



OVERVIEW AND SCRUTINY COMMITTEE

Thursday 1 October 2020 at 6.30 pm

Council Chamber, Ryedale House, Malton

IMPORTANT: The Council fully recognises and respects the role and importance of democratic meetings and is committed to protecting the health and safety of Elected Members and Officers who participate. Risk assessments are undertaken in advance of each meeting, and are reviewed on an ongoing basis. The intention is to hold democratic meetings in-person where it is safe to do so. However, if, as a result of risk assessment it is determined that a physical meeting cannot safely occur, the meeting will proceed virtually and details of this will be made available on the Council's website.

In the event of a physical meeting, social distancing measures will be in place throughout, however it is important that you do not attend the meeting if you or anyone in your household has symptoms of COVID-19.

For the purpose of public transparency and accountability, the meeting will be live streamed online. Details of how to access the live stream will be made available on the Council's website in due course. For health and safety reasons and in accordance with our risk assessment, members of the public are asked to follow the meeting via this method rather than attending any physical meeting in person. If you are unable to access the meeting this way, please contact us so that we can explore whether any safe alternative option is possible. The media will be able to report on proceedings from the live stream.

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 meeting held on 3 January 2020 and 23 January 2020 (Pages 3 - 12)**

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

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

7 **Draft Annual Governance Statement** (Pages 13 - 30)

8 **Standards Training** (Pages 31 - 36)

9 **Filter Assessment for Standards Complaints** (Pages 37 - 46)

10 **Local Government and Social Care Ombudsman Annual Letter 2019/20** (Pages 47 - 56)

11 **Corporate Complaints 2019/20** (Pages 57 - 66)

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

12 **HR Policy Revision** (Pages 67 - 88)

13 **Decisions from other Committees** (Pages 89 - 94)

Policy and Resources Committee held on 24 September 2020.

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

Overview and Scrutiny Committee

Held at Council Chamber, Ryedale House, Malton
on Friday 3 January 2020

Present

Councillors Bailey, Clark (Chairman), Cussons MBE, Garbutt Moore, Di Keal, Middleton, Oxley, Raine and Raper

In Attendance

Andrew Ellis, Tony Galloway and Barry Khan
Stacey Burlet also attended the committee on 9 January 2020.

Minutes

82 **Apologies for absence**

Apologies for absence were received from Cllr Brackstone.

83 **Declarations of Interest**

There were no declarations of interest

84 **Exempt information**

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 1 of Part 1 of Schedule 12A of the Act.

85 **Raine-Dunstan Report**

[The meeting was adjourned and reconvened on Thursday 9 January 2020]

Considered – Report of the Deputy Chief Executive.

Members carefully considered the aforementioned report with communications with and from the Information Commissioner's Officer (ICO) and future communications with staff.

It was recommended in the report that the Overview and Scrutiny Committee:

- (i) Confirms that it has now concluded its investigation into bullying and intimidating behaviour within Ryedale District Council.
- (ii) Agrees to release the Raine and Dunstan report immediately after 3rd January 2020 Committee meeting once the following has occurred:
 - (a) Release of other relevant historical information relating to this matter including the ACAS Staff Survey and the Health and Wellbeing/Staff Champion Surveys

- (b) A summary is provided by the Chair of the history leading up to the commissioning of the Overview and Scrutiny report on bullying.
- (iii) Notes that a media management and proactive communications plan fronted by the Chief Executive will be rolled out to coincide with the release of the information regarding staff surveys.
- (iv) Reports on its findings to full Council.

Upon being put to the vote recommendation (i) above was unanimously agreed.

An amendment was moved and seconded to recommendation (ii) above to delete “3rd January 2020” and this was agreed.

Upon being put to the vote recommendation (ii) (a) was then agreed unanimously.

With regards to recommendation (ii) (b), an amendment was moved and seconded to read “background information is provided from Appendix 2 of the report of the Deputy Chief Executive with a brief pre-amble as appropriate”.

Upon being put to the vote, this was agreed:

For: Councillors Keal, Raine, Oxley, Moore, Middleton and Bailey.

Against: Councillors Cussons, Raper and Clark.

An amendment was then moved and seconded to insert a new recommendation (iii) “The Committee endorses the actions and those planned by the Chief Executive in addressing these issues,” and renumber (iii) to (iv).

Upon being put to the vote, this was agreed.

For: Councillors Cussons, Oxley, Moore, Middleton and Bailey.

Against: Councillors Keal, Raper, Raine and Clark.

Renumbered recommendations (iv) to (v) were then considered and agreed.

An amendment was moved and seconded to add a recommendation (vi) to read, “Ensures that the Chief Executive has put in place an appropriate mechanism for monitoring progress in this area, which includes reporting any relevant findings to the Overview and Scrutiny Committee”.

This amendment was agreed unanimously.

Decision

That the Overview and Scrutiny Committee:

- (i) Confirms that it has now concluded its investigation into bullying and intimidating behaviour within Ryedale District Council.
- (ii) Agrees to release the Raine and Dunstan report immediately after the Overview and Scrutiny Committee meeting with the release of:
 - (a) Other relevant historical information relating to this matter including the ACAS Staff Survey and the Health and Wellbeing/Staff Champion Surveys
 - (b) Background information from Appendix 2 of the report of the Deputy Chief Executive presented to the Overview and Scrutiny Committee with a brief preamble as appropriate.
- (iii) Endorses the actions and those planned by the Chief Executive in addressing these issues.
- (iv) Notes that a media management and proactive communications plan fronted by the CX will be rolled out to coincide with the release of the information regarding staff surveys.
- (v) Reports its findings to Full Council.
- (vi) Ensures that the Chief Executive has put in place an appropriate mechanism for monitoring progress in this area, which includes reporting any relevant findings to the Overview and Scrutiny Committee.

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Any other business that the Chairman decides is urgent.

There was no other business.

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Public Document Pack

Overview and Scrutiny Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 23 January 2020

Present

Councillors Bailey, Clark (Chairman), Cussons MBE, Garbutt Moore, Middleton and Raper

In Attendance

Will Baines, Jonathan Dodsworth, Anton Hodge, Gareth Mills, Christine Phillipson and Thilina De Zoysa

Minutes

87 **Apologies for absence**

Apologies were received from Councillor Brackstone, Councillor Raine, Councillor Oxley and Councillor Keal.

88 **Urgent Business**

There were no items of urgent business.

89 **Minutes of the meeting held on 21st November 2019**

Decision
That the minutes of the meetings of the Overview and Scrutiny Committee held on 21 November 2019 be approved and signed by the Chairman as a correct record.

Voting record
5 For
0 Against
0 Abstentions

90 **Declarations of Interest**

There were no declarations of interest.

91 **Chair's Announcements**

There were no Chair's announcements

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

92 **Second Internal Audit and Counter Fraud Progress Reports 2019/20**

Considered – Report of the Chief Finance Officer (s151).

Decision

That the Committee notes the work undertaken by internal audit in the year to date.

Voting Record

5 For

0 Against

0 Abstentions

Decision

That the Committee notes the work undertaken by the counter fraud team in the year to date.

Voting Record

6 For

0 Against

0 Abstentions

93 **Internal Audit Plan 2020/21 - Consultation**

Considered – Report of the Chief Finance Officer (s151).

Decision

That Members agree to consider any specific risk areas and inform Internal Audit via the Chair of Committee or Committee clerk.

Voting Record

6 For

0 Against

0 Abstentions

94 **Grant Thornton External Audit Plan**

Considered – Report of Grant Thornton.

Decision

That the External Audit Plan be noted, thanks given to Grant Thornton and any comments fed back via the Chair of Committee or Committee clerk.

Voting Record

6 For

0 Against

0 Abstentions

95 **Update on the use of Regulation of Investigatory Powers Act 2000**

Considered – Report of the Democratic Services Manager.

Decision

That Members note that no application for covert surveillance has been made to the Council’s approved “Authorising Officers” and as a consequence no application to the Magistrates Court requesting approval of any such grant has been made.

Voting Record

6 For

0 Against

0 Abstentions

96 **Treasury Management Strategy Statement and Annual Investment Strategy 2020/21**

Considered – Report of the Chief Finance Officer (s151).

Decision

- (i) Members note this report;
- (ii) The Operational Borrowing Limit for 2020/21 is set at £6m;
- (iii) The Authorised Borrowing Limit for 2020/21 is set at £11.5m;
- (iv) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed authorised boundary limits for long-term borrowing for 2020/21 onwards.

- (v) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed operational boundary limits for long-term borrowing for 2020/21 onwards.
- (vi) The treasury management strategy statement 2020/21 be noted.
- (vii) The minimum revenue provision policy statement for 2020/21 be noted.
- (viii) The treasury management investment strategy for 2020/21 be noted.
- (ix) The prudential indicators for 2020/21 which reflect the capital expenditure plans which are affordable, prudent and sustainable be noted.
- (x) The Capital Strategy for 2020/21 be noted

Voting Record

6 For
0 Against
0 Abstentions

97 **Timetable of Meetings 2020-21**

Considered – Report of the Democratic Services Manager.

Note : Councillors Middleton and Garbutt-Moore to identify specific issues around overlapping school holiday and meeting dates and make comment to Chair of Overview and Scrutiny Committee and feed into Policy and Resources Committee.

Decision

That Council is recommended to note the timetable of meetings as a basis for working in 2020-21.

Voting Record

6 For
0 Against
0 Abstentions

98 **O&S Workplan**

Considered.

Decision

That the O&S workplan be noted. Chair of Committee made reference to the possibility of the next scheduled meeting on 13th February 2020 being cancelled or a working party to be scheduled in its place.

Voting Record

6 For

0 Against

0 Abstentions

99 **Dates for Future Working Party Meetings.**

A date to be confirmed in March for a Universal Credit working party to meet and visit the Job Centre.

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

There being no other business, the meeting closed at 8.10pm

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	1 OCTOBER 2020
REPORT OF THE:	CHIEF FINANCE OFFICER (s151) ANTON HODGE
TITLE OF REPORT:	DRAFT ANNUAL GOVERNANCE STATEMENT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report presents the draft Annual Governance Statement which has been included in the draft accounts. The Committee is asked to note the Statement and to comment on it ahead of any final changes before it is signed off as part of the Annual Accounts in October at Audit Committee and in November at Policy and Resources.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that the Committee notes the draft Annual Governance Statement as presented and feeds back any comments for consideration in the final statement to the s151 Officer.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 To include feedback from the Committee ahead of production of the final Statement.

4.0 SIGNIFICANT RISKS

- 4.1 This Statement is intended to provide reasonable assurance. It is stressed that no system of control can provide absolute assurance against material misstatement or loss. In concluding this overview of the Council's governance arrangements, a number of issues have been identified that need to be addressed to ensure continuous improvement in the Governance Framework.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Council is required by regulations to prepare and publish an Annual Governance

Statement

6.0 REPORT CONTENTS

- 6.1 The draft Annual Governance Statement is attached to this report as Appendix 1.
- 6.2 This sets out the framework within which financial control and corporate governance is managed and reviewed by the Council. It also reports on key issues identified and any relevant proposed actions.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
Failure to manage risk can result in legal action and costs
 - b) Legal
Failure to manage risk can result in legal action and costs
 - c) Other (Climate Change, Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
Failure to manage risk can result in legal action and costs

Name of Head of Service **Anton Hodge**
Job Title **Chief Finance Officer (s151)**

Author: Anton Hodge, Chief Finance Officer
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Background Papers:

Draft Published Accounts

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DRAFT ANNUAL GOVERNANCE STATEMENT

Scope of Responsibility

Ryedale District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money allocated to it is safeguarded, properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, including arrangements for the management of risk.

