OVERVIEW AND SCRUTINY COMMISSION

DATE: Monday, 15 April 2019
TIME: 5.30 pm
VENUE: Fountains Room - Civic Centre, St Luke's Avenue, Harrogate, HG1 2AE

Notice is hereby given that the above meeting will take place for the purpose following and, by virtue of Section 100B(4)(b) of the Local Government Act 1972, any other matter(s) which the Chair considers should be dealt with at the meeting as a matter of urgency.

AGENDA

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CRIME AND DISORDER MATTERS

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<td>NORTH YORKSHIRE POLICE UPDATE: North Yorkshire Police to attend and provide a written report. Steve Breen, Neighbourhood Police Inspector for Harrogate Rural to provide a verbal update to the Commission.</td>
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Community Safety and CCTV Manager to submit a written report.

**SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION**

8. **UNACCEPTABLE BEHAVIOUR POLICY:**
The Scrutiny Governance and Risk Manager to submit a written report.

9. **CODE OF CONDUCT REVIEW - DRAFT SCOPE:**
The Scrutiny Governance and Risk Manager to submit a written report.

10. **REVIEW OF STANDING ORDER 27 PUBLIC ARRANGEMENTS - QUESTIONS:**
The Scrutiny Governance and Risk Manager to submit a written report.

11. **FEEDBACK FROM OTHER COMMITTEES AND EXTERNAL BODIES:**
Updates from other Committees and External Bodies since the last meeting of the Commission.

12. **OVERVIEW AND SCRUTINY COMMISSION FUTURE WORK PROGRAMME:**
The Scrutiny, Governance and Risk Manager to submit a written report.

**MATTERS HOLDING EXECUTIVE/PARTNERS TO ACCOUNT**

13. **FORWARD PLAN OF KEY DECISIONS:**
To consider the current [Forward Plan] items.

**MEMBERSHIP:** Councillor Philip Broadbank (Chair). Councillor Margaret Atkinson, Councillor Bernard Bateman, MBE. Councillor Nick Brown, Councillor Sue Lumby, Councillor John Mann, Councillor Pat Marsh, Councillor Nigel Middlemass, Councillor Ann Myatt, Councillor Victoria Oldham, Councillor Norman Waller and Councillor Tom Watson.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session.
The agenda papers may be examined at the Civic Centre, Harrogate and a copy may be purchased for £6.00.

Please contact Claire Wilson - Scrutiny Officer, at the Civic Centre, if you have any queries or need further information on this agenda - telephone or email claire.wilson@harrogate.gov.uk 01423 500600 ext. 58323.

EMERGENCY PROCEDURES FOR MEETINGS – FIRE: On hearing the fire evacuation alarm, you should leave the building by the nearest safe fire exit. Once outside the building, please assemble in the corner of the visitor car park at the front of the building opposite the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.
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PRESENT: Councillor Philip Broadbank (Chair.) Councillors Bernard Bateman, Sue Lumby, John Mann, Pat Marsh, Nigel Middlemass, Ann Myatt, Victoria Oldham, Nigel Simms, Norman Waller and Tom Watson.

In Attendance: Councillor Phil Ireland, Cabinet Member for Sustainable Transport. Councillor Mike Chambers, Cabinet Member for Housing and Safer Communities.

Late Arrivals: Councillor Bateman at 5.36 pm

Early Departures: None.

114/18 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES: Notification had been received that Councillor Nigel Simms was to act as substitute for Councillor Margaret Atkinson. (5.31 pm)

115/18 – DECLARATIONS OF INTEREST: There were no declarations of interest declared at this meeting. (5.31 pm)

116/18 – MINUTES: The Minutes of the meeting of the Commission held on 4 February were approved as a correct record and signed by the Chair. (Nine Members voted for the motion and there was one abstention) (5.32 pm)

117/18 – EXEMPT INFORMATION: There were no exempt information items. (5.32 pm)

118/18 – PUBLIC ARRANGEMENTS – QUESTIONS: The following question was read out by Mr Peter Lilley in accordance with Standing Order 27:

I previously proposed to your committee that, as part of your future work programme, you should investigate the issue of conduct complaints and the apparent discrepancy between the standards expected of elected members compared with that of senior officers who appear to be protected to some extent by the Council’s so-called “no blame culture.”

I’m pleased to say that in December you unanimously agreed to instruct Mr Codman to prepare the parameters for such a review – and I understand this is due to be discussed at your meeting on April 15.
What I would like to suggest today is that the scope of this review should be broadened to include the Council’s Unacceptable Behaviour Policy as this also relates to the issue of conduct.

It seems that this policy can be imposed on residents at the discretion of the Chief Executive; but that the resident is given no opportunity to dispute or deny allegations made against them before the policy takes effect.

It cannot be right that restrictions can be imposed on residents if it’s claimed that they have conducted themselves in an inappropriate way and yet if there are allegations that senior officers have behaved improperly, they seem able to avoid censure or sanctions by citing the no blame culture.

My question therefore is: will you agree that the Council’s Unacceptable Behaviour Policy should be included as part of your review into conduct complaints?

The Chair of the Commission, Councillor Philip Broadbank, responded as follows:

As Chair of the Commission I would like the Commission to be provided with more information on the Unacceptable Behaviour Policy and for the item to be discussed as part of the scope for the code of conduct review at the meeting to be held in April 2019.

(It was unanimously agreed that the Unacceptable Behaviour Policy would be discussed at the next meeting of the Commission as part of the scope for the code of conduct review.)

(5.33 pm – 5.38 pm)

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

119/18 – ULTRA-LOW EMISSION VEHICLE STRATEGY: The Strategic Transport Planner (STP) submitted a written report regarding Harrogate Borough Council’s Ultra-Low Emission Vehicle Strategy (ULEVS). The Strategy, attached at Appendix A to the report, was required to cater for the expected increase in electric vehicle use in the coming years. It was a key component of the HBC Air Quality Action Plan.

The Cabinet Member for Sustainable Transport (CM ST) gave a brief introduction to the Strategy. He explained that a lot of work had been done over a long period of time to complete the ULEVS in order to make sure it was flexible for the future. The STP explained that the electric/hybrid vehicle industry was still an emerging industry but following the announcement by the Government that it intends to ban new petrol and diesel car sales by 2040, the industry was expected to become much more prominent. The Strategy had very realistic aims that had been set following the significant increase in the use of ultra-low emission vehicles in the district. The ULEVS had a five year plan and a ten point action plan and the CM ST and STP welcomed any comments or questions on the content of the strategy.
Councillor Waller questioned why there were no charging point sites proposed to the east of the A1, with the exception of Boroughbridge, when a large number of developments had been proposed for that area in the Local Plan. The STP explained that the ULEVS was only a five year plan and the developments in question would most likely take place after that time period. However, the Place-Shaping and Economic Growth service were working closely with all developers to ensure charging points were factored in to new developments. The CM ST confirmed that the map of possible sites provided in the report was only an indication and that the strategy was flexible and could therefore adapt to local need. It was suggested that business parks in the area may potentially be included for consideration.

Councillor Marsh asked a question in relation to the work being done with North Yorkshire County Council (NYCC) and the availability of grant funding in particular relating to charging points with lighting columns. The STP highlighted Action Point 6 at paragraph 5.6 of the report. The CM ST explained that there was no reluctance from either HBC or NYCC to work together on this issue but the sticking point was working out how the desired outcomes could be delivered. It was noted that this could be included as an aim in the strategy.

In response to questions from Councillor Oldham and Councillor Watson regarding the provision of charging points to the west of Harrogate, the STP explained that they would welcome the inclusion of more sites in the specified areas. Following recommendations from Councillors Oldham and Watson, the STP and CM ST confirmed they would have talks with Yorkshire Water and other car park owners to assess the viability for charging points on their land.

Councillor Bateman asked a question in relation to electric lorries. The STP explained that the technology in relation to lorries/HGV was in its infancy and as such was unlikely to have an impact on the district during the life of the ULEVS.

Councillor Marsh highlighted the objectives of the Strategy as outlined in paragraph 2.3 of Appendix A to the report, specifically the ‘to support the transition of commercial and public transport vehicles to plug-in vehicles, in particular taxis’ objective. She queried whether grants had been applied for and recommended that a timeline be put on the objective to allow for quicker progress to be made in order to reverse or at least limit the effects of climate change. The CM ST expressed support for the need to act fast on climate change. He explained that there were many strategies currently in place, such as the cycling strategy, the carbon reduction strategy and air quality action plans that aimed to improve the environment. Harrogate Borough Council had set more ambitious targets than the national targets and continued to work hard to maximise the impact of its work. It was agreed that timelines would be included in the objectives.

