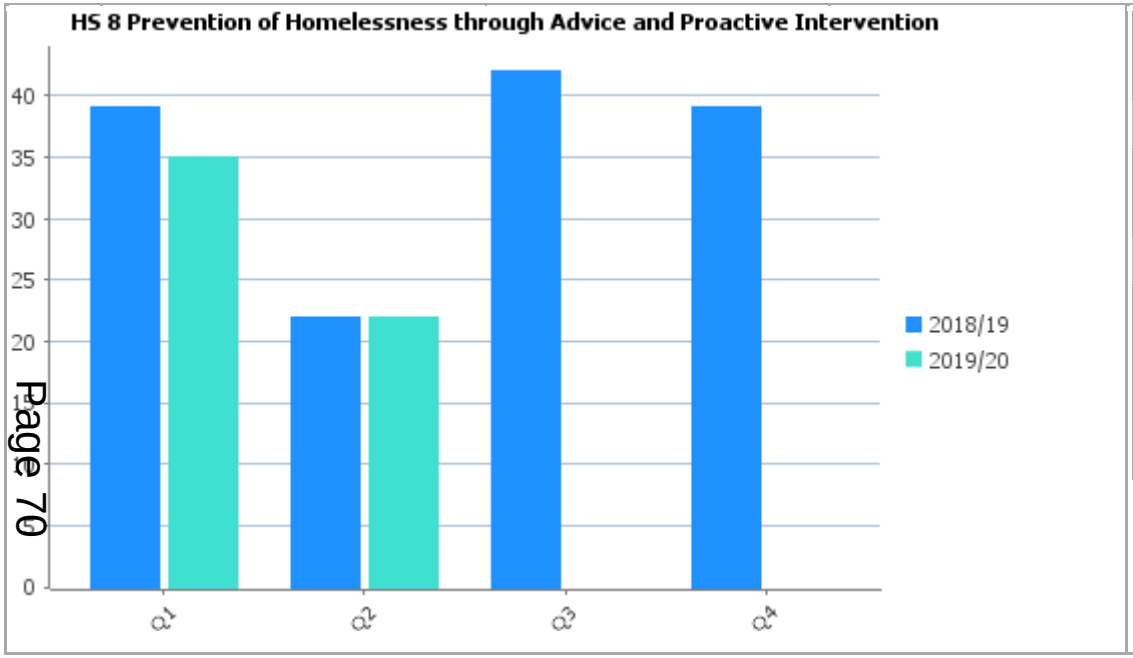
2017-18			
	Status	Value	Target
2017/18		85.60%	90.00%
2018-19			
	Status	Value	Target
2018/19		91.90%	90.00%
2019-20			
	Status	Value	Target
Apr 2019		86.10%	90.00%
May 2019		88.40%	90.00%
Jun 2019		88.30%	90.00%
Jul 2019		88.90%	90.00%
Aug 2019		86.40%	90.00%
Sep 2019		85.60%	90.00%

Officer comments and actions to take:

The processing of Other planning applications has been slightly under the 90% target from April to the end of September. There are currently two vacancies in the team which has affected performance levels, but we are out for recruitment for these posts at the moment to improve in this area.

Appendix 2

Prevention of Homelessness through Advice and Proactive Intervention



Past Performance

2017-18			
	Status	Value	Target
2017/18		171 cases	156 cases
2018-19			
	Status	Value	Target
2018/19		142 cases	156 cases
2019-20			
	Status	Value	Target
Q1 2019/20		35 cases	39 cases
Q2 2019/20		22 cases	39 cases

Officer comments and actions to take:

Housing Legislation changed following the implementation of the Homelessness Reduction Act 2017 (HRA), which came into force in April 2018. Since that date, we have only been able to claim cases as preventions if households have approached us and are homeless or threatened with homelessness within 56 days.

The comparative drop in performance so far this year has been caused by the new HRA legislation, as were previously able to claim preventions when people approached us at an earlier stage. Also, we used to be able to claim partner preventions where certain local partner agencies such as Citizens Advice Bureau and Horton Housing prevented homelessness in Ryedale, but this is no longer possible under the new legislation. In addition, there has also been a reduction recently in the number of households approaching us for advice.

At this stage it is difficult to compare any figures under the old legislation with the current figures as the system has changed so much. Following the introduction of HRA, the target of achieving 39 prevention cases in a quarter has remained unchanged, and needs to be looked at again as the experimental statistics are further developed.

Appendix 2

National homelessness figures are currently published as experimental statistics at: https://www.gov.uk/government/statistics/statutory-homelessness-in-england-january-to-march-2019

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O&S Work Plan

Date of Meeting	Committee	OS/Au	Service Area	Report Title
January				
23-Jan-20	Overview and Scrutiny Committee		Democratic Services	Review of Workplan
23-Jan-20	Overview and Scrutiny Committee	Au	Financial Services	Grant Thornton Certification of Grant Claim - Annual Report
23-Jan-20	Overview and Scrutiny Committee	Au	Financial Services	Grant Thornton Audit Plan
23-Jan-20	Overview and Scrutiny Committee	Au	Financial Services	Grant Thornton Technical Update
23-Jan-20	Overview and Scrutiny Committee	Au	Financial Services	Internal Audit and Counter Fraud Progress Report
23-Jan-20	Overview and Scrutiny Committee	Au	Financial Services	Internal Audit Plan - Consultation
23-Jan-20	Overview and Scrutiny Committee	Au	Financial Services	Treasury Management and Investment Strategy
February				
13-Feb-20	Overview and Scrutiny Committee	OS	Customer Services	Safer Ryedale progress with Delivering the Community Safety Plan
13-Feb-20	Overview and Scrutiny Committee	OS	Deputy Chief Executive	Performance Report Q3
13-Feb-20	Overview and Scrutiny Committee	OS	Customer Services	Customer Complaints and Compliments Q3 2019/20
13-Feb-20	Overview and Scrutiny Committee	OS	Legal Services	Report on the use of RIPA Powers by the District Council
13-Feb-20	Overview and Scrutiny Committee	OS	Democratic Services	Scrutiny Review Progress Report
13-Feb-20	Overview and Scrutiny Committee		Democratic Services	Review of Workplan
March				

Date of Meeting	Committee	OS/Au	Service Area	Report Title
26-Mar-20	Overview and Scrutiny Committee		Democratic Services	Review of Workplan
26-Mar-20	Overview and Scrutiny Committee	OS	Democratic Services	Scrutiny Review Progress Report
April				
23-Apr-20	Overview and Scrutiny Committee		Democratic Services	Review of Workplan
23-Apr-20	Overview and Scrutiny Committee	Au	Financial Services	Internal Audit and Counter Fraud Progress Report 2019/20
23-Apr-20	Overview and Scrutiny Committee	Au	Financial Services	Internal Audit, Counter Fraud and Information Governance Plans 2020-21
23-Apr-20	Overview and Scrutiny Committee	Au	Financial Services	Grant Thornton Audit Progress Report and Sector Guidance
23-Apr-20	Overview and Scrutiny Committee	OS	Delivery & Frontline Services	Progress on implementation of Recommendations of the Climate Change Scrutiny Review

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