



Please ask for Frances Green
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The Chair and Members of Standards
and Audit Committee

28 November 2023

Dear Councillor,

Please attend a meeting of the STANDARDS AND AUDIT COMMITTEE to be held on WEDNESDAY, 6 DECEMBER 2023 at 2.00 pm in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 6)
4. Internal Audit Progress Report - December 2023 (Pages 7 - 14)
5. I.T Update (Verbal Report)
6. RIPA Annual Report to Standards Committee (Pages 15 - 24)
7. Report - LGO Annual Letter 2023 (Pages 25 - 30)
8. Delegation Scheme and Constitution - acceptance of grants (Pages 31 - 34)

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

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9. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act".

Part 2 (Non Public Information)

10. Management of unreasonable complaints and complainants - Annual Report 2023 (Pages 35 - 50)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Head of Regulatory Law and Monitoring Officer

STANDARDS AND AUDIT COMMITTEE**Wednesday, 11th October, 2023**

Present:-

Councillor Caulfield (Chair)

Councillors Jacobs
BrockCouncillors Staton
Thornton

*Matters dealt with under the Delegation Scheme

**74 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

75 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Nicholls. Councillor Tidd was absent.

76 MINUTES**RESOLVED –**That the Minutes of the meeting of the Standards and Audit Committee held on 9th August 2023 and 13th September 2023 be approved as a correct record and be signed by the Chair.**77 ANTI-FRAUD, BRIBERY AND CORRUPTION STRATEGY
(INCLUDING ANTI-MONEY LAUNDERING POLICY)**

The Head of the Internal Audit Consortium presented the Anti-Fraud, Bribery and Corruption Strategy (including Anti-Money Laundering Policy) for consideration by the Committee.

The report explained that it was good practice for public bodies to have in place an up-to-date Anti-Fraud, Bribery and Corruption Strategy as it

supported the Council's effective financial governance and arrangements in respect of fraud.

The Strategy was last reviewed in July 2021, and it was agreed to undertake a review in 3 years' time or sooner if there were any regulatory or legislative changes.

***RESOLVED –**

1. That the Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy), attached at Appendix 1 of the officer's report, be approved.
2. That the amended policy be advertised on the intranet to raise awareness amongst members and officers.
3. That a further review of the policy be undertaken after a period of 3 years, or sooner if necessary through regulatory or legislative changes.

78 CBC AUDITOR'S ANNUAL REPORT 2021-22

The Head of Finance and Accountancy presented an overview of the Auditor's Annual Report for 2021-22 on behalf of Mazars.

It was noted the Value for Money Commentary did not highlight any significant weaknesses in the Council's Value for Money arrangements.

***RESOLVED –**

That the report be noted.

79 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED –

That under Section 100(a)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

80 INTERNAL AUDIT PROGRESS REPORT

The Head of the Internal Audit Consortium submitted a report for Members consideration. The report detailed progress against the 2023/24 Internal Audit Plan and provided assurance on the governance, risk, and control processes in place in respect of the audits completed.

It was noted that since this committee had last met 2 reports have been issued, 1 with Reasonable assurance and 1 with Limited assurance.

The Service Director Digital, HR and Customer Service and the Strategic Health, Safety and Risk Manager gave a verbal update to Members on the progress made against their recommendations of the Corporate Health and Safety Internal Audit Report, and how the team would be working towards meeting all outstanding recommendations.

The Service Director Digital, HR and Customer Service gave a verbal update on how Payroll are progressing with the recommendations from their Internal Audit Report. A briefing note will be circulated to Members for them to explore any points if required. The progress will be reviewed by the Head of the Internal Audit Consortium before the end of the year.

Members requested that an update in 9 months' time be presented on Payroll and Health and Safety.

An update from the Head of Digital and Technology on progress on internal audit recommendations relating to ICT, requested at the 13th September 2023 meeting, would be deferred to the next meeting.

***RESOLVED –**

That the report be noted.

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Internal Audit Progress Update

FOR PUBLICATION

Meeting:	Standards and Audit Committee
Date:	6 th December 2023
Cabinet portfolio:	Governance
Directorate:	Finance

1.0 Purpose of the report

- 1.1 To present for members' information a progress report in respect of the 2023/24 Internal Audit Plan.

2.0 Recommendation

- 2.1 That the report be noted.