RYEDALE
DISTRICT
COUNCIL



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The Code of Governance sets out the principles of good governance and describes the arrangements the Council has put in place to meet each of these principles:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B. Ensuring openness and comprehensive stakeholder engagement
- C. Defining outcomes in terms of sustainable economic, social and environmental benefits
- D. Determining the interventions necessary to optimise the achievement of intended outcomes
- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it
- F. Managing risks and performance through robust internal control and strong public financial management
- G. Implementing good practices in transparency, reporting, and audit, to deliver effective accountability

DRAFT ANNUAL GOVERNANCE STATEMENT

The Purpose of the Governance Framework

The governance framework comprises the systems and processes, culture and values, by which the Council directs and controls its activities, and how it leads, engages with and accounts to the community it serves. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to an acceptable level. It cannot eliminate all risk of failure to achieve the Council's aims and objectives, but it seeks to provide reasonable rather than absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to identify, prioritise and manage the risks to the achievement of the Council's aims and objectives.

The governance framework has been in place at Ryedale District Council for the year ended 31 March 2020 and up to the date of approval of the annual statement of accounts.

The Council's Governance Framework addresses the way the Council is controlled and managed, both strategically and operationally, and how it will deliver its services. The Framework recognises that the Council's business is focused upon its corporate priorities and seeks to facilitate delivery to our local communities of the goals set out in the Corporate Plan. To improve the effectiveness of this, the Council has built on the Health Checks commissioned in 2018 and 2019 by implementing action plans and strengthening capacity in areas described below. Further reviews – such as by SOCITM – have been undertaken in a spirit of continuous improvement and a new Council Plan has been drafted.

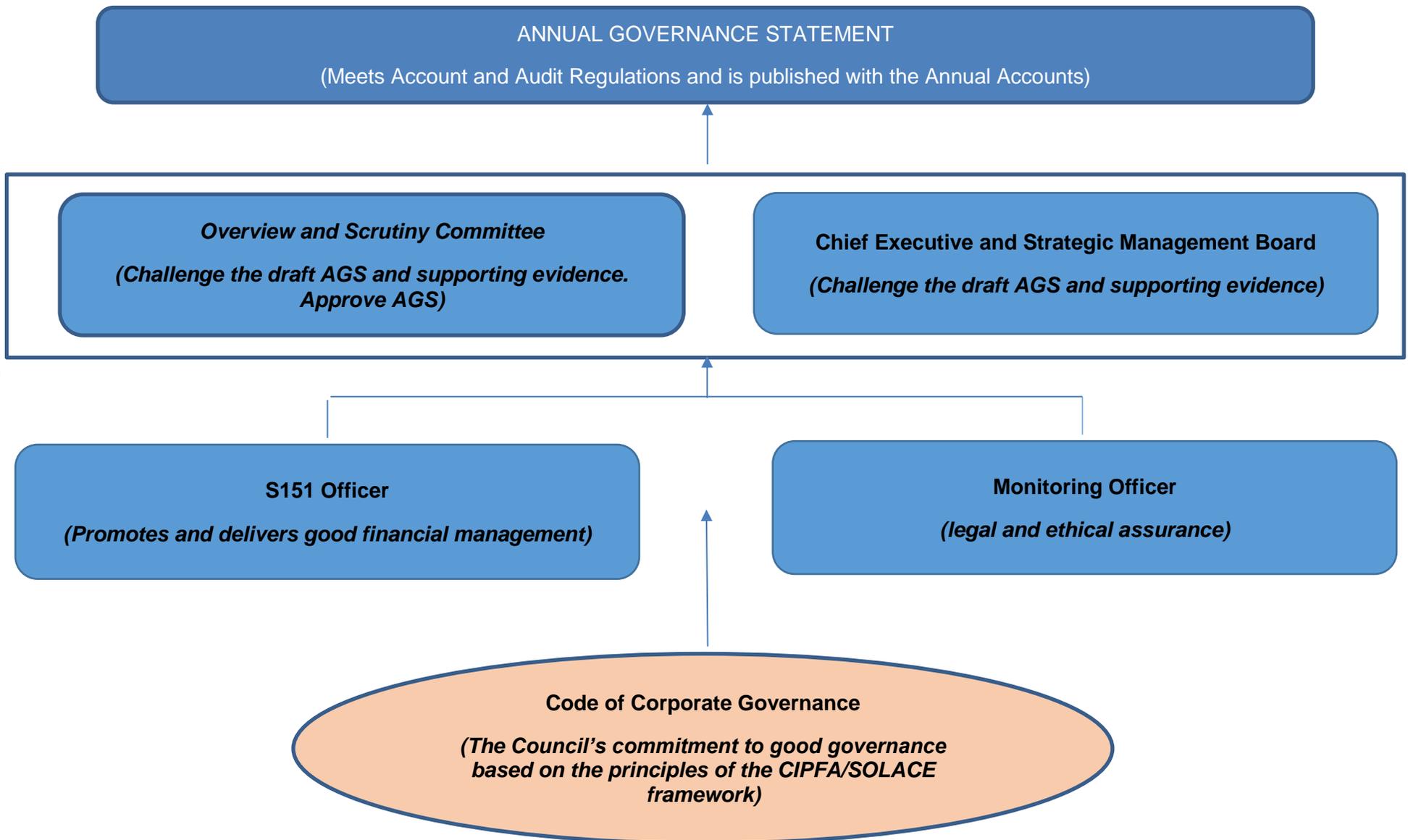
The structures and processes, risk management and other internal control systems, such as standards of conduct, form part of this Framework, which is about managing the barriers to achieving the Council's objectives.

Members and senior officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal. Following the appointment of a new Chief Executive and Section 151 Officer in Autumn and Summer 2018, this task is now managed by the Strategic Management Board and other senior managers, who have commissioned and taken action to address governance related issues. This includes briefing relevant Committees for consideration. Overview and Scrutiny have also pursued a robust approach to strengthening governance arrangements in key areas such as risk management. A review of capacity in Corporate Governance has also taken place and a new structure is now being implemented

DRAFT ANNUAL GOVERNANCE STATEMENT

The process for drawing up and approving the AGS is set out below. However for the 2019/20 statement, this process has been severely impacted by the Coronavirus Pandemic and this is explained in more detail below

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Constitution
Code of Conduct
Scheme of Delegation
Complaints Process
Equality and Diversity

- Standards Annual Report to O&S Committee
- Complaints Summary Reports
- Public Consultations
- Local Government and Social Care Ombudsman Report
- Equality in Employment policy

Council Plan
Policies and Procedures
Business Planning
Performance Results
Partnership Protocol

- Performance Reports
- Committee Reports
- Annual Audit Opinion (Internal)
- Overview and Scrutiny Committee
- Corporate programme vs service plans

Financial Management Framework
Budget Monitoring Process
Compliance with CIPFA Guidelines

- Medium Term Financial Strategy
- Treasury & Investment Strategy
- Statement of Accounts
- Annual Audit Letters (External)
- Finance & Contract Procedure Rules

HR Policies
Pay Policy
Risk Management

- Corporate Risk Register
- Service Risk Registers
- Mandatory Training
- Bribery, Anti-Fraud & Corruption Policy
- Speak Out Policy
- HR & OD Health Check and Improvement Programme
- #zerotolerance Policy
- Health and Safety Policy
- Safeguarding
- Resolving Issues at Work Policy

DRAFT ANNUAL GOVERNANCE STATEMENT

Review of Effectiveness

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by:

- the Annual Internal Audit Assurance opinion, as provided by Veritau North Yorkshire;
- comments made by the external auditors and other review agencies and inspectorates;
- the Overview & Scrutiny Committee review that the elements of the governance framework are in place and effective, to ensure compliance with the principles. They also reviewed the system of internal audit and concluded it was effective and remained a key source of assurance for the Council in 2019/20.

In accordance with the Code of Practice on Local Authority Accounting for 2019/20, Ryedale's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the CFO in Local Government (2010).

Other key officers have also been consulted for their views on the standards of governance within the Council – specifically the:

- S151 Finance Officer
- Monitoring Officer
- Head of Internal Audit (Veritau)

The Council's Monitoring Officer has a legal responsibility to look into matters of potential unlawfulness within the Council. In 2019/20 the Monitoring Officer was supported by additional capacity to ensure the efficiency and effectiveness of all arrangements relating to Council and Committee meetings, working groups, and the required officer support. A review of Corporate Governance and implementation of a new structure and a change of Monitoring Officer with additional support has strengthened this area, and the impact of the pandemic is being monitored

The Performance Management Framework has operated effectively during the year but is being reviewed. Monitoring information on key areas of performance has been provided to the Strategic Management Board for review and action. Performance management outputs have also been reviewed by the Overview & Scrutiny and Policy & Resources Committee.

The Overview and Scrutiny Committee acting as a Corporate Governance Standards Committee has monitored standards of conduct of Members and advised the Council on probity issues. Entries made in the Register of Members' Interests were reviewed by the Monitoring Officer.

DRAFT ANNUAL GOVERNANCE STATEMENT

Review of Effectiveness

The Overview and Scrutiny (O&S) Committee process has provided challenge and has monitored the Council's policies and performance on an ongoing basis. During 2019/20 the Members of O&S have worked together, adopting a non-political approach, developing and using their knowledge and expertise, and that of others to the best effect. An evidence-based approach to the O&S work has been instrumental in achieving good results.. Highlights have included:

Scrutiny

- Treasury Management
- Statement of Accounts
- Complaints
- Council Plan and Performance

Scrutiny Reviews on

- Equalities (Interim Report)
- Motion to Council on Climate Change
- Universal Credit
- Publication of Raine/Dunstan Report on bullying

Monitoring Reports from Key Partnerships and External Bodies (TBC)

The Council is dedicated to ensuring that its resources are utilised in the most effective and efficient manner whilst delivering continuous improvement. Work has been undertaken during the current year to ensure members are fully informed of, and involved in, shaping the budget strategy ahead of key meetings in February 2020.

The new Financial monitoring arrangements introduced part way through 2018-19 have been and were in place for the full financial year, giving outturn estimates to members on a quarterly basis which can now be seen as being consistent with the final actual outturn position.

To improve the Council's effectiveness of this, capacity and additional support is now in place in services such as Health and Safety, Corporate Governance and Finance, IT, Communications, Transformation and Procurement. Additional support for Strategy and Performance will be implemented in 2020-21

DRAFT ANNUAL GOVERNANCE STATEMENT

Review of Effectiveness

Based on the assurance work undertaken by Internal Audit, the Head of Internal Audit (Veritau) will, in time for the final AGS, provide an opinion on the adequacy of the control environment. It should, however, be noted that all risks of failure cannot be eliminated, and the assurance given is therefore reasonable and not absolute. Areas in which controls were below the required standard are reported initially to the relevant Manager who ensures prompt corrective action is taken, and ultimately to the Overview & Scrutiny Committee who monitor progress with improvements via follow up reports from Internal Audit.

All key systems were audited in 2019/20 and a total of (TBC) audit reports and other pieces of work were provided to management and the O&S Committee. We have built on our improvements to Risk Management and a new Corporate Risk Register by rolling out our approach to all services. A new Corporate Governance service has been established, with a new Head of Service, to help drive these changes

In October 2020 the Council's external auditors (Grant Thornton) are expected to provide the Council with an unqualified opinion on the Council's accounts within their Annual Audit and Inspection letter. We expect that the Auditors' opinion will note a full year's worth of progress in areas such as financial monitoring and risk management that commenced only partway through the previous financial year.

People and Culture Plan and Council Plan – to be updated

In the 2018/19 Annual Governance Statement, seven key issues were identified. Some of these are ongoing and will be continued (but amended) in the new version.