In response to questions from Members on conditioning the provision of electric charging points on new developments, the STP and CM ST highlighted action five in the Strategy. They also confirmed that conditions were already being applied to planning permissions that required electric charging points to be provided with new developments.
Councillor Myatt queried the type of charge to be used at the various charging points. The STP explained that there would be different types of charging points depending on the type of location. For example, a fast charge option (4 hours to charge) would be more suited to a city/town centre environment whereas a longer charge option (7-8 hours to charge) would be more suited to business parks. There would be a significant negative impact on the National Grid if the rapid or fast charge points were provided at all locations.

In response to a further question from Councillor Myatt, the STP explained that the charging points at the Civic Centre were used on average twice a day, usually by members of the public. He also confirmed that some residents who lived close to the Civic Centre had purchased electric vehicles due to the provision of electric charging points.

Following a question from Councillor Marsh, the STP confirmed that discussions were on-going with AppyParking to include electric charging points on the app.

Councillor Broadbank asked a question in relation to the provision of free charging as referenced in paragraph 5.9 of the report. The STP explained that the free charging would be used as an incentive to encourage the use of electric vehicles but parking charges would still apply in order to incentivise sustainable transport methods over privately owned cars.

In response to a question from Councillor Oldham, the STP confirmed work was on-going to incorporate electric vehicle charging points at council-owned residential properties.

The Chair thanked the Cabinet Member and officers for their thorough report and their attendance at the meeting. Following the addition of the timelines to the objectives as suggested by Councillor Marsh, the Overview and Scrutiny Commission were happy to support the Ultra-Low Emission Vehicle Strategy.

(5.38 pm – 6.15 pm)

120/18 – HARROGATE BOROUGH COUNCIL – HOUSING COMPANY: The Cabinet Member for Housing and Safer Communities (CM HSC) and the Head of Housing and Property (HoHP) gave a verbal presentation on the recently established HBC housing company. The CM HSC explained that the establishment of a housing company had been in the pipeline for several years but had finally been approved by Cabinet in January 2019.

The HoHP explained the need for the housing company, to be called Bracewell Homes Ltd. The Housing Revenue Account (HRA) currently controlled everything that HBC could do in relation to the building and management of housing. There were very strict regulations in relation to the HRA which limited the commercial capabilities of the Housing and Property service. The HoHP did however state that a housing company would be subject to tax and company law, unlike the HRA.
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The establishment of a housing company would however allow the Council to own and let private rented homes on assured shorthold tenancies and gain additional income from the rent on shared ownership homes. Through the company the Council would also be able to act as a letting/management agency and do some work outside of the district.

A business plan had been adopted and formal approval for the incorporation of the company was expected imminently. There were already two areas of land which were with the planning department for pre-application advice.

In response to questions from several Commission Members, the CM HSC and the HoHP explained that officers currently employed within the Housing and Property Service had the necessary expertise to do the necessary work for the housing company. These included: construction managers, designers, builders and property management administrators etc. The Chief Executive and Directors at the Council would be the Board of Directors for Bracewell Homes Ltd. It was noted that the skills required to run a private company were different to those required within the Council.

Following a question from Councillor Middlemass, the HoHP explained that the aims of the housing company were mainly commercial in the first instance. The HRA would still be the provider of social and affordable housing. Bracewell Homes Ltd was a separate commercial entity.

Councillor Bateman asked a question in relation to shareholders and was informed that the Council as a whole would be the shareholder.

In response to a question from Councillor Mann regarding land in the Crimple Valley, the HoHP explained that the land could be developed by the housing company instead of by another developer.

Councillor Myatt and Bateman queried whether the submission of planning applications from the HBC Housing Company to the HBC Planning Committee would be seen as a conflict of interest. The CM for HSC stated that the Planning Committee already determined the applications put forward through the Housing Revenue Account and had done so for many years. Councillor Marsh, a member of the Planning Committee, stated that each application was judged on its planning merits and not on the identity of the applicant. Councillor Chambers explained that the way to avoid a perception of bias was to be completely open and transparent with each application which is what the housing company intended to do.

Councillor Middlemass asked a question in relation to the profits of the housing company. The CM HSC explained that any profit made would be used for the benefit of tax payers in the Harrogate district and would go back into the general fund.

In response to a question from Councillor Oldham regarding the initial start-up funds, the HoHP explained that Bracewell Homes Ltd had been given a loan from the Council for the purchase of properties.
Following a question from Councillor Bateman on the two pieces of land that were currently at the pre-application stage of the planning process, the HoHP explained that they expected to build no more than 30 houses across the two sites.

The HoHP then explained how the staffing of the housing company would work. All officers would be employed by the Council and would record the amount of time they spent working on housing company issues. The housing company would then be charged by the Council for the officer time.

Following concerns raised that the Council were inexperienced at dealing with private developments; the HoHP explained that they currently built between 12-15 houses a year and had many officers that had experience in the private sector.

Councillor Myatt asked what happened if the company ran at a loss. The CM HSC explained that the company would be shut down.

Councillor Marsh expressed support for the company but stated she would like to see more emphasis on the social and affordable housing aspect. The HoHP and CM HSC explained the HRA gave the Council capacity to deliver social rented homes and other local authority housing companies had experienced difficulties when trying to combine the social and commercial agendas. The view being taken was that if a private housing developer would not do a project, then Bracewell Homes Ltd will not do that project.

Some Members expressed concerns that the housing development industry was a very tough industry to succeed in. However it was acknowledged that funds for the Council had to be raised somehow following central government funding cuts and a housing company was one way to do this.

It was agreed that a follow-up report on the first year of Bracewell Homes Ltd would be brought back to the Overview and Scrutiny Commission in April 2020.

The Chair thanked the Cabinet Member and the Head of Housing and Property for their attendance and presentation.

(6.15 pm – 6.54 pm)

121/18 – FEEDBACK FROM OTHER COMMITTEES AND EXTERNAL BODIES:
The Council’s representative on North Yorkshire County Council’s (NYCC) Scrutiny of Health Committee, Councillor Ann Myatt stated that an update on the mental health services in Harrogate would be available for the Commission in April following the next NYCC Scrutiny of Health Committee meeting in March 2019.

(6.54 pm – 6.55 pm)

122/18 – OVERVIEW AND SCRUTINY COMMISSION FUTURE WORK PROGRAMME: The Scrutiny, Governance and Risk Manager submitted a written report presenting the current draft Work Programme for the Commission. A report on Harrogate Convention Centre would be brought to the meeting in May. The next meeting in April would include the consideration of North Yorkshire Police
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Performance, the Code of Conduct Review and an item on the Unacceptable Behaviour Policy. A work prioritisation workshop would take place in June 2019.

(6.55 pm – 6.58 pm)

MATTERS HOLDING THE EXECUTIVE/PARTNERS TO ACCOUNT

123/18 – FORWARD PLAN OF KEY DECISIONS: Members considered the latest Forward Plan of key decisions. The Democratic Services Officer highlighted any new additions to the plan since the publication of the agenda.

(6.58 pm – 7.01 pm)
Crime Stats data will be provided by the Nexus team direct to O&S.

Op Expedite /County Lines

Since January 2019 to present date, the Harrogate County Lines team have continued to be proactive within the District. On a daily basis there is intelligence gathering, stop/searches, visits to ‘cuckooed’ victims, arrests of suspects and regular engaging with partner agencies. At present it is suspected that there are currently 5 County Lines operating in Harrogate coming from Leeds, Bradford and Birmingham. In January/February officers were aware of a County Line coming in from Manchester as well but due to some proactive work including arrests, this particular line appears to have been displaced.

In the last 3 months there have been approximately 30 additional arrests, including 3 nominals arrested from Birmingham who had been found in an address in Harrogate, cuckooing individuals at the address. One of these males was 16 years old and had been missing for some time. Of the 30 arrests, the majority have been for drugs supply offences (with several of the arrests including seizures in excess of 30 wraps of heroin/crack cocaine), but some have also included being arrested for being in possession of bladed weapons. Additional weapons including tasers have also been recovered.