3.0 Reason for recommendation

- 3.1 To update Members on progress against the 2023/24 Internal Audit Plan and to provide assurance on the governance, risk and control processes in place.

4.0 Report details

- 4.1 The Public Sector Internal Audit Standards require that the Head of the Internal Audit Consortium periodically reports to the Standards and Audit Committee in respect of performance against the audit plan. Significant risk and control issues should also be reported.
- 4.2 The 2023/24 Internal audit plan was approved at the Standards and Audit Committee on the 26th April 2023.
- 4.3 Attached, as Appendix 1, is a summary of reports issued since this Committee last met. This period 2 reports have been issued 1 with Substantial assurance and 1 with Reasonable assurance.
- 4.4 The assurance level is awarded in respect of the controls in place and the system's ability to meet its objectives and manage risk in line with the definitions below. The assurance levels are linked to definitions of risk within the risk management strategy.

Assurance Level	Definition	Risk Strategy Link
Substantial Assurance	There is a sound system of controls in place, designed to achieve the system objectives. Controls are being consistently applied and risks well managed.	Negligible/ Low impact – regular reviews plus low - cost improvements
Reasonable Assurance	The majority of controls are in place and operating effectively, although some control improvements are required. The system should achieve its objectives. Risks are generally well managed.	Low / Medium impact – close monitoring and cost - effective controls required
Limited Assurance	Certain important controls are either not in place or not operating effectively. There is a risk that the system may not achieve its objectives. Some key risks were not well managed.	Medium / High impact Unacceptable Risk – Immediate control improvements required
Inadequate Assurance	There are fundamental control weaknesses, leaving the system/service open to material errors or abuse and exposes the Council to significant risk. There is little assurance of achieving the desired objectives.	High / Very High impact Unacceptable Risk – immediate control improvements required

4.5 No fraud has been detected.

4.6 Appendix 2 shows the 2023/24 internal audit plan and overall progress to date.

5.0 Alternative options

5.1 The report is for information.

6.0 Implications for consideration – Financial and Value for Money

6.1 Internal audit reviews help to ensure that processes and controls are operating effectively thereby contributing to ensuring that value for money is obtained.

7.0 Implications for consideration – Legal

7.1 The core work of internal audit is derived from the statutory responsibility under the Accounts and Audit Regulations 2015 which requires the Council to “undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance”.

8.0 Implications for consideration – Human Resources

8.1 None

9.0 Implications for consideration – Council Plan

9.1 Audit reviews help to ensure that the council’s resources and priorities are focused on achieving the objectives within the council plan.

10.0 Implications for consideration – Climate Change

10.1 Whilst there are not considered to be any direct climate change impacts in relation to this report, sound internal control, governance and risk management arrangements will support the achievement of the Council’s objectives.

11.0 Implications for consideration – Equality and Diversity

11.1 None

12.0 Implications for consideration – Risk Management

12.1 Regular audit reviews help to ensure that risk is appropriately managed.

Decision information

Key decision number	
Wards affected	None

Document information

Report author
Jenny Williams Head of the Internal Audit Consortium Finance
Background documents
None

Appendices to the report	
Appendix 1	Reports issued Mid- September – Mid November 2023
Appendix 2	Progress against the 2023/24 Internal Audit Plan

Chesterfield Borough Council – Internal Audit Consortium

Report to Standards and Audit Committee

Summary of Internal Audit Reports Issued Mid - September 2023 to Mid November 2023

Page 11

Report Ref No.	Report Title	Scope & Objectives	Assurance Level	Date			Number of Recommendations	
				Report Issued	Response Due	Response Received	Made	Accepted
7	Accounts Receivable	To ensure that invoices are raised promptly and accurately and that there are debt collection procedures in place	Reasonable	3/10/23	24/10/23	1/11/23	1M	1
8	Treasury Management	To ensure compliance with the approved CIPFA Compliant strategies	Substantial	20/10/23	10/11/23	30/10/23	1L	1

H = High Priority M = Medium Priority L = Low priority

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Chesterfield Borough Council Internal Audit Plan 2023/24