DRAFT ANNUAL GOVERNANCE STATEMENT

Coronavirus

There has been a significant impact on council services of the coronavirus pandemic from March 2020. Despite the challenges, the council has maintained consistent essential services for residents, whilst adapting to provide alternative virtual services wherever possible.

A decision was taken on 20 March 2020 to suspend Council meetings. Since then the Chief Executive has been taking decisions on urgent matters after consultation with the Leader of the Council, and where appropriate, the Chairman of the appropriate Committee and the relevant Ward Member(s).

It is currently proposed to return to an agreed timetable of meetings in September 2020, allowing the Council to make the transition back to democratic meetings in an achievable timeframe, whilst managing capacity around both support to COVID response and recovery work.

Where these meetings take place, The Council will ensure that it follow government guidance on making these COVID-secure and complies with relevant legislation.

DRAFT ANNUAL GOVERNANCE STATEMENT

Key Issues

This Statement is intended to provide reasonable assurance. It is stressed that no system of control can provide absolute assurance against material misstatement or loss. In concluding this overview of the Council's governance arrangements, a number of issues have been identified that need to be addressed to ensure continuous improvement in the Governance Framework. The aim is to address these weaknesses during the 2020/21 financial year, by way of an action plan for improving the governance framework and system of internal control. This will be subject to monitoring by the Overview and Scrutiny Committee.

Status	Control Issue	Action Proposed	Responsibility	Target Date	Current Position
Brought Forward and updated	<p>Financial Sustainability. On-going and future changes to the Council's financial framework including several changes to national and local funding regimes will increase the financial pressure on the Council and risk profile.</p> <p>This needs to be matched with effective financial management on the</p>	<p>The agreed Medium Term Financial Strategy of the Council highlights the expected need to make future savings. This informs the budget process for future years.</p> <p>The s151 Officer considers the risk as part of the closure of accounts including the need to make appropriate provisions and reserves at the year-end.</p>	Chief Finance Officer (s151).	Ongoing.	<p>A revised Financial Strategy was approved by Council in October 2019 and members were consulted during the preparation of the budget through reports and briefings</p> <p>Financial monitoring is now fully in place</p> <p>The council is maintaining a tracker of all spending commitments and income losses relating to the pandemic to enable full accountability. This reflects</p>

DRAFT ANNUAL GOVERNANCE STATEMENT

Status	Control Issue	Action Proposed	Responsibility	Target Date	Current Position
	<p>part of members and officers.</p> <p>This Control Issue has been revised to include dealing with the ongoing impact of the Coronavirus Pandemic. Current analysis suggests that the resources announced so far from central government do not cover the full costs to Ryedale District Council of the pandemic. The council needs to ensure that the additional spending and loss of income are fully recovered from central government.</p>	<p>Ensure effective budget management is in operation across the Council, including accurate data and forecasting and reporting to members.</p> <p>Ensure that members are kept aware of all relevant financial information to assist in budget setting in future years.</p> <p>The MTFS will also take into account the ongoing impact of the Coronavirus pandemic (see below)</p> <p>A full review of the impact of the coronavirus will be ongoing in 2020-21.</p>			<p>the impact of Decision Notices and other costs. Reviews have started on individual services areas to look at longer term impact. The Quarterly monitoring reports will pick this issue up in more detail.</p>
2019/20 and ongoing	Waste and recycling review – To be completed	To be completed	To be completed	To be completed	To be completed

DRAFT ANNUAL GOVERNANCE STATEMENT

Status	Control Issue	Action Proposed	Responsibility	Target Date	Current Position
2019/20 and ongoing	<p>Local Plan requires review and adoption.</p> <p>Project is ongoing into 2020/21 and beyond until adoption. Estimated to be 2024/25</p>	<p>Review of the development plan as the Local Plan Strategy is currently nearly seven years old.</p> <p>This will highlight expected levels of development that will take place in the District and will set out the specific types of new development required to meet Ryedale's needs.</p>	Head of Planning and Regulatory Services	Some delay in early stages of the review by the Local Plan Working Party arising from the Covid outbreak and capacity in the officer team. Second meeting of the LPWP has occurred and a timetable for future meetings established. Formal adoption of the review is likely to be in 2024/5 with	<p>The Sites Document was formally adopted on 29.06.20 as scheduled.</p> <p>Member approval of the new Local Development Scheme and Statement of Community Involvement will be sought by the end of 2020</p>
2019/20 and ongoing	<p>Resilience and Capacity – to ensure sufficient capacity to enable the Council to carry out strategic and/or operational objectives.</p> <p>This also includes HR policies and Procedures – review and approval</p>	<p>Continuous review of the new arrangements now in place.</p> <p>Many of the current HR policies were outdated and not fit for purpose. documents that should grow and adapt with an organisation. Policy review and revision is a crucial part of an effective policy and procedure management plan.</p>	<p>Chief Executive & Strategic Management Board.</p> <p>Head of HR</p>	March 2021	<p>Following a number of Health Checks, capacity and additional support is now in place in services such as Health and Safety, Enforcement, Planning & Regulatory Services, Corporate Governance and Finance, IT, Communications, Transformation and Procurement. Additional support for Strategy and Performance will be implemented in 2020-21.</p> <p>A number of HR policies have been reviewed and</p>

DRAFT ANNUAL GOVERNANCE STATEMENT

Status	Control Issue	Action Proposed	Responsibility	Target Date	Current Position
					approved by Council in February, but others will be updated during 2020/21
2019/20 and revised - ongoing	Economic Recovery and Growth post-COVID..	<p>Delivering a strong, sustainable economic recovery post-Covid will be vital to the long-term, sustainable economic success of the district.</p> <p>Key to this success will be ensuring that Ryedale is able to benefit from a comprehensive York/North Yorkshire devolution deal, and plan for leaving the European Union to ensure thriving businesses, strong job opportunities, robust infrastructure, and strong culture, tourism and low carbon sectors</p>	Programme Director-Economic Development.	March 2021.	<p>Post-Covid economic recovery plan is in development and will be completed by July 2020.</p> <p>Devolution deal under negotiation. Proposals to be submitted to Government summer 2020, with a devolution deal to be agreed by autumn 2020.</p> <p>We will plan to ensure that opportunities from leaving the European Union are maximised – UK leaving the EU 31/12/20</p>
2019/20 and ongoing	Delivering agreed Climate Change Action Plan to ensure that Ryedale District Council can contribute towards	Action Plan delivery progressing – for example Low Carbon Staff Travel Plan approved June 2020, with further actions in	Programme Director-Economic Development.	March 2021.	<p>Cross-Council Climate Change Action Plan delivery group in place</p> <p>Agreed three year revenue budget in place to support</p>

DRAFT ANNUAL GOVERNANCE STATEMENT

Status	Control Issue	Action Proposed	Responsibility	Target Date	Current Position
	the reduction in global temperature rise	development.			delivery Climate Change Officer post to be advertised for recruitment, July 2020
2019/20 and ongoing	Council Plan and Priorities - A Council Plan is a necessary strategic document for guiding the work programme for the organisation and its employees. The current Council Plan is out of date and cannot fulfil this function.	Approval of Council Plan and Priorities.	Chief Executive.	December 2020.	<p>A series of engagement sessions have taken place with Elected Members and officers to produce this Plan and this was approved at Policy and Resources in March 2021. It highlights four main priorities as below:</p> <ol style="list-style-type: none"> 1. Our communities: strong, inclusive and attractive 2. Our economy: harnessing Ryedale's unique economy to deliver growth, homes and jobs 3. Our environment: a sustainable, safe and clean place to live 4. Our organisation: an innovative, enterprising council. <p>As a result of the pandemic, this plan has not yet had final approval from Full Council</p>

DRAFT ANNUAL GOVERNANCE STATEMENT

Approval of the Annual Governance Statement

Through the action referred to on the previous page, we propose over the coming year to address the issues that have been identified, with a view to further enhancing our governance arrangements. These steps will identify improvements that are needed and we will monitor their implementation and operation as part of our next annual review.

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Signed:

Date: November 2020

Councillor K C Duncan

Leader of the Council and Chairman of Policy and Resources Committee

Signed:

Date: November 2020

Stacey Burlet

Chief Executive



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE ACTING AS CORPORATE GOVERNANCE STANDARDS COMMITTEE
DATE:	1 OCTOBER 2020
REPORT OF THE:	HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER SIMON COPLEY
TITLE OF REPORT:	STANDARDS TRAINING
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report seeks the support of the Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee for a proposal for the provision of further mandatory training on standards for all councillors.

2.0 RECOMMENDATION(S)

- 2.1 To support the proposal outlined in this report for the provision of further mandatory training on standards for all councillors.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 To discharge the Committee's function detailed in paragraph 5.1 and support the promotion and maintenance of high standards of conduct.

4.0 SIGNIFICANT RISKS

- 4.1 Promoting and maintaining high standards of conduct reduces the likelihood of complaints and challenge to decisions, with its associated financial, legal and reputational consequences.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The terms of reference, in the Constitution, for the Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee states that one of its functions is:

“Advising, training or arranging to train Councillors...on matters relating to the

Members' Code of Conduct.”

REPORT

6.0 REPORT DETAILS

- 6.1 During 2019 there have been a number of complaints, issues and concerns raised under the Members' Code of Conduct. In the light of this situation and as part of the Council's work to promote and maintain high standards, it is proposed to arrange some further mandatory training on standards for all councillors.
- 6.2 It is proposed that the training primarily focuses on behaviours and values required under the Members' Code of Conduct and Member / Officer relations, as these are where issues have arisen in the past. An outline specification for two sessions is attached as Appendix A.
- 6.3 At national level a new Model Code of Conduct is being produced, which will be considered by local authorities for adoption in due course. The training can also provide an update on progress with this. As the underlying behaviours and values are not proposed to change significantly, the training however allows the Committee to do something proactive to deal with the issues identified, without needing to wait for the work on the Model Code to be completed.
- 6.4 It is proposed that the arrangements for the training include an option for councillors who are unable to participate at the agreed dates and times to view the sessions afterwards and that all such councillors are required to do this to ensure that everyone benefits from the training.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
There is a budget allocated for Member learning and development and the costs of standards training will be met from there.
 - b) Legal
There are no legal implications arising directly from this report.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
There are no significant other implications arising from this report. Health and safety implications will be considered when the format and arrangements for the training are finalised.

Simon Copley
Head of Corporate Governance and Monitoring Officer

Author: Simon Copley, Head of Corporate Governance and Monitoring Officer
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E-Mail Address: simon.copley@ryedale.gov.uk

Background Papers:

The Constitution

Background Papers are available for inspection at:

www.ryedale.gov.uk

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Standards and Probity for Elected Members

Purpose of the session:

- To revisit why conduct and standards matter in local government
- To explore your code of conduct and expected standards of behaviour
- To have an update on recent lessons learned across the country
- To review new proposals relating to conduct and standards
- To provide all councillors with a refresher on the key issues of conduct and standards

Programme for a 2 hour workshop

- Welcome, introductions and the purpose of the session
- Why conduct/standards matter in local government and its importance for good governance, including
 - Conclusions from the Committee for Standards in Public Life – Ethical Standards in Local Government and
 - Government advice on addressing cultural and governance failings in local authorities (June 2020)
- What are the challenges to maintaining high standards and probity?
- Standards in public life – the principles
- Your code of conduct and required standards of behaviour
- Examples of acceptable and non-acceptable conduct
- Areas of risk including social media
- Consultation on a new LGA national model code and potential changes to standards in the future (*or details of a finalised new code if this has been adopted by the time of the session*)
- Mini scenarios – putting the theory into practice
- Sources of guidance and best practice

Effective Member/Officer Relations

Purpose of the session:

- To consider the central importance of the relationship between members and officers in an effective council
- To have an update on recent lessons learned from around the country
- To explore the respective roles of elected councillors and officers (including statutory officers)
- To understand the codes and protocols which apply to the relationship

Programme for a 2 hour workshop

- Expected standards and conduct
- Why the relationship between member and officers is critical to the success of a council
- Lessons learned from other councils in recent reports including
 - Conclusions from the Committee for Standards in Public Life – Ethical Standards in Local Government and
 - Government advice on addressing cultural and governance failings in local authorities (June 2020)
- The respective roles of members and officers
- Expected standards and conduct
- The role of the statutory officers
- Effective working between members and officers to ensure a successful council
- Areas of risk including social media, elections and politics!
- Code and protocols which apply to the relationship
- Mini scenarios – putting the theory into practice



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE ACTING AS CORPORATE GOVERNANCE STANDARDS COMMITTEE
DATE:	1 OCTOBER 2020
REPORT OF THE:	HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER SIMON COPLEY
TITLE OF REPORT:	FILTER ASSESSMENT FOR STANDARDS COMPLAINTS
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report seeks the support of the Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee to introduce the use and publication of a filter assessment for standards complaints.