Drugs Warrants have been executed in Knaresborough where intelligence of known County Lines nominals has been obtained. Again a number of arrests have been made and Cocaine and a taser have been located and seized. The same nominals have been targeted by police in joint cross boarder operations and a number have been arrested in stolen vehicles in the West Yorkshire Police area.

There have been five additional addresses in Harrogate identified as being ‘cuckooed’ and officers are working with the residents to support & educate them about how to keep themselves safe going forward.

Similar to other parts of the country, particularly rural & coastal towns, Harrogate police continue to face significant challenges brought through the issue of County Lines. Unfortunately, the gangs operating in this form are continuing to make significant amounts of money (up to £5k a day in Harrogate alone), so despite the disruption taken by officers, the gangs continue to operate. The greatest concern is the violence often associated with the County Lines gangs. The gangs will often carry knives and look to impose their respective authority over other County Lines and local ‘cuckoo’ victims. We are also finding that the children getting exploited into dealing heroin/crack cocaine are getting younger – the biggest challenge for the police is therefore providing education to these young people who are vulnerable to being exploited. This is something Harrogate officers continue to do when working with partner agencies.
**Fraud Work** - Number of PCSOs on all teams are now enhanced trained and are fraud ambassadors. Example of work being carried out -

1) Visit banks to reinforce the banking protocol. Barclays Bank kindly provide their premises for police and partner agencies to hold fraud awareness surgeries.

2) Fraud talks to vulnerable audience – old people’s homes, churches and groups such as WI ‘s etc.

3) Action Fraud visits to those that have fallen victim.

4) Use of Community Messenger promoting prevention advice to the community.

5) Trained fraud ambassadors visit potential victims in our area who have been identified through the ‘Scammers’ list provided by Trading Standards colleagues.

6) Use of Social Media (Facebook and Twitter) to circulated the most recent Fraud and scam trends as we are made aware of them.

Any community groups wanting an input are encouraged to email Harrogate Town/Outer NPT teams via the website and this can be arranged.

**Burglaries** - There has been an increase in burglary dwellings this year.

There has been a range of MO’s identified and Harrogate Town / Knaresborough have been hotspots. Burglary other than residential peak area is Hookstone. The NPT’s teams have been activity carrying out prevention work on those areas which includes community messaging, press releases and surgeries (2 x Morrisons 1 X Co-op St Winifreds). In relation to 2 in 1 burglaries which involved the targeting of performance vehicles there has been engagement and prevention packs posted to specific addresses throughout the area by police volunteers. Proactive policing resources have carried out proactive work on the border of West Yorkshire and NPT/Response teams proactively target hot spot areas.

As result arrests have been made.

Knaresborough has been particularly affected by two Burglary crime trends.

1) 2 in 1 Dwelling Burglaries where high powered vehicles have been targeted.

These have mainly been Audi RS3 model which intelligence suggests are being stolen to order and also being used as the preferred vehicle in ATM attacks in North West and South Yorkshire, Nottinghamshire and Cleveland areas.

The Harrogate District as a whole is an affluent area and many of these vehicles are owned by residents.
Knaresborough and Boroughbridge NPT have visited owners of such vehicles and given bespoke security advice and also held high profile police mobile surgeries in the residential areas affected such as the Appleby Estate and Aspin Estates in Knaresborough.

2) Burglary of unoccupied static homes on the Lido in Knaresborough.

Due to the provisions of Council Tax to be reduced if the static home is unoccupied for several weeks a year all of the homes on the LIDO are unoccupied Jan / Feb.

This year this had obviously been researched by a criminal / criminal gang and a large number were burgled.

A full investigation including forensic examinations of every home was completed. No time scale was known other than from when the site closed to when the burglary was discovered by the resident returning.

A full review of the security of the private site has been instigated by the owners with advice from the police suggesting CCTV coverage and mobile private security during the closed season.

**CSE/CCE**- Vulnerability connected to Child Sexual/Criminal exploitation continues to be a focus of NPT teams. Those deemed at HIGH RISK have single point of contact on the team that work with families and partners to try and reduce the risk.

A number of young females had been identified as at risk in the Knaresborough Rural / Wetherby area. A cross border operation involving Knaresborough NPT and the WYP safeguarding team have safeguarded these young people and an arrest has been made in the WY area in relation to CSE. Preventive work this nature remains a significant focus and commitment of police time and resources.

**Op Extricate** in Ripon has been instigated to target a specific ringleader in an organised crime group involved in 2 in 1 burglaries and drugs trafficking. This individual was recently charged and remanded to prison pending trial, work is now ongoing to bring as many charges as possible against him and to keep him in prison for as long as possible.

**Events**- Since the uplift on policing events a couple of years ago NPT’S in both Harrogate Town and Outer continue to work on events in order to ensure public safety, reduce the risk of potential terrorism and also engage with the community.

Harrogate District NPT have just successfully policed Harrogate Christmas Market- Op Glitter and several Harrogate Town Football matches with little incident to report.

Other events in the District that require significant police support include the GYS, Knaresborough Bed Race and Knaresborough Christmas Market Weekend.

There are also several large Military Parades in Harrogate, Ripon and Boroughbridge throughout the year.
The Tour de Yorkshire is been held partly in Harrogate in May and the UCI championships are taking place in September 2019.

The UCI is the biggest sporting event in the UK this year. Harrogate is a key focus during the event with all race’s finishing in the town. Insp Taylor and Insp Breen are fully involved with the planning of police business as usual ensuring that there is minimal disruption to service. This is a substantial undertaking.

**Staffing** - The NPT teams have been suffering from PC and PCSO abstractions on the teams and the closure of 2 Police Stations in Boroughbridge and Ripon. These areas now have a joint smaller office at the local Fire Stations. Engagement via social media has been increased in these locations which has largely been well received, however people will always want to see a bobby on the beat, which cannot be provided the same way as it was in recent decades.

Transferee PC’s are due to come on the teams to fill the vacancies in May.

There will also be a PCSO intake in May which will hopefully improve service and visibility.
1.0 PURPOSE OF REPORT

1.1 To receive an update on community safety issues affecting the Harrogate District and the work of the Harrogate District Community Safety Group

2.0 RECOMMENDED REASON/S FOR DECISION/S

2.1 A number of partners are named Responsible Authorities under the Crime & Disorder Act 1998. This report demonstrates how as an agency they contribute to meeting their statutory duties under the Act.

3.0 THE REPORT

3.1 Section 17 Crime & Disorder Act 1998

The Crime and Disorder Act was enacted in 1998 and places a statutory duty on all local authorities, Fire & Rescue Service, Probation, Clinical Commissioning Group, together with their partnership agencies to develop and deliver a Community Safety Strategy. This Strategy is delivered through the County North Yorkshire Community Safety Partnership. Section 17 of the Act requires responsible authorities to identify community safety implications in all their activities.

3.2 North Yorkshire Community Safety Partnership
This Partnership provides the strategic focus for community safety and is responsible for preparing the Community Safety Strategy 2018-2021. The themes and objectives within this strategy are identified following an assessment of the Joint Strategic Intelligence Assessment (JSIA) and include:

- Partnership Development
- Community Safety Hubs
- Domestic Abuse
- Anti-Social Behaviour
- Sexual Violence & Trauma, Hate Crime & Community Cohesion – under consideration

3.3 Harrogate District Community Safety Group

The Harrogate District Community Safety Group coordinates local delivery and responds to emerging issues affecting individuals and communities. The Group meets quarterly and includes statutory partners and representatives from the voluntary sector. The HBC Cabinet Member for Housing and Safer Communities is the Chair of the Group. The Group provides feedback to the North Yorkshire Community Safety Partnership illustrating how local activity contributes towards the strategic objectives.

The Harrogate District Community Safety Group meet on a quarterly basis and review performance, receive updates on crime figures, project delivery and emerging issues.

The Group will review its priorities for 2019-20 in the new financial year linking to the countywide Partnership Plan and local emerging issues.

3.4 Community Safety Hub

The Community Safety Hub continues to have fortnightly meetings where partner participation remains high. Once a month the SAFE (Service for Adults Facing Exclusion) and FOCUS Mental Health Pathway cases are discussed. Partner participation remains good.