In Progress
Complete
Ongoing Through Year

Main Financial Systems	Priority	Audit Days 2023/24
Main Accounting & Budgetary Control	H	12
CIPFA Fin Management Code of Practice	H	10
Payroll	H	30
Debtors	M	15
Treasury Management	M	15
NNDR	M	20
Housing Rents	H	20
Housing Repairs – Capital	H	20
Housing Voids	H	22
Government Grants	M	5
Total		169
Other Operational Audits		
Contract Final Accounts	M	2
Credit Card Usage (to be reported February)	L	8
Crematorium	N/A	12
Data Protection/ Payment Card Industry Compliance	M	14
Economic Development Projects	H	15
Electrical Testing Council Houses	M	10
Green Home Grants sign off	M	3
Healthy Living Centre	M	15
Markets Income	M	12
Members and Civic Expenses	L	10
Property Rents	M	12
Queens Park Sports Centre	H	25
Sickness Absence	M	12
Section 106 / CIL	M	12
Staveley Town Council	M	5
VAT	M	8
Waterside / Northern Gateway rents	M	15
Total		190
Computer and IT Related		

Network Security / Cyber Risk/ Laptops & Removable Media	H	20
New system Review / upgrades	M	10
Members IT Equipment	M	12
Total		42
Cross Cutting Issues		
Corporate Governance and Annual Governance Statement	H	14
Procurement	H	10
Health & Safety	H	12
Climate Change	H	12
Total		48
Fraud and Corruption		
National Fraud Initiative	H	8
Anti -Fraud & Corruption Strategy Review	N/A	3
Total		11
Apprenticeships / Training		30
Contingency/ Investigations/Emerging risks/ test schedule updates		30
Financial advice / working groups		25
Audit Committee / Client Officer Liaison		15
Planned Total Days 2023/24		560

Reserve Areas

Commercial Waste Income
Social Media
Leaseholder Charges
Market Hall Café
Sale of Land and Property
Careline

For Publication

Regulation of Investigatory Powers Act 2000 (RIPA)

Annual Report to Standards Committee 2023

MEETING:	(1) Standards And Audit Committee (2) Cabinet Member for Governance
DATE:	(1) 6 th December 2023 (2) Tbc
REPORT BY:	RIPA Senior Responsible Officer
WARD:	All
For Publication	

1.0 Purpose of Report

1.1 To give an annual report to members on activities relating to surveillance by the Council and policies under the Regulation of Investigatory Powers Act 2000.

2.0 Recommendation

2.2 That the report be noted.

2.3 That the proposed activity for 2023/24 be progressed.

3.0 Reason for Recommendation

3.1 To enable the Council to operate the RIPA system effectively and as required by law and guidance.

4.0 Report details

4.1 RIPA

Chesterfield Borough Council has powers under the

Regulation of Investigatory Powers Act 2000 (RIPA) to conduct authorised directed surveillances (DI) and use of human intelligence sources (CHIS) in certain circumstances in connection with the conduct of criminal investigations. These powers arise from the need to protect the rights of individuals relating to private and family life (including business relationships) under Article 8 of the Human Rights Act 1998.

4.2 **Reporting to Members**

This report is submitted to members as a result of the requirement to report to members at least annually under paragraph 4.47 of the Home Office Code of Practice for Covert Surveillance and Property Interference.

4.3 The previous annual report was submitted to members in July 2022. Further reports will continue to be submitted annually whether or not there has been any authorised surveillance.

4.4 The June 2022 Investigatory Powers Commissioner (IPC) inspection outcome was reported to members in July 2022. Inspections are carried out every three years. The 2022 inspection was very favourable, and the Council's RIPA policy has since been recommended by the IPC to other authorities as an example of good practice.

4.5 **Background**

All directed surveillances (covert, but not intrusive) and use of covert human intelligence sources (CHIS) require due authorisation and the exercise of the powers is subject to review. The controls are in place in accordance with the Human Rights Act, particularly the right to respect for family and private life.

4.6 Originally the Office of the Surveillance Commissioner (OSC) oversaw the exercise by councils of their surveillance powers. However, since September 2017 and the coming into effect of the Investigatory Powers Act 2016 this role is undertaken by the Investigatory Powers Commissioner (IPC)¹. The Right Honourable Sir Brian Leveson is the current IPC.

4.7 A confidential database of authorised surveillances (the central record) is maintained, charting relevant details, reviews and cancellations. There have been no authorisations since 2010. Because of data retention considerations there is no data contained within the database.