2.0 RECOMMENDATION(S)

- 2.1 That the use and publication of the filter assessment for standards complaints, attached as Appendices A and B of the report, be approved.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 To implement the following best practice recommendation on ethical standards from the Committee on Standards in Public Life:

“Councils should publish a clear and straightforward public interest test against which allegations are filtered.”

4.0 SIGNIFICANT RISKS

- 4.1 Promoting and maintaining clear and transparent processes for dealing with standards complaints, increases understanding of and confidence in the system and reduces the likelihood of ongoing complaints, with its associated financial, legal and reputational consequences.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Article 8 of the Constitution states that the role and functions of the Overview and

Scrutiny Committee acting as the Corporate Governance Standards Committee includes that it will:

“Take a general overview on all ethical issues and issues of probity.”

REPORT

6.0 REPORT DETAILS

6.1 In 2019 the Committee on Standards in Public Life published a series of best practice recommendations on ethical standards, which they expect local authorities to implement.

6.2 One of these recommendations is:

“Councils should publish a clear and straightforward public interest test against which allegations are filtered.”

6.3 Many councils already have this in place as part of their process for dealing with standards complaints. However at Ryedale a filter assessment needs to be adopted for use when dealing with complaints.

6.4 Assessment criteria are set out in Appendix A of this report and an assessment template in Appendix B. It is proposed the use and publication of these is approved as the filter assessment for allegations, by which the Monitoring Officer decides to refer complaints for investigation or other action, or decides that no action should be taken in respect of the complaint.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

There are no financial implications arising directly from this report.

b) Legal

There are no legal implications arising directly from this report.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)

There are no significant other implications arising from this report.

Simon Copley

Head of Corporate Governance and Monitoring Officer

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Background Papers:

The Constitution

Background Papers are available for inspection at:

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RYEDALE DISTRICT COUNCIL

ETHICAL FRAMEWORK

Complaints of breach of Members' Code of Conduct

Jurisdiction and Local Assessment Criteria

Jurisdiction

Before assessment of a complaint begins, the Monitoring Officer, in consultation with the Independent Person, should be satisfied that the complaint meets the following tests:

1. it is a complaint against one or more named Members/voting co-opted Members ("Members") of the District Council or a Parish or Town Council within the District;
2. the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

Assessment Criteria

All complaints falling within the jurisdiction of the standards regime will be assessed by the Monitoring Officer, in consultation with the Independent Person, in accordance with the criteria below.

More than one criteria may be applicable to a complaint.

1. Capacity

Was the Member acting in his/her official capacity at the time of the alleged conduct?

If the answer is **no**, then unless there is some direct link between the activity and the Member's office, the Code did not apply to the Member at the time of the alleged conduct and therefore there can be no breach of the Code. The response should therefore be: "The Member concerned was not acting in his/her official capacity at the time of the alleged conduct and therefore the Code of Conduct for Members did not apply to the Member at that time. Consequently no potential breach of the Code has been disclosed and no action may be taken in respect of the complaint."

The Code does not currently apply to Members' conduct outside of the performance of their functions as Members. Only if they have engaged in private conduct/activity which has a link with the functions of the office of member, might the conduct in question be covered by the Code.

2. Triviality

Is the complaint too trivial to warrant further action?

If the answer is **yes**: “The matter is not considered to be sufficiently serious to warrant further action.”

3. Sufficient Information

Has the complainant submitted enough information to satisfy the Monitoring Officer assessing the complaint that the complaint should be referred for investigation or other action?

If the answer is **no**, the response should be: “The information provided was insufficient to make a decision as to whether the complaint should be referred for investigation or other action. So unless, or until, further information is received, the Monitoring Officer is taking no further action on this complaint.”

4. Current Membership

Is the complaint about someone who is no longer a Member of the authority, but is a member of another authority? If so, does the Monitoring Officer wish to refer the complaint to the monitoring officer of that other authority?

If the answer is **yes**: “Where the member is no longer a member of our authority but is a member of another authority, the complaint will be referred to the Monitoring Officer of that authority for consideration.”

5. Prior Investigation/Action

Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?

If the answer is **yes**: “The matter of complaint has already been subject to a previous investigation or other action and there is nothing more to be gained by further action being taken.”

6. Passage of Time

Is the complaint about something that happened so long ago that there would be little benefit in taking action now?

If the answer is **yes**: “The period of time that has passed since the alleged conduct occurred was taken into account when deciding whether this matter should be referred for investigation or further action. It was decided under the circumstances that further action was not warranted.”

7. Underlying Motivation

Does the complaint appear to be simply malicious, vexatious, politically motivated or tit-for-tat?

If the answer is **yes**: “The matter appears to be simply malicious, vexatious, politically motivated or tit-for-tat, and not sufficiently serious, and it was decided that further action was not warranted”.

8. Anonymous Complaints

Is the complaint under consideration anonymous?

If the answer is **yes**, the Monitoring Officer will only refer such a complaint for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and/or if there is a significant public interest in doing so.

9. Requests for Confidentiality

Has the complainant asked for his/her identity to be withheld?

If the answer is **yes**, the Monitoring Officer will need to consider the request by the complainant for confidentiality alongside the substance of the complaint itself.

As a matter of fairness and natural justice, Members will usually be told who has complained about them. Requests for confidentiality should only be granted in exceptional circumstances and at the discretion of the Monitoring Officer, in consultation with the Independent Person.

The following considerations may assist the Monitoring Officer's deliberations in this respect:

- (a) Whether the complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed;
- (b) Whether the complainant is an officer who works closely with the subject Member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed (NB: this should be covered by the Council's Speak Out (Whistleblowing) Policy);
- (c) Whether the complainant suffers from a serious health condition and there are medical risks associated with his/her identity being disclosed. In such circumstances, the Monitoring Officer may wish to request medical evidence of the complainant's condition. In such cases, the Monitoring Officer may give the complainant the option of requesting a withdrawal of his/her complaint;
- (d) Whether the disclosure of the complainant's identity is necessary for the investigation of the complaint; for example, this may be relevant in a bullying allegation. In such cases, the Monitoring Officer may give the complainant the option of requesting a withdrawal of his/her complaint;
- (e) Whether it is possible to investigate the complaint without making the complainant's identity known;
- (f) Whether the public interest in proceeding with an investigation outweighs the complainant's wish to have their identity withheld from the subject Member.

Where the Monitoring Officer decides to refuse a request by a complainant for confidentiality, s/he may, in the particular circumstances, decide to offer the complainant the option to withdraw the complaint, rather than proceed with their identity being disclosed.

10. Withdrawal of Complaints

Has the complainant indicated that s/he wishes to withdraw his/her complaint?

If the answer is **yes**, the Monitoring Officer will need to decide whether to grant the request. The following considerations may assist the deliberations in this respect:

- (a) Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- (b) Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
- (c) Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured to withdraw the complaint?

Possible decisions

The Monitoring Officer assessing a complaint may decide to refer the complaint for investigation or other action (eg training, conciliation); or may decide that no action should be taken in respect of the complaint.

October 2020

RYEDALE DISTRICT COUNCIL

ETHICAL FRAMEWORK

RECORD OF ASSESSMENT OF COMPLAINT

Localism Act 2011 and Associated Legislation

COMPLAINT No:
COMPLAINANT:
SUBJECT MEMBER(S)
ASSESSMENT BY:
Assessor: Monitoring Officer
Consultee: Independent Person for Standards
Others present:
DATE OF ASSESSMENT:
DETAILS OF COMPLAINT:
POTENTIALLY RELEVANT PROVISIONS OF THE MEMBERS' CODE OF CONDUCT
JURISDICTION:
Is the complaint within the jurisdiction of the Standards Committee?

CONCLUSION OF ASSESSMENT:
REASONS FOR DECISION:
PLEASE NOTE: There is no right of appeal in relation to this assessment.

**Monitoring Officer
Ryedale District Council**

Date:



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	1 OCTOBER 2020
REPORT OF THE:	HEAD OF CORPORATE GOVERNANCE SIMON COPLEY
TITLE OF REPORT:	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL LETTER 2019/20
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To update members on the contents of the annual letter received from the Local Government and Social Care Ombudsman for 2019-20.

2.0 RECOMMENDATION(S)

2.1 It is recommended that members:

- (i) Note the Local Government and Social Care Ombudsman Annual Letter for 2019/20

3.0 REASON FOR RECOMMENDATION(S)

3.1 Effective monitoring of the investigations carried out by the Local Government and Social Care Ombudsman can identify trends and lessons to be learned from the investigations carried out.

4.0 SIGNIFICANT RISKS

4.1 Failure to learn from the investigations carried out can lead to similar issues arising in the future.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 None

REPORT

6.0 REPORT DETAILS

- 6.1 The Local Government and Social Care Ombudsman (LGSCO) 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 investigates 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 LGSCO if it has first been through the two stage complaints procedure operated by the Council. Stage 1 is for the complaint to be dealt with by the Service department, who are responsible for providing a response to the complainant. If the complainant remains dissatisfied after receiving this response, the complaint passes to stage 2 of the process, and is passed to the Head of Service for investigation.
- 6.3 A further response is then sent to the complainant and they are advised that if they remain dissatisfied, they should contact the LGSCO, who offer a free and impartial service, to make a decision as to whether or not to investigate the matter further.
- 6.4 On an annual basis, the LGSCO issue an individual report for every authority setting out details of the number of complaints received and the outcomes of their investigations. These annual reviews are sent to all councils about their performance in dealing with complaints made about them to the Ombudsman. The aim is to provide councils with information to help them improve complaint handling, and improve their services more generally, for the benefit of the public. The report for Ryedale District Council is attached at Appendix 1.

Role of the Local Government and Social Care Ombudsman

- 6.5 The LGSCO has a specific remit in terms of what complaints they will investigate. They do not investigate every complaint received, for example, and they may decide not to investigate if they think the problem has not affected the complainant significantly. In addition, whilst they may provide advice and guidance to complainants, they generally only investigate where the council's complaints procedure has been exhausted.
- 6.6 In general, the LGSCO will look at complaints about things that have gone wrong, such as:
- in the way a service has been delivered
 - if a service has not been delivered at all, or
 - The way a decision has been made that has caused problems for the complainant. They do not question what a Council has done simply because the complainant does not agree with it.

Examples might be if the Council:

- took too long to do something
- did not follow its own rules or the law
- failed to meet expected standards of service
- gave wrong information
- did not tell a complainant that they had a right of appeal against a decision, or
- took a decision in the wrong way, such as,
 - not taking all the relevant information into account
 - taking into account irrelevant information or
 - not following our own procedures properly.

Examples of the problems this has caused for the complainant might be if they:

- did not get a service or benefit they were entitled to or there was a delay before it was received
- suffered financial loss, or
- were put to a lot of avoidable expense, trouble or inconvenience.