From April 2019 the Community Safety Hub has dealt with the following:

- 45 cases
- 11 referrals to mediation services
- 6 current Acceptable Behaviour Contracts
- 7 current Criminal Behaviour Orders
- 1 Civil Injunction
- Fortnightly partner meetings
- Monthly mental health meetings
- Monthly SAFE meetings
- Specific task meetings as appropriate
From April 2019 a new case management system will be introduced (ORCUMA) which will draw on police data and allow Hub cases to be captured on one system with access for police and HBC staff.

Other work also includes issues around county lines, human trafficking and exploitation.

Mental health continues to be a significant factor for many of the cases that are dealt with by the Community Safety Hub. This includes being able to access appropriate assessments in a timely manner, lack of engagement by vulnerable clients, impact of substance misuse on behaviour and mental wellbeing and the impact that mental health has on being able to access and sustain suitable accommodation.

The Community Safety Hub works extremely closely with the Housing Options Team exploring alternative methods of working and supporting those who are most vulnerable and who often cause the highest risk to themselves and communities.

Work in the months ahead will consider seasonal crime prevention and particularly cycle security and cycle safety and supporting an event linked to rogue landlords.

3.5 **Begging – Harrogate Town Centre**

A partnership project is being undertaken to tackle the issue of begging in Harrogate Town Centre. This will look at awareness and education and look to introduce an electronic means of giving rather than giving direct to beggars.

The issue of begging is often perceived as being linked to homelessness our research has shown that the majority of those begging are not homeless. The generosity of visitors to the town has meant that the practice is often lucrative. The project aims to divert funding towards positive interventions and support rather than being used to fund addiction as an example.

3.6 **Police and Crime Panel**

The Police Reform and Social Responsibility Act 2011 introduced structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability. The Act requires the local authorities in each Police force area to establish and maintain a Police and Crime Panel (PCP) for its Police force area. The PCP is a scrutiny body with responsibility for scrutinising the Police and Crime Commissioner and promoting openness in the transaction of Police business in the police force area.

Harrogate Borough Council Cabinet Member Housing and Safer Communities / Chair of the CSG is the Panel representative and provides
updates to the Harrogate District Community Safety Group and the Council’s Overview and Scrutiny Commission.

In November 2018, responsibility for governance and oversight of the North Yorkshire Fire and Rescue Service was transferred to the elected North Yorkshire Police, Fire and Crime Commissioner, Julia Mulligan. This means that the Police, Fire and Crime Commissioner (PFCC) has responsibilities in relation to not only policing and crime but also fire and rescue in York and North Yorkshire.

It is the role of the police, fire and crime panel to maintain a regular check and balance on the performance of the PFCC. Each panel is a joint committee of the local authorities in the area. Its role includes:

- Reviewing the PFCC’s proposals for the amount of council tax local people pay towards policing and fire and rescue. It has the power to veto these proposals if it considers the amount is inappropriate.
- Considering the PFCC’s police, fire and crime plan and annual report/annual fire statement.
- Considering the PFCC’s proposals for the appointment of a new Chief Constable and Chief Fire Officer.
- Considering non-criminal complaints about the PFCC and Deputy PCC.

More detail can be found at http://www.nypartnerships.org.uk/pcp

3.7 PREVENT

The Council continues to deliver WRAP training to staff and is committed to deliver a number of training sessions relating to the Far Right as this has been identified as an emerging issue.

The Home Office have advised that there will be a review of the Prevent training strategy over the next three years. With the aim of providing a new suite of training resources to replace WRAP. This has been welcomed as the current training materials as somewhat out of date.

4.0 Conclusions

4.1 The Community Safety Group at a Harrogate District level will continue to report to the Commission twice a year as previously agreed.

4.2 The Community Safety Hub continues to develop and is the delivery/operational focus of community safety work within the district. The countywide Community Safety Partnership provides the lead for a number of thematic areas of work linking into local partners.
OFFICER CONTACT: Please contact (Julia Stack, Community Safety & CCTV Manager), if you require any further information on the contents of this report. The officer can be contacted at Safer Communities, PO Box 787, Harrogate, HG1 9RW or Springfield House) 01423-500600 (ext. 58190) or by e-mail – Julia.Stack@harrogate.gov.uk
1.0 PURPOSE OF REPORT

1.1 This purpose of the report is to provide information to the Commission in response to a proposed future item of work by a member of the public regarding the Council’s Unacceptable Behaviour Policy.

2.0 RECOMMENDATION/S

It is recommended that the Commission considers the report and Either

(I). A review of the Unacceptable Behaviour Policy should be included in the Commission’s work programme and, if so agrees that;

(a) It is/is not included in the scope of the Code of Conduct review
(b) a scope is developed and priority agreed

or

(II). A review of the Unacceptable Behaviour Policy should not be included in the Commission’s work programme

3.0 THE REPORT

1. Background

3.1 At the Overview and Scrutiny Commission meeting held on 4 March 2019 a potential future item of work was proposed by a member of the public regarding the Council’s Unacceptable Behaviour Policy. The following is a summary of the request:
That the scope of the Code of Conduct review should be broadened to include the Council’s Unacceptable Behaviour Policy as this also relates to the issue of conduct.

The policy can be imposed on residents at the discretion of the Chief Executive; but that the resident is given no opportunity to dispute or deny allegations made against them before the policy takes effect.

3.3 It was suggested that “restrictions can be imposed on residents if it’s claimed that they have conducted themselves in an inappropriate way and yet if there are allegations that senior officers have behaved improperly, they seem able to avoid censure or sanctions by citing the no blame culture”.

2. The Unacceptable Behaviour Policy

3.4 The Unacceptable Behaviour Policy applies to members of the public that contact the Council and is usually considered as part of the complaints process. It does not apply to Members or Officers of the Council and complaints against them are handled using different process/procedures that are the subject of a separate Overview and Scrutiny review. A copy of the current Unacceptable Behaviour Policy is attached at APPENDIX A.

3.5 The policy deals with occasions where customers may make unreasonable demands that could affect services provided to customers, or interact in a manner which causes offence to staff. There is a similar policy in place at other councils sometimes called unreasonable/persistent/vexatious/etc policy. The aim of such policies is to manage customer contact in an appropriate manner to protect staff and to maintain the effectiveness of services to other customers.

3.6 The Local Government and Social Care Ombudsman (LGSCO) has produced guidance on the management of unreasonable complainant behaviour and this is attached at APPENDIX B. The LGSCO also has its own Policy on the management of unreasonable complainant behaviour and this is attached at APPENDIX C.

3. Initial Comparison

3.7 The LGSCO guidance provides examples of information that could be included in an unreasonable complainant behaviour policy:

- Examples of the main kinds of ‘trigger’ actions/behaviours which may cause the policy to be invoked
- A list of the options for action open to the organisation
- Information about the decision-making process:
  - who decides
  - whether the policy will be applied to a complainant
  - what limits will be placed on contacts and for how long
  - whether limits can be lifted or should continue
  - details of complainants’ rights of review/appeal against a decision to invoke the policy and/or any particular restrictions applied
- Guidance on the nature of the records to be kept
- What information is given to complainants when the policy is applied
• Advice about who in your organisation is to be informed that contact with a named complainant is being restricted and why
• Links with other organisational policies

3.8 The Councils’ Unacceptable Behaviour Policy includes sections that consider the examples provided in LGSCO guidance. There is an appeal process if full restrictions are imposed but not before implementation.

3.9 An initial assessment of a selection of 14 other councils indicates that equivalent policies contain the same/similar information. It should be noted that full comparisons/additional work has not been undertaken at this stage as a full review has not been agreed. The following is therefore a summary of information relevant to the review proposal to provide some outline comparisons to assist the Commission in any decision to undertake further work.

• All policies had similar aims to manage customer contact in an appropriate manner to protect staff and to maintain the effectiveness of services to other customers
• 6 Councils had no appeal process against any restrictions
• 8 Councils had an appeal process against the restriction however this could include the review of the timescale rather than the restriction itself and some were unclear
• All councils implemented any restrictions before potential appeal

3.4 In summary the Council’s Unacceptable Behaviour Policy is consistent with the guidance from the LGSCO and other councils. From the information received the Council does have an appeal process as do the majority of other councils however direct comparisons cannot be made without significant further work. All authorities implement restrictions prior to any appeal.

4. Information Summary

• Links to Code of Conduct Review

3.5 The Unacceptable Behaviour Policy applies to members of the public that contact the Council and is usually considered as part of the complaints process. Its’ aim is to manage customer contact in an appropriate manner to protect staff and to maintain the effectiveness of services to other customers.