¹ <https://www.ipco.org.uk/>

- 4.8 Substantial changes were made to the powers of Local Authorities to conduct directed surveillance and the use of human intelligence sources under the Protection of Freedoms Act 2012.
- 4.9 As from 1 November 2012 Local Authorities may only use their powers under the Regulation of Investigatory Powers Act 2000 to prevent or detect criminal offences punishable by a minimum term of 6 months in prison (or if related to underage sale of alcohol and tobacco – not relevant to this Council). The amendment to the 2000 Act came into force on 1 November 2012.
- 4.10 Examples of where authorisations could be sought are serious criminal damage, dangerous waste dumping and serious or serial benefit fraud. The surveillance must also be necessary and proportionate. The 2012 changes mean that authorisations cannot be granted for directed surveillance for e.g. littering, dog control or fly posting.
- 4.11 As from 1 November 2012 any RIPA surveillance which the Council wishes to authorise must be approved by an authorising officer at the council and also be approved by a Magistrate; where a Local Authority wishes to seek to carry out a directed surveillance or make use of a human intelligence source the Council must apply to a single Justice of the Peace.
- 4.12 The Home Office have issued guidance, in the form of codes of practices, to Local Authorities and to Magistrates on the approval process for RIPA authorisations. The most recent relevant code of practice guidance was issued in September 2018 and was considered in the 2019 annual report to this Committee.²

5.0 Activity between 2019 and 2023

No directed surveillance

- 5.1 During this period no directed surveillances (DS) or use of human intelligence sources (CHIS) were authorised by the Council under the Act.

Training

- 5.2 In the 2018 annual report members were informed that an Aspire Learning module covering all key issues of RIPA had been trialled by some enforcement officers and was to be rolled out to all officers involved with enforcement, their managers, relevant legal officers and also the chief

² <https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

executive (who has ultimate responsibility). Further, more detailed, modular training would be considered as and when necessary in due course.

- 5.3 55 officers involved in enforcement activity are identified as required to complete the mandatory RIPA module in 2023. At the time of writing this report (24th November 2023) 46 users are certified and 6 are yet to successfully complete the module for the current year. Two have yet to undergo the training module.
- 5.4 The 2022 inspection confirmed that there was less focus by the IPCO on training currently, provided relevant officers maintained awareness of RIPA. However, it is not proposed to change the Council requirement for these officers to revisit the training module each year.
- 5.5 In addition to the RIPA module, the Monitoring Officer, who is the RIPA Senior Responsible Officer, also undertakes external training courses where appropriate.

Internal guidance

- 5.6 Intended unified guidance on the use of CCTV and e.g. deployable cameras and body cams by Council enforcement staff was not developed as intended. This will be carried forward as part of a general review of use of CCTV by the Council (see below).
- 5.7 Following the RIPA inspection in 2019 guidance was published on the Council's intranet³ including reference to relevant issues and controls relating to:
- Social Media
 - Employee monitoring
 - Drones
 - Error reporting

Governance

- 5.8 The executive responsibility for the RIPA function is with the Cabinet Member for Governance.

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<https://aspire.interactgo.com/Utilities/Uploads/Handler/Uploader.ashx?area=composer&filename=Regulation+of+Investigatory+Powers+-+2019+Update.pdf&fileguid=0785f79f-314b-4076-b305-1852fafe1248>

6.0 IPCO Annual Reports

- 6.1 Each year the Investigatory Powers Commissioner issues comprehensive annual reports to the Prime Minister on all aspects of surveillance, with a section with findings on local authorities. Since the previous annual report to this committee there have been three IPCO annual reports.
- 6.2 **The 2021 Annual Report** ⁴(published March 2023) noted high levels of compliance by public authorities and a positive response to inspection findings. Much of the report relates to the security services, the police and other government agencies. It notes new legislation in 2021 in relation to notify the IPCO about covert human intelligence sources used for particular types of activity. Posts on social media platforms are to be a focus for the following year, with a review of the Investigatory Powers Act to be considered. It refers to the sharing of good practice in RIPA policies and guidance on authorities' websites. and the desirability of publishing the policies.
- 6.3 It refers to the facility for employees to make disclosures to the IPCO where there are serious concerns. It also considers the interrelation between investigatory powers and legal professional privilege (the right to seek legal advice and conduct litigation in confidence) and responsibilities for notification to the IPCO if that privileged information is to be retained. It also considers confidential journalistic information and sources. It refers to the quarterly IPCO newsletter, impact of changing technology. Case studies reported about errors indicate an overlap with data protection breach considerations.
- 6.4 *Local authorities*
On wider public authorities, including local authorities it notes that: the use of CHIS is relatively low, measures are in place to prevent 'drift' into territory where authorisation is necessary, overall use of directed surveillance has declined, on the whole there was good standard of application and authorisation.
- 6.5 Section 15 of the annual report focusses on local authorities, noting low use of investigatory powers and use only by a small proportion of authorities, the need for policies to be updated where outdated, and noting use of online learning modules, the benefit of local authorities and agencies working together.