6.7 The LGSCO will not normally investigate a complaint if they consider that the complainant has not suffered significant personal injustice, or if the Council has already taken, or is willing to take, satisfactory action to resolve it.

Annual Letter 2019-20

6.8 The Annual Letter for Ryedale District Council (attached at Appendix 1) shows that from 1 April 2019 to 31 March 2020, the Ombudsman received 7 complaints and enquiries in the following service areas:

Category	Decided	Decision
Planning & Development	09/04/19	Referred back for local resolution
Corporate & Other Services	02/05/19	Closed after initial enquiries
Housing	26/10/19	Referred back for local resolution
Planning & Development	31/10/19	Upheld
Planning & Development	21/01/20	Closed after initial enquiries
Environmental Services & Public Protection & Regulation	03/03/20	Closed after initial enquiries
Planning & Development	17/03/20	Closed after initial enquiries

6.9 As the table above shows, 4 of the complaints received by the LGSCO were closed after initial enquiries, with 2 complaints referred back to the Council to be considered under Stage 2 of the Council complaints process following a premature appeal. Of the 1 complaint that was the subject of a detailed investigation, the complaint was upheld and a series of actions agreed to resolve the matter that have been completed.

In order to allow comparison against previous years, the Annual Letters are broken down as follows:

Number of Complaints/Enquiries received by the Local Government Ombudsman and Service breakdown

	2015/16	2016/17	2017/18	2018/19	2019/20
Benefits & Tax	1	1	1	-	-
Corporate & Other Services	-	1	1	2	1
Environmental Services	2	1	2	-	1
Housing	-	-	2	1	1
Planning & Development	3	2	5	5	4
Total	6	5	11	8	7

Number of Complaints/Enquiries subject to detailed investigation

Year	Number of Complaints / Enquiries received by the Ombudsman	Progressed to detailed investigation stage	Upheld decisions	Not Upheld	Percentage of upheld decisions subject to detailed investigation (%)
2019/20	7	1	1	0	100%
2018/19	8	3	1	2	33.33%
2017/18	11	1	0	1	0%
2016/17	5	1	0	1	0%
2015/16	6	2	0	2	0%

6.10 Although the Upheld rate percentage for 2019/20 is 100%, it should be noted that only one detailed investigation was carried out over the course of the year from the seven complaints and enquiries received. Comparative information across North Yorkshire councils and the Ryedale family group of councils is included at Appendix 2.

6.11 In relation to the upheld investigation, the Ombudsman found no evidence of fault with the manner in which the Council approved the planning application, but did find fault in the publication of the details of the planning condition discharge information. As a result, the Council was required to change working practices for how information relating to the discharge of planning conditions can be viewed online.

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 and Climate Change, Crime & Disorder)
None

Simon Copley
Head of Corporate Governance

Author: Will Baines, Senior Corporate Governance Officer
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E-Mail Address: will.baines@ryedale.gov.uk

22 July 2020

By email

Ms Burlet
Chief Executive
Ryedale District Council

Dear Ms Burlet

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

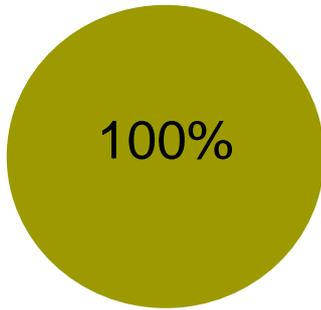
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



100% of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

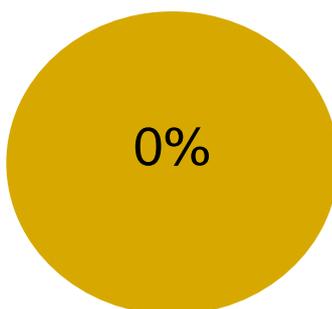
1
upheld decision

Statistics are based on a total of 1 detailed investigation for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 1 detailed investigation for the period between 1 April 2019 to 31 March 2020

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**Appendix 2
Comparative Information**

North Yorkshire District Councils

Council	Number of Complaints / Enquiries received by the Ombudsman	Progressed to detailed investigation stage	Upheld decisions	Not Upheld	Percentage of upheld decisions subject to detailed investigation (%)
Craven DC	7	1	0	1	0%
Hambleton DC	15	5	0	5	0%
Harrogate BC	31	9	3	6	33%
Richmondshire DC	4	0	0	0	N/A
Ryedale DC	7	1	1	0	100%
Scarborough BC	15	3	1	2	33%
Selby DC	19	5	3	2	60%

Family Group of Councils

Council	Number of Complaints / Enquiries received by the Ombudsman	Progressed to detailed investigation stage	Upheld decisions	Not Upheld	Percentage of upheld decisions subject to detailed investigation (%)
Babergh DC	13	7	2	5	29%
Cotswold DC	7	3	1	2	33%
Craven DC	7	1	0	1	0%
Derbyshire Dales DC	10	1	0	1	0%
Eden DC	6	4	1	3	25%
Forest of Dean DC	10	2	2	0	100%
Hambleton DC	15	5	0	5	0%
Malvern Hills DC	6	4	2	2	50%
Melton BC	10	4	2	2	50%
Mid Devon DC	11	3	1	2	33%
North Devon Council	20	5	3	2	60%
Richmondshire DC	4	0	0	0	N/A
Ryedale DC	7	1	1	0	100%
District Councils average					45%

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	1 OCTOBER 2020
REPORT OF THE:	HEAD OF CORPORATE GOVERNANCE SIMON COPLEY
TITLE OF REPORT:	CORPORATE COMPLAINTS 2019/20
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

To review the handling of customer complaints to identify areas for improvement and recognise areas of organisational learning that have taken place over the past year as a result of the complaints received.

2.0 RECOMMENDATION(S)

2.1 It is recommended that Members:

- (i) Note the year-end position of the corporate complaints received in 2019/20
- (ii) Note the lessons learned from the complaints received in 2019/20
- (iii) Note the ongoing complaints procedure review and the new procedure to be brought to the November meeting

3.0 REASON FOR RECOMMENDATION(S)

3.1 To give members the opportunity to consider the complaints process so that improvements required in service delivery are continually reviewed.

4.0 SIGNIFICANT RISKS

4.1 Failure to handle complaints in an effective and timely manner can result in investigation and action from the Local Government and Social Care Ombudsman to rectify injustices.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 None

REPORT

6.0 REPORT DETAILS

- 6.1 The review of complaints received offers an opportunity to listen and change what we do as a council to provide a better standard of service in the future that is more responsive to people's needs.
- 6.2 The complaints process at the council is a two stage process. When a complaint is received, it is logged at stage 1 and dealt with locally, within the service being complained about. We aim to resolve the majority of complaints at stage 1 of the process. However, if the complainant remains dissatisfied, they can request to move to stage 2 of the process for a more formal investigation by the relevant Director or Head of Department for the service area concerned. Following the response to the stage 2 complaint, the complainant has the option to refer their case to the Local Government and Social Care Ombudsman for an independent, impartial investigation.
- 6.3 In numbers, from 1 April 2019 to 31 March 2020, the council received 60 complaints through the corporate system. Of these, 44 (73.33%) of the complaints were resolved at stage 1, with 16 (26.66%) exercising the right to move to stage 2 of the complaints process. This compares to 60 complaints received in 2018/19, with 49 (82%) resolved at stage 1 and 11 (18%) moving on to stage 2 of the complaints process. The most customer complaints received in 2019/20 was in Planning and Regulatory Services (18), followed by Streetscene (17) and Revenues and Benefits (8). This compares to Streetscene (27), Planning and Regulatory Services (6) and Revenues and Benefits (5) in 2018/19.
- 6.4 In terms of response times, the expectation detailed in the Comments, Compliments and Complaints procedure is for complaints of a simple nature requiring remedial action to be responded to either immediately or within 5 working days. If this is not possible, then a full and final response will be sent within 15 working days. The corporate performance target is to respond to complaints received within 5 working days, however this target has proved difficult to achieve, with the average time to respond to stage 1 complaints as 8.70 days and 23.56 days at stage 2.

Stage 1 complaints Department Breakdown

Department	Complaints received	Resolved at Stage 1	Stage 1 Resolution Rate	Average days to complete Stage 1 complaints
Community Team	5	5	100%	5.40
Corporate Services	0	0	N/A	N/A
Customer Services	1	1	100%	2.00
Democratic Services	0	0	N/A	N/A
Economic Development	0	0	N/A	N/A
Environmental Health	2	1	50%	10.50
Facilities	0	0	N/A	N/A

Housing	6	3	50%	10.00
Human Resources	0	0	N/A	N/A
ICT	0	0	N/A	N/A
Legal Services	3	2	67%	4.33
Planning and Regulatory Services	18	12	67%	15.56
Revenues and Benefits	8	7	88%	5.63
Ryecare	0	0	N/A	N/A
Streetscene	17	13	76%	4.35
TOTAL	60	44	73.33%	8.70 days

Stage 2 complaints Department Breakdown

Department	Total Complaints received	Complaints escalated to Stage 2	Average days to complete Stage 2 complaints
Community Team	5	0	N/A
Corporate Services	0	0	N/A
Customer Services	1	0	N/A
Democratic Services	0	0	N/A
Economic Development	0	0	N/A
Environmental Health	2	1	65.00
Facilities	0	0	N/A
Housing	6	3	23.33
Human Resources	0	0	N/A
ICT	0	0	N/A
Legal Services	3	1	4.00
Planning and Regulatory Services	18	6	27.17
Revenues and Benefits	8	1	43.00
Ryecare	0	0	N/A
Streetscene	17	4	8.00
	60	16	23.56 days

6.5 Looking at the response times for stage 1 complaints, the only service area where complaints were not dealt with in an average response time of 15 working days is Planning and Regulatory Services. For stage 2 complaints, complaints in Environmental Health, Housing, Planning and Regulatory Services and Revenues & Benefits were not responded to within an average of 15 working days. The above target response times for stage 2 complaints reflects the more detailed nature of the investigations required at stage 2 to attempt to bring matters to a satisfactory conclusion and avoid any further escalation of the complaint to the Local Government Ombudsman. Discussions have taken place for the areas identified to put in place

service improvement plans to reduce complaint handling times, along with producing monthly reports to each service area to identify areas of concern quickly and take prompt action to rectify delays identified in responding to complaints.

- 6.6 Discussions with services have highlighted training requirements and capacity levels as barriers to meeting target response times. As a result of the complaints analysis work undertaken, a review to look at the corporate complaints process as a whole has been started to develop an improvement action plan. This review will involve a full refresh of the written corporate complaints procedure, which will be brought to the committee at the November 2020 meeting. Also to be considered as part of the review is to clearly define what a complaint is within the council, to provide clarity on how the two stage process works and setting expectations for those complaining and staff responding. In order to address this, we will set up refresher training for staff to reinforce the guidance around keeping customers informed at all stages of dealing with complaints, and the revised timescales as part of a new procedure and set up.
- 6.7 The lessons learned from complaints received can vary depending on the service concerned and the situation under investigation. For example, practical actions such as being more proactive and providing more information at the initial first point of contact with a customer can help them to better understand a situation. Also making adjustments to policies and procedures can help to provide a more streamlined customer journey and avoid hold ups and delays in resolving concerns. Examples of the lessons learned as a result of the complaints received and the ongoing learning process is attached at Appendix 2.
- 6.8 The Corporate Governance team have now taken responsibility for the monitoring of complaints handling, to strengthen support for services on handling more complex complaints and ensure deadlines for responses are met. They will work alongside the Customer Services team to ensure regular reflection of lessons learned through the new monthly reports and developing a learning culture to complaints within the organisation.