3.9 The Unacceptable Behaviour Policy does not apply to Members or Officers of the Council and complaints against them are handled using different process/procedures that are the subject of a separate Overview and Scrutiny review.

• Implementation of restrictions prior to any appeal

3.10 All councils that had been considered implemented any restrictions before potential appeal.
5. Way Forward

3.11 The Commission can consider the information in the report in response to the review proposal and agree

Either

(I). A review of the Unacceptable Behaviour Policy should be included in the Commission’s work programme and if so agrees that;

(a) It is/is not included in the scope of the Code of Conduct review
(b) a scope is developed and priority agreed

or

(II). A review of the Unacceptable Behaviour Policy should not be included in the Commission’s work programme

4.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

4.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

5.0 CONCLUSIONS

5.1 This purpose of the report is to provide information to the Commission in response to a proposed future item of work by a member of the public regarding the Council’s Unacceptable Behaviour Policy.

Background Papers –

OFFICER CONTACT: Please contact Mark Codman Scrutiny, Governance and Risk Manager, if you require any further information on the contents of this report. The officer can be contacted at Member Services, PO Bo 787, Harrogate, HG1 9RW 01423 500600 Ext 58595 or by e-mail – mark.codman@harrogate.gov.uk
Unacceptable behaviour policy

June 2016
1. **Introduction**

1.1 We are committed to providing a fair, consistent service for all our customers. However, we have to balance this by providing as part of a duty of care, a safe working environment for our staff to operate within and to ensure that our work is undertaken in an efficient and effective manner.

1.2 On occasions, customers may make unreasonable demands that could affect the services we provide to customers, or interact in a manner which causes offence to our staff. Where this occurs, we reserve the right to manage customer contact in an appropriate manner to protect staff and to maintain the effectiveness of our services to other customers.

1.3 This policy sets out our approach to managing those customers whose actions or behaviour are considered unacceptable and are either having a harmful impact on members of staff or their ability to provide a consistent level of service to all customers.

2. **Equality and diversity**

2.1 We recognise that, in some circumstances, customers may have a mental health problem and/or disability where it may be difficult for them to either express themselves or communicate clearly and/or appropriately. Where unacceptable behaviour is evidence under these circumstances, we will consider the individual needs and circumstances of the customer and staff before deciding on how best to manage the situation.

3. **Defining unacceptable behaviour**

3.1 What is deemed to be unacceptable behaviour will often differ depending upon the individual(s) involved and their particular circumstances. Examples of unacceptable behaviour are grouped under two broad headings as follows:
- aggressive, abusive or offensive language or behaviour; and
- general unreasonable behaviour and unreasonably persistent customers.

3.2 Aggressive, abusive or offensive language or behaviour

3.2.1 Staff have the right not to be subjected to aggressive, abusive or offensive language or behaviour, regardless of the circumstances.

3.2.2 Examples of this behaviour include, but are not limited to:
- actual or threats of physical violence;
- intimidating behaviour;
- harassment;
- swearing;
- inappropriate cultural, gender identity, disabled, racial or religious references; and
- rudeness, including derogatory remarks.
3.2.3 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (written or spoken) that may cause staff to feel distressed threatened or abused.

3.3 General unreasonable behaviour or unreasonably persistent

3.3.1 On occasions, customers may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. Some customers may not, or cannot accept that we are unable to assist beyond the level of service that has already been provided. For example, customers may persist in disagreeing with the action or decision taken in relation to their case, or contact us repeatedly about the same issue. The method or tone in which these communications are received may not in itself be unreasonable – it is the persistent behaviour in continuing to do so that is considered unacceptable.

3.3.2 What amounts to generally unreasonable behaviour or demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of this behaviour include, but are not limited to:-

- demanding responses within an unreasonable time-scale
- repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the matter;
- excessive telephone calls, emails or letters;
- sending duplicate correspondence requiring a response from more than one member of staff;
- persistent refusal to accept a decision;
- persistent refusal to accept explanations; and
- continuing to contact the council without presenting new and relevant information.

4. Dealing with unacceptable behaviour

4.1 No member of staff has to tolerate unacceptable behaviour. Where this occurs, the member of staff has the right to end the interaction. However, before taking such action, it is reasonable to expect that the customer is warned that their conduct is considered to be offensive and to allow them the opportunity to moderate their behaviour.

4.2 In the instance where the interaction has caused distress, the member of staff must report the matter to their immediate line manager and the employee must complete an accident and incident form. An accident and incident form must be filled out otherwise we will have no record of the incident.

5. Available restrictions

5.1 Where a customer continues to communicate in an unacceptable manner, we will exercise our right to restrict contact.

5.2 We must tell the customer that their behaviour is unacceptable and ask them to change it.
5.3 This could be communicated during a face-to-face or telephone conversation or in paper or email correspondence. Before the restrictions outlined under this policy can be activated, a written communication must be sent to the customer signed by the appropriate Head of Service or Deputy in absence giving the customer a final opportunity to amend their behaviour. The precise nature and action will be appropriate and proportionate to the nature of the unacceptable behaviour and the circumstances of members of staff and the customer.

5.4 If the unacceptable behaviour continues, we will, as a last resort, take action to restrict the customer’s contact with its office.

5.4.1 The options to be considered are:-
- limit future contact to a particular form and / or frequency – for example, emails or letters only – and these will be reviewed once per week / month;
- requiring contact to take place with a named officer;
- restricting any telephone calls to specified days and times;
- asking the customer to enter into an agreement about their future conduct;
- banning the customer from specific or all council premises;
- block/ terminate telephone calls and/ or block emails from being received;
- if the customer is a complainant under the our Corporate complaint’s policy, terminate all contact. This may mean that we discontinue looking in to their complaint until the customer modifies their behaviour;
- take legal action, such as applying for an injunction or court order to prohibit contact/ poor behaviour;
- visiting in pairs as part of Lone working and personal safety policy.

5.5 If a restriction is necessary, the prior approval of the appropriate Head of Service will be required, who must discuss the matter with the appropriate Director and Corporate Customer Services Manager in conjunction with Legal Services to establish whether the procedure will apply corporately (in which case all other Chief Officers must be informed) or departmentally and in order that a view can be taken as to the likely duration of the special arrangement.

5.6 Before ending the special arrangements, we will expect the customer to agree to adjust their future conduct and will set out in writing the required acceptable behaviour.

5.7 The customer shall be informed that if they are aggrieved by the application of this policy, they can make a complaint under our corporate complaints policy.

5.8 When making a decision to restrict contact, we will take in to account any special requirements of those affected by the decision. For example, where someone cannot read, we are unlikely to limit communications in writing only unless we are satisfied that there are reasonable adjustments in place to enable the customer to read our response.

5.9 Wherever possible a reasonable degree of access to council services should be maintained, but at the same time give due regard to members of staff. An example may be limiting customer contact to a specific internal email address and/ or a specific internal telephone number.
6. Threats and actual violence received to council employees

6.1 We take any threats or actual violence to our staff very seriously. If a member of staff is threatened or assaulted, the matter must be immediately reported to the member of staff’s line manager, who will work with the staff member in question to ensure that all necessary steps to ensure their wellbeing are taken care of. The incident must also be reported to the Health and Safety Manager by way of filling in an Incident report form.

6.2 Any request to supply evidence of the threat or assault (for example, copies of correspondence or voice recordings) to the third party or the police, must be directed to the Corporate Customer Services Manager in accordance with the Data Protection Act 1998. The Corporate Customer Services Manager will seek advice from Legal Services, if necessary.

7. Letting the customer know about the restriction

7.1 Where contact is being restricted, the customer must be told of the decision. Wherever possible this should be by letter or email but may be done by telephone and supported by a suitable case note in the relevant file. The communication does not have to be from the relevant Head of Service. However, authorisation to implement the restriction must be obtained from the Head of Service before informing the customer.

7.2 In certain circumstances, where a manager is unable to contact the Head of Service immediately and where there is an immediate threat of violence or verbal abuse to employees, then the manager can impose a temporary restrict subject to authorisation from the Head of Service.

7.3 The communication should inform the customer of the following:-
- the reason why their behaviour is considered to be unacceptable;
- details of any earlier warning(s) issued about their behaviour;
- the restrictions(s) to be imposed;
- how long the restriction(s) will last, (if applicable) and a review date; and
- If aggrieved by the application of the policy, the right to make a complaint under the corporate complaints policy.