⁴ <https://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com/Annual-Report-2021.pdf>

6.6 *Social Media*

On use of social media by local authorities, the IPCO seeks to ensure inadvertent covert surveillance does not arise through repeated / sustained observation of social media profiles or online information, or contact with a CHIS online. An auditable record should be kept if surveillance of online content is to be carried out.

[note: the 2020 Annual report had mentioned that overt use of social media monitoring involves data protection issues, overseen by the ICO and that guidance is published by the Home Office. Guidance should be available to staff, online activity should be recorded and periodically scrutinised. Without an audit trail it is difficult for the SRO to have necessary reassurance that the internet is being used in a controlled and well understood manner.]

7.0 **IPCO Inspection 2022**

- 7.1 As stated in the 2022 report, the most recent three year IPC inspection was through a Teams interview on 9th June 2022. This was a desktop inspection between the inspector and the RIPA Senior Responsible Officer, also attended by the Data Protection Officer. Information is repeated for the benefit of new committee members.
- 7.2 During the inspection the inspector confirmed that the absence of annual reviews during the pandemic was not exceptional or problematic, and mirrored other authorities, not least as investigation activity would have been restricted during this period, which included lockdowns.
- 7.3 The inspector was complimentary about the Council's RIPA Policy and considered it one of the best they had seen.
- 7.4 They advised that IPCO emphasis had changed from RIPA training to a more general awareness of likely circumstances where RIPA related considerations might arise.
- 7.5 They referred to the IPCOs April 2020 data handling letter and that the authority's central record should refer to the need to hold data no longer than necessary and in accordance with retention and disposal policies. Some minor updates to the RIPA policy were discussed, including emphasis on officers not using personal accounts for social media.
- 7.6 Sir Brian Leveson's written inspection report, dated 13th June, found:

- That the Council had made the necessary arrangements in response to the 2019 inspection report, and discharged the recommendations made.
- That the Council's RIPA policy was impressive, covered most relevant points and was easy to follow
- Some minor amendments/inclusions were recommended to the policy (these are incorporated in the amended RIPA Policy attached)
- While noting that no activity had been conducted, it was important to ensure there was an awareness of RIPA across the organisation, and noted the online training module available to staff
- Clear guidance was contained in the policy regarding management of the product of surveillance, also included in the Information Asset Register
- That the Council was well placed to comply with safeguarding provisions in the Codes of Practice, and might consider adapting the Central RIPA record to include management and review of such product if acquired.

8.0 Surveillance Policy and other updates

8.1 The Council's RIPA Policy is available on the Council's website [here](#). It was last updated to reflect the recommendations of the 2022 inspection. No updates are recommended in this annual report.

8.2 The RIPA Central Record was amended to refer to data retention and disposal requirements.

9.0 Activity in the current year

9.1 While the authorisation process is very rarely appropriate or necessary and has not been used since 2010 the 2022 inspection indicates that the council is well placed should any be required.

9.2 Updated information will be placed on the RIPA and other pages of the Council's intranet, as necessary.

9.3 Relevant corporate CCTV policy and guidance is still to be developed. This will include the use of body cams by Council enforcement staff and deployable cameras and an audit of the CCTV estate. The growth in use of CCTV by different services, whilst overt surveillance, requires greater consistency across the authority and a corporate CCTV policy and

guidelines should be developed to ensure all relevant precautions are taken.

- 9.4 The focus will also aim to monitor for inadvertent surveillance. This will depend largely on self-reporting by services and knowledge gained about their activities.

10.0 Alternative options

- 10.1 Given the outcome of the 2022 inspection and the current position on directed surveillance, no alternatives are appropriate.