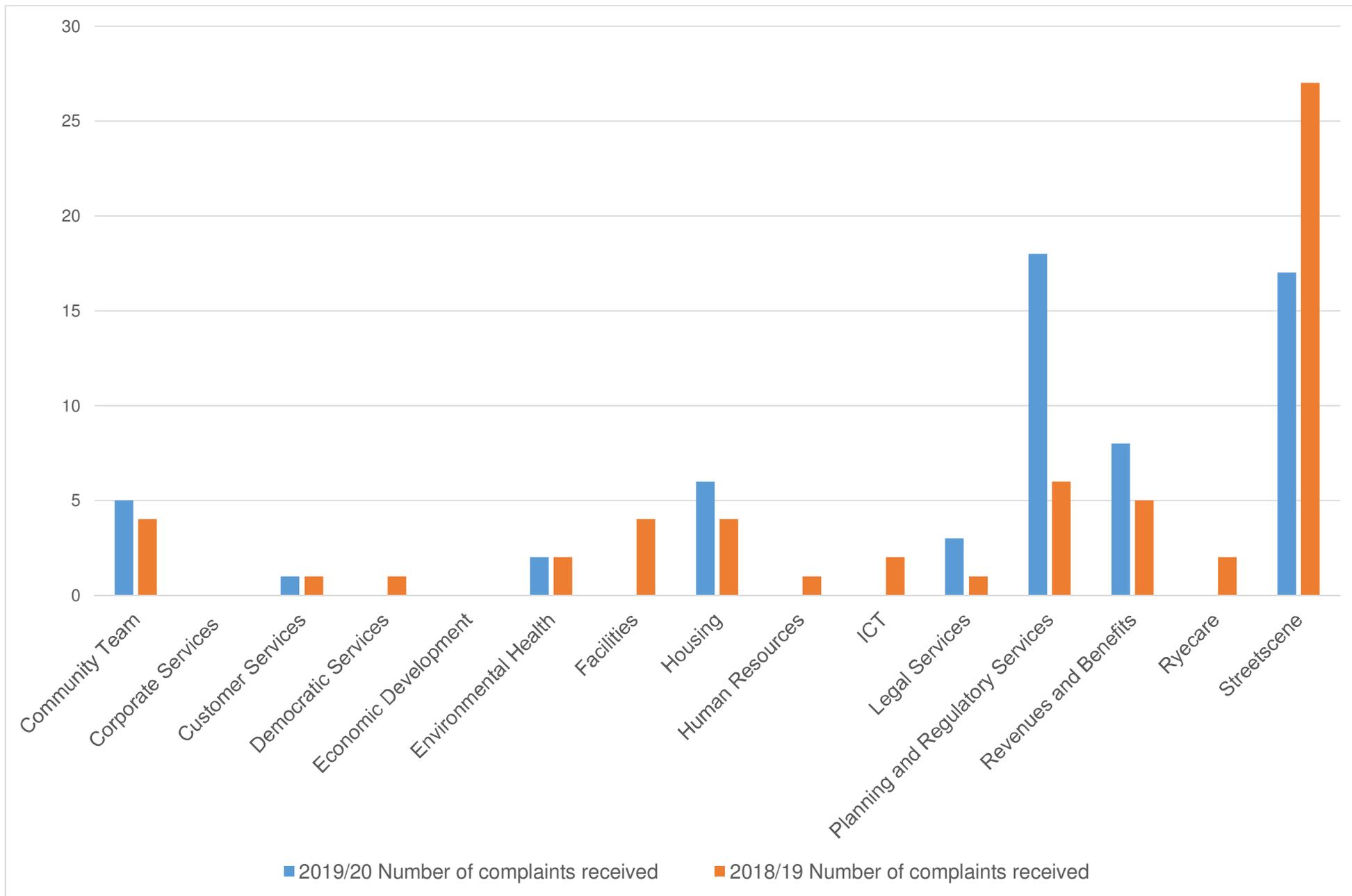
7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
None
 - b) Legal
None
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
None

Simon Copley
Head of Corporate Governance

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	2019/20 Number of complaints received	2018/19 Number of complaints received	Difference
Community Team	5	4	+1
Corporate Services	0	0	0
Customer Services	1	1	0
Democratic Services	0	1	-1
Economic Development	0	0	0
Environmental Health	2	2	0
Facilities	0	4	-4
Housing	6	4	+2
Human Resources	0	1	-1
ICT	0	2	-2
Legal Services	3	1	+2
Planning and Regulatory Services	18	6	+12
Revenues and Benefits	8	5	+3
Ryecare	0	2	-2
Streetscene	17	27	-10
TOTAL	60	60	0



Appendix 2**Lessons learned from complaints received**

Complaint	Description	Department	Lessons Learned
Concern with overpayment of Housing Benefit	An overpayment had been created on account despite regular updates to earnings and updates on employment status	Revenues and Benefits	An investigation into the case identified missed opportunities by council staff to gather required information from the claimant to update their claim and prevent an overpayment on the account. As a result, the overpayment amount was written off and an apology given. Procedures have been updated and staff reminded to check for any documents that may be outstanding when in contact with claimants
Unacceptable conduct of market trader	Aggressive and intimidating nature of market trader when questioning price of item	Community Team	Community Team officers are now on site on market days as stalls are setting up to provide advice and guidance, as well as monitor behaviour. Each market has one contact who is the main point of contact for all stall holders and remains on site for the duration of the market. A comprehensive review of the markets is to be undertaken in Autumn 2020.

Appendix 2

Lessons learned from complaints received

Complaint	Description	Department	Lessons Learned
Gas connection fee for Warm Homes Funding	Unaware of gas connection fee required in application for Warm Homes Funding from Warm & Well and the subsequent delays in the installation of the new heating system.	Housing	Following the investigation, the wording of the Warm & Well publicity leaflet is to be reviewed to make clearer to applicants and avoid confusion in the future to prevent reoccurrences.
Nuisance Noise complaint	Persistent noise nuisance complaints received due to music played by building contractors when working at nearby property. Complainant has asked workers on site to reduce volume but requests are ignored.	Community Team / Environmental Health	As a result of complaints such as these, the Community Team have worked with the Legal Team to review the processes in place for noise nuisance complaints and the legal options available for noise abatement notices to be issued. The new Civil Enforcement officers will be able to start work immediately on taking any enforcement action necessary as a result of the process review.

Appendix 2**Lessons learned from complaints received**

Complaint	Description	Department	Lessons Learned
Approval of planning application and display of completion if planning conditions	Complaint over the decision to approve planning permission for development and information held on the council website showing the outstanding planning conditions	Planning and Regulatory Services	Following an investigation by the LGO, no fault was found with the way in which the council had handled the planning application. However, the Ombudsman found fault that the information on the outstanding planning conditions was not shown on the council website. The Council has since worked with our software provider to rectify this and ensure that this information is shown for future planning applications.
Full recycling bins at the mini recycling centres	Continued reports of full recycling bins at the mini recycling centres in Pickering, causing residents to make multiple visits and dissatisfaction	Streetscene	Following feedback, there is now daily monitoring of the mini recycling centres by Streetscene staff to track levels of usage and ensure prompt collection when bins become full.

Appendix 2

Lessons learned from complaints received

Complaint	Description	Department	Lessons Learned
Multiple missed collections	Multiple missed garden waste collections from property	Streetscene	The InCab technology used in the vehicles allows real time information from the crews on the ground to staff in the offices by logging the circumstances of the missed collections. In this case, the investigation also involved speaking to the crew involved. Also the CCTV cameras on the vehicles allow staff to see footage if further investigation is required. In this case, the reason for the missed collections was due to a misunderstanding and this was rectified upon contacting the customer to speak about the situation and put in place a solution that both the occupier and the crew were happy with.



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	OVERVIEW AND SCRUTINY
DATE:	1 OCTOBER 2020
REPORT OF THE:	HEAD OF HUMAN RESOURCES ANDREW ELLIS
TITLE OF REPORT:	HR POLICY REVISION
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To approve the revised Officer Code of Conduct.

2.0 RECOMMENDATION

2.1 It is recommended to Council that

(a) The revised policy is agreed for implementation.

3.0 REASON FOR RECOMMENDATION

3.1 Many of the current HR policies are outdated and not fit for purpose. The revision of these policies link into the aims and objectives of the People and Culture Plan.

3.2 Policies and procedures are living documents that should grow and adapt with an organisation. Policy review and revision is a crucial part of an effective policy and procedure management plan.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks identified with the revised policy. Outdated policies however, can leave an organisation at risk. Old policies may fail to comply with new laws and regulations and may not address new systems or technology, which can result in inconsistent practices.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 Full trade union consultation has taken place and the revised policy has been approved by Strategic Management Board. Final ratification by Elected Members will complete the consultation process prior to implementation.

REPORT

6.0 REPORT DETAILS

6.1 HR policies are a written description of rights and responsibilities of employers and employees. If a policy is well developed and clearly written, it helps communication with employees, clarifies expectations and makes sure that everyone is treated in a consistent and fair way. These are all important factors for creating a desirable culture for the organisation and they minimise exposure to legal risk.

6.2 The following policy has been revised in line with up to date legislation and recommended best practice and is attached in full to this report as appendix A:

(a) Officer Code of Conduct: Purpose and Scope

The purpose of the Officer Code of Conduct:

- Ensure all employees of Ryedale District Council are aware of what is expected of them and that we do everything possible to uphold the highest possible standards of conduct at all times.
- The public, partner organisations and Elected Members are entitled to expect the highest standards of conduct from all employees who work for Ryedale District Council.
- This policy applies to all employees of Ryedale District Council.

Disregarding this code will, in certain circumstances, result in potential disciplinary action being taken. The code will be taken into consideration when measuring against conduct.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- (a) Financial
There are no additional financial implications on the Council from the policy revision.
- (b) Legal
Under the repeal of the statutory procedures in April 2009 and the introduction of a recommended code of practice from ACAS (April, 2009) in managing disciplinary matters, which have a direct link to other policies, employment tribunals will expect that we have dealt with matters fairly, openly and consistently. Also, that employees are clear through the procedures, of the potential action they shall face if found in breach of any singular or group of policies. Failure to follow due process and procedure, may result in Ryedale District Council incurring additional costs above the statutory awards where the Council has been found to not have carried out its full procedures which are deemed fair and consistent for all employees of the Council.

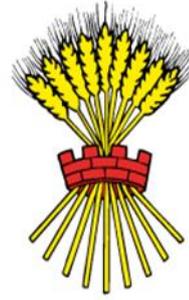
- (c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None, other than as stated above

Name of Head of Service **Andrew Ellis**
Job Title **Head of HR**

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Background Papers:
Appendix A – Officer Code of Conduct

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Code of Conduct

Document Control Sheet

Reference Number	HROCC
Version Number	01
Document Author	Senior HR Business Partner
Lead SMB Member	Head of HR
Ratifying Committee	Overview & Scrutiny, Council
Date Ratified	
Date Policy Effective From	
Next Review Date	

Unless this copy has been taken directly from Ryedale District Council's intranet, there is no assurance that this is the most up to date version.

This policy supersedes all previous issues.

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1. Purpose and Scope

1.1. The purpose of the Officer Code of Conduct:

- Ensure all employees of Ryedale District Council are aware of what is expected of them and that we do everything possible to uphold the highest possible standards of conduct at all times.
- The public, partner organisations and Elected Members are entitled to expect the highest standards of conduct from all employees who work for Ryedale District Council.
- This policy applies to all employees of Ryedale District Council.

1.2. Disregarding this code will, in certain circumstances, result in potential disciplinary action being taken. The code will be taken into consideration when measuring against conduct.

2. Core Principles

2.1. The core principles at Ryedale District Council underpin all work that is carried out. All work and behaviour, in any capacity, is expected to be carried out in accordance with these principles and in conjunction with the behaviours framework.