7.4 In the event of a complete restriction; the customer must also be informed of their right of appeal and how to do this. Communication of the right of appeal may be done by reference to this policy.

7.5 A copy of the letter or email issued to the customer should be sent to the Corporate Customer Services Manager. The Corporate Customer Services Manager is responsible for maintaining restrictions in place, which will be made available to the relevant members of staff to view via CRM.

8. Complying with relevant legislation, regulatory and other relevant council policies/documents

8.1 The council will ensure that any action is reasonable and in accordance with relevant legislation and statutory requirements, including the following:-
- Health and Safety at Work etc. Act 1974
- Data Protection Act 1998
• Human Rights Act 1998
• Crime and Disorder Act 1998
• Equality Act 2010.

8.2 This policy links closely with the following relevant policies and documents:
  • 8.2.1 Data protection policy and associated policies
  • 8.2.2 Corporate complaints policy
  • 8.2.3 Health and safety policy
  • 8.2.4 Lone working and personal safety policy.

9. Customer appeals

9.1 A customer may only appeal a decision to restrict contact where all forms of contact have been restricted.

9.2 The customer shall be informed that their appeal should be submitted either by email or in writing and sent to Harrogate Borough Council, Civic Centre, St Lukes Avenue, Harrogate, HG1 2AE within 10 working days of the restriction being issued. The appeal will be considered as soon as reasonably possible by either the Chief Executive or an officer nominated by the Chief Executive. The appeal will be considered by a different member of staff from the person making the original decision to restrict contact.

9.3 The customer will be advised in writing or by email whether the restricted contact arrangements still apply or a different course of action has been agreed. The Corporate Customer Services Manager shall record the appeal decision on CRM.

10. Customer record management

10.1 Where any decision has been taken to restrict access, it is the responsibility of the person authorising the restriction to inform the Corporate Customer Services Manager of the restriction.

10.2 The Corporate Customer Services Manager will update the CRM customer record of those customers who have received a restriction. Following the update on the CRM customer record, the Corporate Customer Services Manager will run a report held on SharePoint which all relevant staff can view. The CRM report will provide details of the customer, case reference number and the nature and duration of the restriction(s) in place.

11. Monitoring, reporting and review

11.1 The Management Board will monitor this policy from time to time to ensure that it is being applied in a fair, reasonable and consistent manner. This policy will be reviewed as set out in 11.2 below.

11.2 The Review date for the policy will be every three years. Policy approved by management Board 21 July 2016.
Flowchart – Unacceptable behaviour policy

Is the behaviour unacceptable (see Section 3 of Policy)

Yes

Has customer's behaviour caused distress to member to staff?

Yes

Staff member fill out Accident and information form in confirmation with Line Manager

No

Has customer been warned about their behaviour and requested to modify it?

Yes

Has customer modified their behaviour?

Yes

Consider type of restriction to be put in place.

No further action required at this stage

No

No send final warning

Has customer been warned about their behaviour and requested to modify it?

No. Give customer appropriate warning and request that customer modifies their behaviour

Yes

Has customer modified their behaviour?

Has Head of Service given the customer a final opportunity in writing to amend his/her behaviour?

Yes

Send appropriate correspondence to customer?

No

Has customer been warned about their behaviour and requested to modify it?

No. Give customer appropriate warning and request that customer modifies their behaviour

Has customer modified their behaviour?

Yes

Consider type of restriction to be put in place.

No further action required at this stage

No

Has customer been warned about their behaviour and requested to modify it?

No. Give customer appropriate warning and request that customer modifies their behaviour

Has customer modified their behaviour?

Yes

Consider type of restriction to be put in place.

No further action required at this stage

No
Introduction

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for organisations. These actions can occur either while their complaint is being investigated, or once an organisation has finished the complaint investigation.

This guidance note aims to help local authorities and other bodies within the Local Government and Social Care Ombudsman’s jurisdiction develop a proportionate approach when responding to unreasonable complainant behaviour, based on our view of good practice in dealing with these complainants.

We hope it will be helpful to both officers and councillors. It should be read with our general guidance on Running a complaints system.

Definition

This guidance covers ‘unreasonable complainant behaviour’, which may include one or two isolated incidents, as well as ‘unreasonably persistent behaviour’, which is usually a build-up of incidents or behaviour over a longer period.
For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other people’s, complaints.

We distinguish between 'persistent' complainants and 'unreasonably persistent' complainants. People bringing complaints to the Ombudsman are 'persistent' because they feel the organisation has not dealt with their complaint properly and are not prepared to leave the matter there. Around 46% of the complaints we investigate in detail are upheld signalling that this persistence is frequently justified. And almost all complainants see themselves as pursuing justified complaints.

For example, criticising a complaints procedure when the standards set out are not met is not unreasonable. If complaints procedures are working properly, then responding to expressions of dissatisfaction and requests for information should not cause organisations particular problems.

However, some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with organisations may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved.

Situations can escalate, and sometimes complainants become abusive, offensive, threatening or otherwise behave unacceptably. In response an organisation may have to restrict access to its premises or staff, or accordance with its own procedures protecting their staff from harassment and harm.

This guidance covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

Why have a policy?

Organisations want to deal with complainants in ways that are open, fair and proportionate. A considered, policy-led approach helps staff to
understand clearly what is expected of them, what options for action are available, and who can authorise these actions. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

Examples of unreasonable actions and behaviours

These are some of the actions and behaviours which organisations often find problematic, which have come to our attention. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
Your policy on managing unreasonable complainant behaviour

This could include:

- examples of the main kinds of 'trigger' actions/behaviours which may cause the policy to be invoked (see above)
- a list of the options for action open to the organisation
- information about the decision-making process: who decides
  o whether the policy will be applied to a complainant
  o what limits will be placed on contacts and for how long
  o whether limits can be lifted or should continue
- details of complainants’ rights of review/appeal against
  o a decision to invoke the policy and/or
  o any particular restrictions applied
- guidance on the nature of the records to be kept
- what information is given to complainants when the policy is applied
- advice about who in your organisation is to be informed that contact with a named complainant is being restricted and why
- links with other organisational policies.

Consider whether your policy in this area properly aligns with your policies on such matters as equal opportunities, health and safety, staff welfare, harassment, codes of conduct for staff, disciplinary procedures, complaints policy, Freedom of Information requests, and so on.

Considerations prior to taking action under the policy

If your consideration of the complaint is ended you have the option of ending all communication with the complainant on the issue and, where appropriate, referring the complainant to the Ombudsman.

If the complaint is still under consideration steps may be necessary to manage the complainant’s behaviour.

The decision to designate someone’s behaviour as unreasonable, and restrict their access to you, could have serious consequences for the individual. So, you should be satisfied that:
• the complaint is being or has been investigated properly
• any decision reached on it is the right one
• communications with the complainant have been adequate, and
• the complainant is not now providing any significant new information
  that might affect the organisation’s view on the complaint.

When it is necessary to designate the complainant as behaving unreasonably, some of following steps may assist.

• Offering the complainant a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable.
• Sharing your policy with the complainant and warning them that restrictive actions may need to be applied if their behaviour continues.
• Setting up a strategy meeting to agree a cross-departmental approach.
• Appointing a key officer to coordinate the organisation’s response(s).
• Helping the complainant to find a suitable independent advocate especially if the complainant has different needs.

Options for action

Any actions taken should be proportionate to the nature and frequency of the complainant’s current contacts. The following options may be suitable, taking the complainant’s behaviour and circumstances into account. The objective is to manage the complainant’s unreasonable behaviour in such a way that their complaint can be concluded quickly, without further distractions. Options include:

• Placing limits on the number and duration of contacts with staff per week or month.
• Offering a restricted time slot for necessary calls.
• Limiting the complainant to one medium of contact (telephone, letter, email etc).
• Requiring the complainant to communicate only with one named member of staff.
• Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
• Refusing to register and process further complaints about the same matter.
Where a decision on the complaint has been made, you can tell the complainant that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated officer should be identified who will read future correspondence.

Operating the policy

If a decision is taken to apply restricted access, write to the complainant with a copy of the policy to explain:

- why the decision has been taken
- what it means for his or her contacts with the organisation
- how long any limits will last, and
- what the complainant can do to have the decision reviewed.