11.0 Implications for consideration – Financial and value for money

- 11.1 The 2022 inspection outcome endorses the Council's approach to RIPA. There may be some minor financial considerations arising from the CCTRV review, but these are not yet known.

12.0 Implications for consideration – Legal

- 12.1 The RIPA system sets up a framework for surveillance which needs to be properly followed. The Council has not needed to carry out authorized covert surveillance in recent years.

13.0 Implications for consideration – Human resources

- 13.1 Relevant officers should undertake the training, to maintain awareness of the processes. Managers should ensure training is completed.

14.0 Implications for consideration – Council plan

- 14.1 The Council's RIPA policy and practices contribute to improving the quality of life for local people

15.0 Implications for consideration – Climate change

- 15.1 There are not considered to be any direct climate change impacts in relation to this report.

16.0 Implications for consideration – Equality and diversity

16.1 Any RIPA authorisation sought would have to demonstrate that it was for lawful purposes, appropriate and proportionate.

17.0 Implications for consideration – Risk management

17.1 Proper application of the surveillance policy will help to minimize risks arising on this matter.

Decision information

Key decision number	
Wards affected	

Document information

Report author	
Gerard Rogers Head of Regulatory Law and Monitoring Officer – RIPA Senior Responsible Officer Corporate	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
none	
Appendices to the report	
None	

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FOR PUBLICATION

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2023

MEETING: (1) STANDARDS AND AUDIT COMMITTEE
(2) CABINET MEMBER FOR GOVERNANCE

DATE: (1) 6TH DECEMBER 2023
(2) tbc

REPORT BY: MONITORING OFFICER

WARD: ALL

1.0 PURPOSE OF REPORT

1.1 To inform members about the Local Government and Social Care Ombudsman Annual Review Letter.

2.0 RECOMMENDATION

2.1 To note the report.

3.0 BACKGROUND

3.1 Each year local authorities are sent an annual review letter by the Ombudsman. This summarises statistics about complaints received by the Ombudsman and their outcome.

3.2 This report informs members about the latest annual letter, received in July 2023, relating to Chesterfield Borough Council's performance in the year ending 31st March 2023.

3.3 A complaint to the Ombudsman stage is the final stage that a complaint about council service can be taken. The Ombudsman usually requires a complaint to have completed all stages of the Council's internal procedures before considering it¹. This can mean that a complaint is referred back to the Council if it has not completed the internal stages.

4.0 ANNUAL LETTER

4.1 A copy of the Annual Letter is attached at Appendix 1.

4.2 The letter shows that 13 complaints were made about the Council to the Ombudsman in the period 1st April 2022 to 31st March 2023 (in 2022 10 complaints were made).

¹ <https://www.chesterfield.gov.uk/home/about-this-website/contact-us/comments-complaints-compliments.aspx>

- 4.3 These related to Benefits and Tax (2), Environmental Services and Public Protection and Regulation (4) Planning and Development (3), Housing (3) and Corporate and Other Services (1).
- 4.4 Of the complaints decided in the same period, 5 were referred back for local resolution (these are typically because the Council's internal complaints procedures have not been used or used completely - referred to the Council or advice given to the complainant), 5 were closed after initial enquiries (complaints not warranted). 1 complaint was incomplete / invalid (insufficient information provided by complainant). Individual decisions can be viewed on the Ombudsman website where published². It is not possible to discuss individual cases at the meeting as to do so would risk disclosing personal data.
- 4.5 Of the two complaints investigated (both Housing) neither were upheld by the Ombudsman in the year. One found no fault over how the Council had dealt with a rehousing application. The other found no worthwhile outcome achievable by further investigation. Of the five preceding years, in 2020/21 4 complaints and 2021/22 1 complaint had been upheld against the Council, with none in the years before that.
- 4.6 The Annual Review Letter also refers to the retirement of Michael King as Local Government Ombudsman. It says that over the past two years, they have reviewed their processes to ensure they do the most they can with the resources they have. They are more selective about the complaints looked at in detail, prioritising where it is in the public interest to investigate. They say this has meant that overall changes in uphold rates this year are not solely down to the nature of the cases coming to the Ombudsman. They are less likely to carry out investigations on 'borderline' issues, so as a result are finding a higher proportion of fault overall.
- 4.7 The letter concludes that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place.
- 4.8 The letter refers to their continued work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. They will consult on the code and its implications prior to launch and will be in touch with further details.