2.2. The Core Principles are:

- **Selflessness** - Employees should take decisions solely in the terms of the public interest. They should not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.
- **Integrity** - Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity** - In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees should make decisions on merit.
- **Accountability** - Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - Employees should be as open as possible about all decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

- **Honesty** - Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Respect for Others** - Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted Members of the authority professionally.
- **Trust** - Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.
- **Leadership** - Employees should promote and support these principles by leadership and example.

3. Core Standards

All employees are expected to give the highest possible standard of service to the public. It is the duty of each employee to report to the appropriate manager any breach of Policy or concern that the Policy is being breached. These core principles link in to those identified in the People and Culture plan.

3.1. Gifts and Hospitality

- 3.1.1 Employees may from time to time, in the course of their work, encounter situations where individuals or organisations may offer gifts or hospitality. Casual low value gifts offered to employees by contractors, organisations, firms or individuals such as calendars, diaries, mouse mats, pens and other small gifts need not be declared. These should be received on a single occasion only and repeated offers should be declined.
- 3.1.2 If you are presented with a gift or offer of hospitality you must seek authorisation in advance, where possible, from your Line Manager or next most appropriate Senior Manager who will record every request on the relevant form.
- 3.1.3 All gifts and hospitality, whether accepted or refused, should be reported to your Line Manager, Service Lead or above and recorded on an OCC1 Form (Appendix B).
- 3.1.4 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

- 3.1.5 All employees should refer to **Appendix A** when deciding whether or not it is appropriate to accept a gift. If in doubt, seek advice from your Line Manager.

3.2 Sponsorship – Giving and Receiving

- 3.2.1. If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the guidelines as stated in 3.1 apply. Particular care and consideration must be taken when dealing with contractors or potential contractors.
- 3.2.2 If the council sponsors an event or service, no employee must directly benefit from the sponsorship without full disclosure to the relevant Senior Manager/Chief Executive. If the Council give support, by any means, in the community, all advice must be impartial and there must be no conflict of interest.
- 3.2.3 All disclosures must be completed on an OCC3 Form (Appendix D) and given to the relevant Senior Manager/Chief Executive.

3.3 Use of Financial Resources

- 3.3.1 All employees must ensure that public funds are used in a responsible and lawful manner at all times. Employees must strive to ensure value for money to the local community to avoid the risk of legal challenge to the Council.
- 3.3.2 Employees must follow Standing Orders, Financial Regulations and operating procedures and advise management where they consider changes can be made to increase value for money.

3.4 Use of Council Facilities

- 3.4.1 Access to organisational equipment, such as computers, laptops, mobile phones, works vehicles etc. is provided for work purposes and use of this should be respected and not abused.
- 3.4.2 If you have access to computer information at work you will also be issued instructions about computer security and proper use of the computer. It is each individual's responsibility to care of your computer password which should not be shared, and any materials you are using, 'lock' your computer if you are going to leave your terminal unattended, and dispose carefully of any unwanted documents using the paper waste or confidential waste as appropriate.
- 3.4.3 Further details are available in the ICT Policy.

3.5 Intellectual Property

- 3.5.1 Intellectual property means product of the mind, for example inventions, designs, trade-marks, creative writings, programs and drawings, and in this instance is in relation to any such product produced as a direct result of your employment with the organisation and during the course of your employment. (Referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created

during work for the Council, belong to the Council. If in any doubt employees must seek further guidance from Legal Services.

3.6 Political Neutrality

- 3.6.1 Local Government Officers involved in advising elected members of their authority should be seen to observe a policy of political neutrality. All employees must follow the Officer Code and also must be politically neutral at all times.
- 3.6.2 A list of all politically restricted posts can be obtained from the corporate governance department.
- 3.6.3 Employees, whether or not holding politically restricted posts, must follow every lawful expressed policy of Ryedale District Council and must not allow their own personal or political opinions to interfere with their work.
- 3.6.4 Employees should familiarise themselves with the Protocol for Member and Officer Relations which can be found on the intranet.

3.7 Other Employment & External Activities

- 3.7.1 Employees must not undertake any type of private work which conflicts with the Council's interests or prevents any employee from fulfilling the terms of their employment contract. All employees must declare an interest where a conflict may arise.
- 3.7.2 All employees of Ryedale District Council must notify their Line Manager, Service Lead or above before undertaking any additional work, paid or unpaid. This must be documented on an OCC2 Form (Appendix C).
- 3.7.3 Employees must not:
 - Do private work during working hours, on Council premises or use Council equipment.
 - Undertake any private work which prevents them from carrying out their duties with the Council or including any requirements to do contractual overtime.
 - Undertake private work for any person, firm or company if it will involve the Council.
 - Prepare or assist with any applications, for example planning or building, in any private capacity if you deal with these normally.
 - Access Council services, unless you declare your employment in writing and submit via your Line Manager.
 - Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work, unless they have written permission from their Head of Service to do so and there is no conflict of interest.
 - Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council, unless

they have written permission from their Head of Service to do so and there is no conflict of interest.

- 3.7.4 You should ensure you understand and comply with both Working Time Regulations and Health and Safety regulations before considering other employment. Any member of staff working more than 48 hours per week across more than one job (whether within or outside of Ryedale District Council) will need to ensure they have agreed to this by signing an 'opt out' form. Any such queries should be discussed with Human Resources.

3.8 Personal Interests including Financial and Non-Financial Interests

- 3.8.1 Employees must declare in writing, initially to their immediate Line Manager or appropriate Senior Manager:

- Any financial or non-financial interests that they consider could bring about conflict with the Council's interests, e.g. being involved in an official capacity with an outside organisation.
- Any financial interest which could conflict with the Council's interests, e.g. work for which a fee is received.
- Employees must declare membership of any secret societies. The definition of "secret society" is as follows:

"Any Lodge, Chapter, Society, Trust or regular gathering or meeting which:

- Is not open to members of the public who are not members
- Includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance.
- Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct."

- 3.8.2 In the case of a Senior Manager (Grade12 or above), such a declaration must be made to the Chief Executive.

- 3.8.3 Where employees have declared an interest in regard to section 3.8.1 the detail will be kept in a register by the Council's Monitoring Officer. The information is not available to the public but is accessible by other officers who have a 'need to know'.

3.9 Relationships

- 3.9.1 Employees must remember their responsibility to the community they serve, remaining courteous, efficient and impartial in their service delivery to all groups and individuals with whom they come into contact.

- 3.9.2 Officers should avoid close personal familiarity with individual councillors, service users, customers or clients maintaining professionalism and mutual

respect, with the aim to avoid identifying conflicts of interest that would bring the individual and/or Authority into disrepute.

3.9.3 Employees should disclose if they are working with anyone in a professional capacity who is a relative or with whom they have a close personal relationship with outside of work. This also extends to relationships of a business or private nature with external contractors or potential contractors. The disclosure should be made to their line manager promptly for their consideration on an OCC3 Form (Appendix D).

3.9.4 Working Together

It is expected everyone will;

- Comply with all the Council's Policies and Procedures.
- Maintain a high level of confidentiality and professionalism at all times.
- Work with others to achieve a fast and effective resolution to any conflict arising between staff.
- Demonstrate polite and courteous behaviour to all colleagues, customers and elected members at all times.
- Ensure the needs of internal and external customers and Councillors are paramount and are met to their satisfaction.
- Bring concerns to the attention of Managers, using the most appropriate method deemed necessary.
- Take responsibility for their own health and safety and assist in maintaining the security and safety of the council and its staff.
- Take personal responsibility for, and pride in, the Council environment.
- Maintain an awareness of Council issues through communication channels including briefings and newsletters.
- Ensure all staff for whom you are responsible are kept informed and are encouraged to feedback to you on Council, departmental or individual issues.

3.10 Employee Concerns and Members

3.10.1 It is not appropriate for Council Officers to lobby Members on matters of individual concern about their employment, operational issues or future policy decisions and Members should discourage Officers from making such approaches. A member of staff who is unhappy about a matter affecting them personally should be encouraged to take this up with their line manager. If they are not happy with the response the next step is to talk to their trade union or senior manager. The Council's Resolving Issues at Work Procedure is available if informal methods have not resolved the issue.

3.11 Disclosure of Information

3.11.1 Ryedale District Council believes that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must

ensure that they know what that information is and seek advice and guidance from line managers where this is not clear.

- 3.11.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way, other than in circumstances which have been agreed.
- 3.11.3 Any particular information received by an employee from a Councillor which is personal to that Councillor and which does not belong to the Council, should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required by law.

3.12 Compliance with the Code

- 3.12.1 It is important that local government Officers are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Policy.
- 3.12.2 Employees who consider other employees to be guilty of misconduct must report this to their Line Manager or raise it through one of the other available procedures e.g. Resolving Issues at Work.
- 3.12.3 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 3.12.4 If, in some instances, the employee cannot make use of the existing procedures for any reason then they should raise complaints or genuine matters of concern with the relevant person through the Speak Out Policy.

3.13 Social Media

- 3.13.1 All use of social media and the internet on Council equipment is monitored and any misuse in relation to social media which is brought to the Council's attention, will be investigated and may result in disciplinary action.
- 3.13.3 Personal accounts set up by staff on social media, whilst unable to be influenced by the Council, are subject to the ICT Standards of Conduct policy to ensure employees of Ryedale District Council do not bring the Council into disrepute.
- 3.13.4 Employees who use social media for recreational purposes must still adhere to this policy and must not do anything in their own personal time that would bring the Council into disrepute. Staff must not use Council E-mail addresses when using social media for their own personal use.
- 3.13.5 Employees must not divulge or comment on any information gained in the course of their work, and relating to any groups or individuals the Council provides a service to, on any social media outlet.

3.14 Contact with the Press and Media

- 3.14.1 Employees are not permitted to give reports or speak to the press and media, unless this is an aspect which is clearly required within their role, on matters relating to their employment within the Council or Council decisions. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the Council and which may be deemed to be critical of that decision.
- 3.14.2 In the event of an industrial dispute involving Trade Union organisations, an elected representative of that Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, employees acting in a union capacity should exercise great care in presenting their response.
- 3.14.3 In all circumstances, employees are under a general duty of care to avoid, wherever practicable, a conflict of interest arising and should not undertake to criticise, damage or act in any way against the best interests of the Council. Should this occur, then the employee will be subject to disciplinary action in accordance with the agreed procedures.

3.15 Smoking/Smoking Cessation

- 3.15.1 Ryedale District Council has a Smoke Free Workplace Policy. Employees are reminded that if found smoking (including e-cigarettes) in unauthorised areas of the Council premises in contravention of the policy, it will be regarded as a disciplinary offence.
- 3.15.2 Employees must only smoke within designated 'smoke areas' of Council buildings, which will be defined by Managers responsible for Health & Safety.
- 3.15.3 Employees are reminded that they are prohibited from smoking or vaping within works vehicles/pool cars etc.
- 3.15.4 Health & Wellbeing Services offer additional information to promote and support a healthy lifestyle and specific information regarding smoking cessation.

3.16 Drugs and Alcohol

- 3.16.1 Staff believed to be under the influence of non-prescription or illegal drugs or alcohol during working hours will be asked to leave the premises with immediate effect for their own safety, as well as that of colleagues and members of the public using Council services. Staff should be reminded that consumption of non-prescription or illegal drugs and alcohol during work time is a contravention of this policy and may result in disciplinary action and potential dismissal from post.
- 3.16.2 Staff that are prescribed prescription drugs by a medical professional which may affect their ability to drive or operate machinery and are required to do so as part of their employment, must notify their line manager with immediate effect.