Keep adequate records to show:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or
- when a decision is taken to make an exception to the policy once it has been applied, or
- when a decision is taken not to put a further complaint from this complainant through your complaints procedure for any reason, and
- when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

When complaints about new issues are made, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.

Reviewing decisions to restrict access

When imposing a restriction on access, you should have a specified review date. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them. You should tell the complainant of the outcome of your review. If limits are to continue, explain your reasons and state when the limits will next be reviewed.
Referring complainants to the Ombudsman

Relations between organisations and complainants sometimes break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the organisation’s complaints procedure. In these circumstances, we may, exceptionally, be prepared to consider complaints before complaints procedures have been exhausted.

A complainant who has been treated as behaving unreasonably may make a complaint to us about it. We are unlikely to be critical of the organisation’s action if it can show that it acted proportionately and in accordance with its adopted policy.

Our own internal policy on managing unreasonable complainant behaviour is available separately.

Downloads

- Policy on unreasonable complainant behaviour (100KB)

Contact

0300 061 0614
Mon-Fri: 8:30am-5pm
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Policy on the management of unreasonable complainant behaviour

Introduction
LGSCO recognises that we are often the last resort for complainants. We are committed to dealing with all complaints fairly and impartially, and to making our service as accessible as possible.

But because of the nature or frequency of their contact with the Ombudsman service, a few complainants behave unreasonably and hinder the consideration of their own, or other complainants’, cases.

Unreasonable complainant conduct
We will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

Our investigative staff manage a number of cases at any one time, using their time and resources to best effect. They cannot do so if someone tries to dominate our attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their, or other people’s, complaints. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

Warnings
In most instances when we consider someone’s behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with our offices.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning.

Restricting access to the Ombudsman service
An Assistant Ombudsman or more senior manager will decide whether the circumstances justify any restriction of access. They will record the reason for their decision and explain it to the person concerned. They will state how long any restriction will apply for before it is reconsidered.
The sort of restrictions imposed could include:

- restricting telephone calls to specified days and limited times
- limiting contacts to one form only (for example, a maximum of one letter or email a week)
- requiring contact to take place with one named staff member
- requiring the complainant to enter into an agreement about their future behaviour before their case proceeds, and/or
- managing contact with the help of an independent advocate.

Other suitable options will be considered in the light of the complainant’s circumstances. Our objective, wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If the complaint is still under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

**Terminating access to the Ombudsman service**

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigation into their complaint.

**New complaints**

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.

**Local Government and Social Care Ombudsman**

**October 2017**
1.0 PURPOSE OF REPORT

1.1 This purpose of the report is to summarise the work previously considered by the Commission and provide a draft scope for the review of the way the council handles Code of Conduct complaints. The Commission can agree a final scope and priority for the work.

2.0 RECOMMENDATION/S

It is recommended that the Commission considers the report and agrees a final scope for the review of the way the council handles Code of Conduct complaints and priority for the work.

3.0 THE REPORT

3.1 At the Overview and Scrutiny Commission meeting held on 29 October 2018 a potential future item of work was proposed by a member of the public regarding how Code of Conduct complaints were dealt with.

3.2 Further information was provided at the Commission meeting on 10 December, in particular:

- Information about Member Code of Conduct and the roles of the Monitoring Officer and Independent Person
- ‘No blame’ culture definition.

3.3 The Commission agreed that it would undertake “a review of the way the council handles Code of Conduct complaints. In particular this would include the operation of the Officer Code of Conduct and the relationship with a “no
blame culture”. The scope of the review and priority of it in the work programme were to be determined”.

3.4 A draft scope for the review is attached at APPENDIX A for consideration by the Commission once agreed the priority for the work can be established.

4.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

4.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

5.0 CONCLUSIONS

5.1 This report summarises the work previously considered by the Commission and provides a draft scope for the review of the way the council handles Code of Conduct complaints. The Commission can agree a final scope and priority for the work.

Background Papers – Report and appendices from meeting 10th December 2018 available online or by request.

OFFICER CONTACT: Please contact Mark Codman Scrutiny, Governance and Risk Manager, if you require any further information on the contents of this report. The officer can be contacted at Member Services, PO Bo 787, Harrogate, HG1 9RW 01423 500600 Ext 58595 or by e-mail – mark.codman@harrogate.gov.uk
## Draft Scope - Code of Conduct Review

<table>
<thead>
<tr>
<th>Notes</th>
<th>Information</th>
<th>Date for completion</th>
</tr>
</thead>
</table>
| 1. Definition of topic for investigation | Define in as much detail as possible, specifying areas and issues, avoiding generalisations or overly broad scope. | How is the Code of Conduct for Members and Officers governed/implemented:  
- How are complaints against Members dealt with including the role of the Monitoring Officers and the Independent Person  
- How are complaints against Officers dealt with including the Chief Executive, Directors  

Does the council have a ‘no blame culture?’  
- What is a ‘no blame culture?’  
- How does a ‘no blame culture’ operate when dealing with complaints | |
| 2. Aims/objectives of review | As above, these should be clearly defined. |  
- Review the way the council handles Code of Conduct complaints for Members and Officers  
- Review in particular the operation of the Officer Code of Conduct and the relationship with a “no blame culture” | |
| 3. Research | Information previously considered:  
- Information about Member Code of Conduct and the roles of the Monitoring Officer and Independent Person  
- ‘No blame’ culture definitions | Information required:  
- How are complaints against Officers dealt with including the Chief Executive, Directors | |
<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>APPENDIX A</strong></td>
<td></td>
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<tr>
<td></td>
<td><strong>Does the Council have a “no blame culture” and if so how does it operate when dealing with complaints?</strong></td>
<td></td>
</tr>
<tr>
<td>4. What scrutiny methods will be used?</td>
<td>e.g. formal panel, full Commission investigation, working group, action to be taken by one/two individuals</td>
<td><strong>Task and Finish Group?</strong></td>
</tr>
<tr>
<td>5. Which Council services, members and external agencies will be involved?</td>
<td>e.g. who can provide further evidence to progress review</td>
<td><strong>Legal and Governance</strong>&lt;br&gt;<strong>Organisation Development and Improvement</strong></td>
</tr>
<tr>
<td>6. Estimated start date, key stages and final report deadlines</td>
<td>Deadlines should be realistic and considered as part of overall work programme</td>
<td><strong>To be agreed depending on priority</strong></td>
</tr>
<tr>
<td>10. Evaluation and follow up to recommendations on recommendations</td>
<td>To be considered as review progresses.</td>
<td><strong>To be agreed</strong></td>
</tr>
</tbody>
</table>
1.0 PURPOSE OF REPORT

1.1 This purpose of the report is to summarise the work that has been undertaken to provide the Commission with information about the Council’s Standing Orders that relate to the asking of Public Questions.

2.0 RECOMMENDATION/S

2.1 It is recommended that the Commission considers the report and agrees that, either;

1) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should not be undertaken

Or

2) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should be undertaken and a scope and priority agreed

3.0 THE REPORT

i. Background

3.1 At the Overview and Scrutiny Commission meeting held on 26 November 2018 a potential future item of work was proposed by a member of the public regarding a review of the Council’s Standing Orders that relate to the asking of Public Questions. The Commission considered that further...
information was required prior to agreeing to take it forward as a piece of work. This report summarises the work undertaken so that the Commission can agree if any further work is required.

3.2 The Council’s Standing Orders for Public Arrangements – Questions (27) is attached at APPENDIX A. Significant work has been undertaken to compare the arrangements with CIPFA nearest neighbour Councils and a summary is attached at APPENDIX B.

ii. Comparison with other authorities

3.3 The main features of each Councils’ arrangements for public questions have been considered and summarised in the following paragraphs.

I. Meetings where public questions are permitted

3.4 The meetings where public questions were permitted were identified. It should be noted that comparisons with Licensing and Planning are difficult due to the nature of public participation at these meetings with separate procedure rules. When compared with other authorities Harrogate permits questions at similar meetings as the majority of other authorities.

II. How many questions are permitted per individual/organisation?

3.5 Harrogate permits one question per individual/organisation. The majority of other organisations permitted either one or two questions.

III. Was a supplementary question allowed?

3.6 The majority of other organisations permitted a supplementary question Harrogate was one of only two that did not permit them. It should be noted that this did not ensure a response was provided at the meeting as a written response to a supplementary question could be provided.