5.0 COMPARISON OF RECENT YEARS

- 5.1 A table attached at Appendix 2 compares the past 5 years of Annual Letters.
- 5.2 2022/23 had the second highest number of Ombudsman complaints - 13 (2020 had 15, 2022 had 10), 2021 and 2019 had 7 in each year.

² <https://www.lgo.org.uk/your-councils-performance/chesterfield-borough-council/statistics>

- 5.3 In 2022/23 in no cases was the complaint upheld. 1 complaint was upheld last year, but 4 in the year before that.
- 5.4 The Ombudsman website contains an interactive data map of council performance. This is at:
- <https://www.lgo.org.uk/your-councils-performance>.
- 5.5 The national average for upheld complaints and figures for nearby local authorities is as follows:

	Upheld complaints
<i>National Average</i>	<i>59% (80% for Counties / unitaries)</i>
Chesterfield Borough Council	0% (0 of 2)
Derbyshire County Council	80% (20 of 25)
Derbyshire Dales District Council	0% (0 of 6)
North East Derbyshire District Council	67% (2 of 3)
Bolsover District Council	0% (0 of 1)

6.0 **CONCLUSION**

- 6.1 No Ombudsman complaints were upheld in the past year.
- 6.2 The Council has continued developing a new complaints policy over the past months to take account of new Housing Ombudsman guidance. In January a new ICT solution was put in place so complaints, internal and Ombudsman, can be tracked and reported on, so service improvements can be made where appropriate.
- 6.3 Separate to this report this committee will receive reports about the outcomes of complaints generally and on procedures for and reporting on housing complaints (a requirement of the housing regulator).

7.0 **RECOMMENDATION**

- 7.1 To note the report.

8.0 **REASON FOR RECOMMENDATION**

- 8.1 To inform members about the Council performance on complaints to the Ombudsman.

GERARD ROGERS
MONITORING OFFICER

Further information from Gerard Rogers, Monitoring Officer and Regulatory & Local Government Law Manager, Legal Services - Tel 345310 or gerard.rogers@chesterfield.gov.uk

19 July 2023

By email

Mr Bowen
Chief Executive
Chesterfield Borough Council

Dear Mr Bowen

Annual Review letter 2022-23

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

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

Complaint statistics

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

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

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

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

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

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

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

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

Supporting complaint and service improvement

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

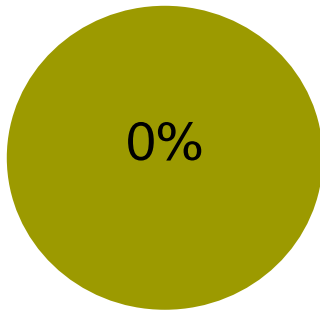
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops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

Yours sincerely,



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

Complaints upheld



0% of complaints we investigated were upheld.

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

0
upheld decisions

Statistics are based on a total of **2** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the organisation

The Ombudsman did not uphold any detailed investigations during this period

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Ombudsman Annual Letters – statistics - 2023

Complaints received

	Adult care services	Education and childrens services	Benefits and tax	Corporate and other services	Environment Services	Highways and Transport	Housing	Planning and Development	Other/Null	Total
2023	n/a	n/a	2	1	4	n/a	3	3	n/a	13
2022	0	0	1	0	3	0	4	1	1	10
2021	0	1*	1	1	0	0	1	3	0	7
2020	0	0	3	5	2	0	0	4	1	15
2019	0	0	3	0	1	0	0	2	1	7

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Decisions made

	Incomplete /invalid complaint	Advice given	Referred back for local resolution	Closed after initial enquiries	Not upheld	Upheld	Uphold Rate	Total	Complaints remedied by LGO	Complaints remedied Satisfactorily before LGO involvement
2023	1	0	5	5	2	0	0%	13	0	0
2022	1	3	2	3	0	1	100%	10	0	0
2021	0	1	1*	1	0	4	66%	6	3	1
2020	2	1	7	4	0	0	0%	14	0	0
2019	0	1	5	0	2	0	0%	8	0	0

*error by LGO? - DCC function

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For publication

Delegation Scheme and Constitution – acceptance of grants

Meeting:	STANDARDS AND AUDIT COMMITTEE
Date:	6 TH DECEMBER 2023
Cabinet portfolio:	GOVERNANCE
Directorate:	CORPORATE

1.0 Purpose of report

- 1.1 To seek approval of an update to the Constitution to clarify delegations relating to grants offered to the Council.