3.16.3 Staff that are prescribed any medication by a medical professional that has significant side effects should notify their line manager with immediate effect so that reasonable adjustments can be made where possible. In such circumstances, occupational health advice may be sought.

3.16.4 Health & Wellbeing Services offer additional information to promote and support a healthy lifestyle and specific information regarding drug and alcohol issues.

3.17 Safeguarding

3.17.1 All employees have a responsibility in relation to safeguarding any customers, clients or service users that they come into contact with throughout the course of their employment with Ryedale District Council. All staff should undertake Safeguarding training as part of their induction. Further training will be provided to those working in specific areas where deeper knowledge of safeguarding is required.

3.17.2 Any concerns that employees have in relation to safeguarding concerns should be raised via the appropriate channels, details of which are available on the intranet or by raising such concerns with your line manager.

3.18 Police investigations, allegations, convictions or cautions

3.18.1 Employees who are the subject of a police investigation, allegations, convictions, cautions or reprimand must notify their line manager at the earlier opportunity of the situation. Staff are responsible for keeping their line manager and/or HR up to date with any progress on such cases. Each case will be assessed on its own merits as to whether it is appropriate for the employee to remain in employment during the course of the police investigation. HR advice should be sought in all such cases and should be kept up to date with progress.

3.19.2 Driving offences need only be declared where an employee may face losing their driving licence and there is a requirement for them to drive as part of their employment.

4. Policies, Regulations and Standards Relevant to Specific Services

In determining acceptable standards, Officers are asked to familiarise themselves not only with those included in the Officer Code of Conduct but also those included in Service Specific Codes, corporate policies and/or operational procedures used by their own Services. A copy of all the above mentioned documents can be found on the Intranet or requested via their Line Manager.

GIFTS AND HOSPITALITY

Checklist for considering whether to accept a gift or hospitality.

The question in all cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- A. Is the value of the gift or hospitality £10 or over?
- B. If under £10 is it intended as an inducement?
- C. Is the extent of the hospitality, or nature of the gift reasonable and appropriate?
- D. Does the donor have any form of contractual relationship with the Council, does it provide goods or services to the Council of any kind?
- E. Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or have you been targeted because of your employment with the Council and the nature of your role?
- F. What do you think is the motivation behind the invitation/gift?
- G. For hospitality do you want to go and if so why? Is it because there will be genuine benefits to the Council in terms of networking and contracts gained? Or is a desire to go centred around personal enjoyment.
- H. Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving the Council?
- I. For gifts, is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity or can you pay an equivalent price of the gift to charity?

All gifts and hospitality, whether accepted or refused, should be reported to your Line Manager, Service Lead or above and recorded in a register and on an OCC1 Form.

OCC1: Report of Offer of Gift

Name		Grade/Salary	
Job Title		Dept	
Details of Gift Offered			
Date offer received			
To whom offered?			
By whom the offer was accepted/declined			
Signature		Date	

For office use only

Date form received by Line Manager, or above	
Entered in Register on	

OCC2: Notification of Outside Employment/Volunteering

Name		Grade/Salary	
Job Title		Dept	
Nature of Outside Employment Sought			
Is the post paid or unpaid		Paid <input type="checkbox"/>	Unpaid <input type="checkbox"/>
Does this employment, in your view, conflict with or is it detrimental to the interests of the Council or would it weaken public confidence in the conduct of the Council's business?			
Comment:			
Signature		Date	

Comments of Line Manager			
Comments of Head of Service			
	<table border="1"> <tr> <td>Approved <input type="checkbox"/></td> <td>Not Approved <input type="checkbox"/></td> </tr> </table>	Approved <input type="checkbox"/>	Not Approved <input type="checkbox"/>
Approved <input type="checkbox"/>	Not Approved <input type="checkbox"/>		

OCC3: Declaration of interests

Name		Grade/Salary	
Job Title		Dept	
Line Manager			
Nature of Interest/Relationship			
Your role in any relevant business of the Council			
How might the interest, in your view, conflict with the interests of the Council?			
Comment:			
Signature		Date	

For use when declaring relationship with a Contractor:

Name and Address of Contractor		
Is this a current relationship?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If not, when did the relationship terminate?	Date	

I hereby declare that the above details correctly record any interest, which I may have, which could bring about conflict with the Council's interests.

Signature		Date	
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For office use only

Received	
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OCC4: Notice Under Section 117 Local Government Act 1972 Pecuniary Interest in Contract or Proposed Contract

Name		Grade/Salary	
Job Title		Dept	
Line Manager			
Nature of Interest			
Details of Contract or Proposed Contract with the Council			
I make the above declaration in accordance with Section 117 of the Local Government Act 1972.			
Signature		Date	

For office use only

Date completed form received by Council Solicitor and Head of Service or above	
Date notified to Line Manager, Head of Service or above	

OCC5: Register of Interests

Name		Grade/Salary	
Job Title		Dept	
Line Manager			
Nature of Interest			

	Guidance	Interest (please write NONE if you have no relevant interests)
Employer	Please indicate the name of the employer of your spouse or partner, or anyone else who lives with you who makes a significant contribution to the household income (it is not necessary to register temporary, summer or part time job of a child of the household).	
Land interest	Please provide details sufficient to describe the location of any land in which you have an interest, whether it is ownership, leasehold, a tenancy or license. If you have any rights over land you should register the address or location of that land.	
Directorships, shareholding and Company Interests	In relation to any company which is based in or may operation in Ryedale, directorships, significant shareholding (ie more than £10,000 of the nominal share value) and any position of management or control in a company. This would include a position as Company Secretary or Treasurer.	
Membership of Bodies	You need only register a position of management or control in a body. You need only register interests in bodies which are:	

	<p>A. Charities or directed to charitable purposes</p> <p>B. Bodies designed to influence public opinion – these include campaign groups. You do not need to register membership of a trade union.</p> <p>C. Bodies carrying out functions of a public nature: This is wide ranging and will include bodies that you are appointed to by the Council. You need not register membership of Partnerships (where you are there for the Council), but should include trusteeships, governing body membership and membership of a parish council (in Ryedale).</p> <p>D. Membership of secret societies. You do not need to register membership of sports associations, secret societies or other clubs and groups but you may need to DECLARE an interest in that body if you find yourself dealing with a matter, which is relevant to that body. You must register membership of a charity (the Grand Lodge of Freemasonry is a charity).</p>	
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I declare that the above is a true statement of my personal interests

Signature		Date	
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Policy and Resources Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 24 September 2020

Present

Councillors Joy Andrews, Paul Andrews (Substitute), Arnold (Vice-Chairman), Burr MBE, Delaney, Docwra, Duncan (Chairman), Frank, King and Wass

Overview & Scrutiny Committee Observers: Councillors Clark, Bailey and Brackstone

In Attendance

Rachael Balmer, Stacey Bulet, Simon Copley, Anton Hodge, Emma Lawer, Kim Robertshaw, Phillip Spurr, Jill Thompson, Ellen Walker, Margaret Wallace, Howard Wallis and Louise Wood

Minutes

132 Apologies for absence

Apologies for absence were received from Councillor Thackray, Councillor P Andrews substituted.

133 Declarations of Interest

The Chair advised that the declarations of all members of North Yorkshire County Council would be taken as given.

No further interests were declared.

134 Minutes of the Meeting held on 19 March 2020

Decision

That the minutes of the Policy and Resources Committee held on 19 March 2020 be approved and signed by the Chair as a correct record.

Voting record

6 For

4 Abstentions

135 Urgent Business

There were no items of urgent business.

136 Minutes of the Constitution Working Party held on 12 March 2020

The minutes of the Constitution Working Party held on 12 March 2020 were received.

Following a request from Councillor Burr, it was noted that three members of the Constitution Working Party who were present at the meeting on 12 March 2020 were not supportive of the motion considered at that meeting.

137 Minutes of the Local Plan Working Party held on 18 June 2020

The minutes of the Local Plan Working Party held on 18 June 2020 were received.

138 Minutes of the Local Plan Working Party held on 15 September 2020

The minutes of the Local Plan Working Party held on 15 September 2020 were received.

Councillor P Andrews raised a concern that nothing had been done to move the Local Plan on and that the Government White Paper should not be used as a delay with regard to this work.

139 Minutes of the Car Parking Working Party held on 24 August 2020

The minutes of the Car Parking Working Party held on 24 August 2020 were received.

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

140 HR Policy Revision

Considered – report of the Head of Human Resources.

Decision

The revised policies are agreed for implementation.

Voting record

Unanimous

141 White Paper Consultation - Planning for the Future

Considered – report of the Head of Planning and Regulatory Services.

Councillor J Andrews proposed and Councillor Wass seconded the following motion:

That this item is referred to Full Council for consideration.

Resolved

Upon being put to the vote, the motion was lost.

Voting record

5 For

5 Against

Chair's casting vote – Against

Councillor Burr proposed and Councillor P Andrews seconded the following motion:

That this item is referred to the Planning Committee for their expert views.

Resolved

Upon being put to the vote the motion was lost.

Voting record

5 For

5 Against

Chair's casting vote – Against

Decision

- (i) The proposed responses to the White Paper at Appendix 1 of the report are agreed in principle
- (ii) Authority is delegated to the Head of Planning in consultation with the Chairman of Policy and Resources Committee to finalise any further detailed changes in line with member feedback

Voting record

6 For

4 Against

142 **Changes to the Current Planning System - MHCLG Consultation**

Considered – report of the Head of Planning and Regulatory Services

Decision

- (i) Members agree a response to the consultation as set out in the proposed response sections highlighted within the report
- (ii) Authority is delegated to the Head of Planning in consultation with the Chairman of the Policy and Resources Committee to finalise any further detailed changes in line with member feedback

Voting record

Unanimous

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

143 **Update on Malton and Norton Infrastructure and Connectivity Workstream**

Considered – report of the Programme Director of Economic Development, Business and Partnerships

Recommendation

- (i) Members note the contents of the update report, including the indicative costs of the schemes in the table at 7.1 (a);
- (ii) Up to £100k be allocated within the revenue budget and up to £350k be allocated within the capital budget for contributions to development and delivery of the identified schemes;
- (iii) Approval of expenditure of the above budgets be delegated to the Policy and Resources Committee on a scheme-by-scheme basis.

Voting record

Unanimous

144 **Homelessness and Rough Sleeper Strategy Summary**

Considered – report of the Housing Services Manager

Recommendation

The Strategy is approved by Full Council.

Voting record

Unanimous

EXEMPT INFORMATION

145 **Exempt Information**

Resolved

To exclude the press and public from the meeting for discussion of the following items:

Item 16 (Housing Benefit Debtor Write Offs) as provided by paragraph 1 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to an individual.

Item 17 (Future Support for Leisure Service Provision) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Item 18 (Shared Housing Initiative) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains

information relating to the financial or business affairs of any particular person (including the authority holding that information).

Item 19 (Development Opportunities and Housing Programme) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest test has been considered and, in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information.

EXEMPT PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

146 Housing Benefit Debtor Write-Offs

Considered – report of the Chief Finance Officer (s151)

Decision

Members approve to write-off the debt as detailed in the report.

Voting record

Unanimous

EXEMPT PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

147 Future Support for Leisure Service Provision

Considered – report of the Programme Director – Economic Development, Business and Partnerships

The item was deferred until the next meeting of the Policy and Resources Committee to enable Officers to gather further information.

148 Shared Housing Initiative

Considered – report of the Programme Director for Economic Development, Business and Partnerships

Recommendation

That Council approve the recommendations detailed in the report.

Voting record

Unanimous

149 Development Opportunities and Housing Programme

Considered – report of the Programme Director for Economic Development, Business and Partnerships

Recommendation

That Council approve the recommendations detailed in the report.

Voting record

6 For

2 Abstentions

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

There being no other business, the meeting closed at 9:45pm.