2.0 Recommendations

- 2.1 That members confirm the changes to Constitution, and agree the delegations, proposed at Appendix 1.
- 2.2 That appropriate guidance be developed by officers for grants applications and receipt of them by the Council and their monitoring.

3.0 Reasons for Recommendation

- 3.1 To ensure effective and efficient operation of the Council.

4.0 Report Details

- 4.1 The Constitution is a key document, required by law, which sets out the principal powers, duties and procedures of the Council. It also sets out in Part 3 to whom decision making over the Council's various functions is delegated.

- 4.2 The current form of Constitution has been in place since the early 2000s, using a government model. Most council constitutions follow a similar format, though some are now moving away from it. The constitution is publicly available on the Council's website at

<https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx>

- 4.3 The Constitution needs to be changed and updated from time to time to ensure it reflects current legislation, practices, functions, structures and efficient working of the authority.
- 4.4 Full Council considers the main changes and other changes are delegated to Standards and Audit Committee. Any consequential amendments and general updates are the responsibility of the Monitoring Officer.

Grant offer acceptance

- 4.5 This report relates to situations where the Council has applied for and has been offered grants, rather than where the Council awards grants to third parties.

- 4.6 The Council has a very successful record of seeking and being awarded grants from external bodies. Often these involve substantial sums and are in relation to e.g. regeneration and capital projects.
- 4.6 While grants often contain standard provisions relating to record keeping, draw-down and reporting on spend they do frequently contain provisions relating to repayment of some or all of the grant in the event of a breach of terms of the grant agreement, so they contain matters which would be potential financial and reputational risks for the Council in the event of non-compliance.
- 4.6 Currently the Constitution is silent on where authority should be obtained to accept a grant. While the relationship between the grant awarding body and the Council is akin to the relationship in a formal contract, and there is a contractual relationship between the parties, it is considered that the Constitution should set out specific delegations for the grants process rather than rely on general contract governance provisions.
- 4.7 It is considered too that a process should be developed so that potential applications and grant awards can be monitored, advice given by the Procurement Service and that appropriate guidance developed, potentially to cover the whole process whereby the Council applies for, receives, and uses external grants.
- 4.8 Proposed amendments are set out in Appendix 1. While there are proposed officer / Cabinet Member thresholds depending on value of the grant offer, there is an ability to use the officer delegation in the event that grant conditions are not onerous, after a review by relevant officers from procurement, legal and the relevant service.

Decision information

Key decision number	<i>All key decisions must be in the Forward Plan at least 28 days in advance. There are constitutional consequences if an item is not in the Forward Plan when it should have been. Contact Democratic Services if in doubt.</i>
Wards affected	All
Links to Council Plan priorities	to provide value for money services

Document information

Report author	Contact number/email
Gerard Rogers Monitoring Officer	01246 936471 gerard.rogers@chesterfield.gov.uk
Background documents	
The Council's Constitution – on Council website https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx	
<i>This must be made available to the public for up to 4 years.</i>	

Appendices to the report	
Appendix 1	Proposed changes to Constitution
Appendix 2	Proposed changes to HR related delegations

Appendix 1

Constitution changes requiring approval by Standards and Audit Committee

Council Constitution:

<https://www.chesterfield.gov.uk/your-council/the-council/the-constitution.aspx>

Where appropriate changes are shown in red below.

Part 3 – Delegation Scheme – Acceptance of Grant offers

...

3.3 FUNCTIONS OF ANY CABINET MEMBER

...

Acceptance of offers of a grant to the Council

G###L Subject to G###D, to determine whether or not the Council should accept the offer of a grant from an external organisation of over £100,000

OFFICER DELEGATIONS: To the appropriate Service Director

G###D *To approve acceptance of the offer of a grant from an external organisation of up to £100,000 and*

G###D *To approve acceptance of the offer of a grant from an external organisation over £100,000 where the Head of Procurement in consultation with the relevant service manager / service director and the Head of Regulatory Law or Property Procurement and Contracts Manger considers that the risks associated with the terms and conditions of the grant offer are not sufficiently onerous for the Council to warrant a decision by the Cabinet Member.*

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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