IV. What was the notice period required to submit a question prior to a meeting?

3.7 There were a range of different notice periods required for questions ranging from no advance notice to 5 days, Harrogate requires 48 hours’ notice. The most frequent notice period was no advance notice required. It should be noted that where no advance notice was required this does not ensure a response at the meeting as a written response could be provided. In addition to this if a question was presented at a meeting it would potentially be the Chairman of the meeting that would decide if it was permitted.

V. Length of time permitted per individual/organisation

3.8 Harrogate does not specify a time limit per individual/organisation for a question. The time limits for other organisations ranged from 2 minutes to 5 minutes with one specifying 100 words.

VI. Length of time for questions in total
3.9 The length of time permitted for questions in total at Harrogate is 15 minutes this was consistent with the majority of other authorities.

VII. Can the same question be asked at a different meeting?

3.10 At Harrogate the same question cannot be asked within a six month period. This was the same as 10 other authorities, with another 2 indicating that the same question could not be asked but did not specify the time limit. Three authorities did not have any information.

VIII. Does the question have to be answered?

3.11 Harrogate requires that the question is answered and this was consistent with the majority of other Councils, 2 Councils did not require the question to be answered.

IX. Criteria for Refusal

3.12 The following are criteria for the refusal of a question at Harrogate:

- Is not about a matter for which the Council has responsibility/does not affect the district
- Is defamatory, frivolous or offensive
- Is substantially the same as a question which has been put at a meeting the past 6 months
- Requires the disclosure of exempt or confidential information

3.13 One Council did not provide any information. All other Councils had the same criteria for refusal and 7 of these other Councils had additional criteria, these included the following:

- Is about a planning, licensing or standards matter involving an individual or applicant for permission
- Is not in the format of a question
- It relates to an individual/group business or the questioner's own particular circumstances
- It relates to the activities and aims of a political party or organisation

X. Who can reject the question?

3.14 At Harrogate the responsibility for deciding whether a question is rejected is with the Head of legal and Governance. The responsibility in other Councils was not always clear as the arrangements indicate who the question is submitted to (Harrogate also details the arrangements in the same way). From the information available in the majority of Councils it was with the Chief Executive. In some cases it was with the Chairman or the Mayor however this was where questions were permitted at the meeting with no advance notice.
iii. Summary

3.15 The comparison with other Councils indicates that the arrangements for public questions at Harrogate are comparable with the majority of Councils in particular the six month restriction on the same question being asked and reasons for refusal. Each Council has slightly different arrangements usually around notice required, meetings where questions can be answered, and who can reject a question (although this would require further clarification). When comparing Harrogate with other Councils the main difference was the ability to ask a supplementary question where Harrogate was one of only two Councils that did not permit this.

3.16 It is recommended that the Commission considers the report and agrees that, either;

1) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should not be undertaken

Or

2) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should be undertaken and a scope and priority agreed

4.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

4.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

5.0 CONCLUSIONS

5.1 This report summarise the work that has been undertaken to provide the Commission with information about the Council’s Standing Orders that relate to the asking of Public Questions. This will enable the Commission to agree if any further work is required.

Background Papers –
should be put in writing and delivered to the Proper Officer no later than 24 hours before the commencement of the meeting of the Council.

(5) Only one person may speak to a petition and such speech shall not exceed five minutes, inclusive of the reading of the substance of the petition or other reference to it. At the conclusion of the speech the petition shall stand referred without discussion to the appropriate Cabinet Member or Committee Chairman.

(6) The Petitioner shall be invited by the Proper Officer to attend and speak for up to five minutes at the relevant Committee meeting if a petition has been so referred. Where a petition has been referred to a Cabinet Member then that Member shall invite the Petitioner to speak briefly to their petition.

27. PUBLIC ARRANGEMENTS - QUESTIONS

(1) This Standing Order applies to all meetings of Council, except the Annual Meeting and all Committees except Development Control Committees, Boards of the Licensing Committee and HIC Board.

(2)(i) A registered local government elector for the area of the authority may at the appointed time during a meeting ask a relevant question about any matter on which the Council, the executive or a committee has power to act.
(ii) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation. Related questions will be treated as one question; asked together and answered as one question.

(3)(i) A question may only be asked if notice has been given by sending the question in writing or by electronic mail to the Head of Legal and Governance:-
(a) at least 48 hours before the commencement of the meeting.
(ii) Each question must give the name and address of the questioner.
(iii) Each question will be entered in a book kept for that purpose in order of receipt.

(4)(i) The proper officer may reject a question if:-
(a) it is not about a matter for which the local authority has a responsibility or which affects the borough; or

(b) it is defamatory, frivolous or offensive; or

(c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(d) it requires the disclosure of confidential or exempt information.

(ii) The question will be dealt with at the relevant committee, or Council meeting. Questions to the Cabinet will be dealt with at Council meetings.

(5)(i) Questions received will be tabled at the relevant meeting. Each question shall be read out or referred to at the meeting only by the person signing it.

(ii) At Council it shall be directed by the Mayor to the Chair of the Committee or the Cabinet Member. At Committee it will be answered by the Chair. The relevant Member may answer verbally and may undertake to provide a prompt fuller written reply.

(6) All questions shall be put and answered without discussion.

(7) Public question time shall be limited so that no further question shall be put after 15 minutes from the commencement of the first question, notwithstanding that not all questions may be able to be dealt with at the meeting. Any questions remaining shall be answered in writing by the appropriate Chair or Cabinet Member as will any questions not put, because of the non attendance of the questioner, or not answered, because of non attendance of the Member.

(8) If a matter has been dealt with by the relevant Committee or by Council then a similar question will not be permitted at a subsequent meeting of either the Committee or Council until a period of six months has elapsed.

(9) Any background paper(s) or briefing note(s) relied upon by the Member in responding to a public question shall, upon request, be provided to the Questioner.

28. DISCLOSABLE PECUNIARY INTERESTS AND DISPENSATIONS

(1) Any Member or Co-opted Member with a disclosable
<table>
<thead>
<tr>
<th>Meetings</th>
<th>Harrogate Borough Council</th>
<th>SUMMARY: CIPFA Nearest Neighbours (15 Councils in total)</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Full Council</td>
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<td>Cabinet</td>
<td>No</td>
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<tr>
<td>Planning Committee</td>
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<tr>
<td>Overview &amp; Scrutiny Committee</td>
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<td>8</td>
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<td>Licensing Committee</td>
<td>Yes</td>
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<tr>
<td>Licensing Sub-Committee</td>
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<td>General Purposes</td>
<td>Yes</td>
<td>3</td>
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<tr>
<td>Audit &amp; Governance</td>
<td>Yes</td>
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At which meetings are public questions a standing order?

<table>
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<tr>
<th>Meetings</th>
<th>Harrogate Borough Council</th>
<th>SUMMARY: CIPFA Nearest Neighbours (15 Councils in total)</th>
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How many questions per individual/organisation?

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<th>Meetings</th>
<th>Harrogate Borough Council</th>
<th>SUMMARY: CIPFA Nearest Neighbours (15 Councils in total)</th>
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</table>

Supplementary question allowed?

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<th>Meetings</th>
<th>Harrogate Borough Council</th>
<th>SUMMARY: CIPFA Nearest Neighbours (15 Councils in total)</th>
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</table>

Notice period for questions?

<table>
<thead>
<tr>
<th>Meetings</th>
<th>Harrogate Borough Council</th>
<th>SUMMARY: CIPFA Nearest Neighbours (15 Councils in total)</th>
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<tbody>
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</table>

How long for questions per individual/organisation?

<table>
<thead>
<tr>
<th>Meetings</th>
<th>Harrogate Borough Council</th>
<th>SUMMARY: CIPFA Nearest Neighbours (15 Councils in total)</th>
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<td></td>
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<tr>
<td>Question</td>
<td>Harrogate Borough Council</td>
<td>Summary</td>
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<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>How long for questions in total?</td>
<td>15 mins</td>
<td>9: 15 mins 2: up to an hour 2: 20mins 2: 30mins</td>
</tr>
<tr>
<td>Same question at different meeting permitted?</td>
<td>Not within a six month period</td>
<td>10: not within a six month period 2: not permitted, no time limit 3: no info</td>
</tr>
<tr>
<td>Does the question have to be answered?</td>
<td>Yes</td>
<td>13: yes 2: no</td>
</tr>
<tr>
<td>Standard' criteria for refusal?</td>
<td>Yes</td>
<td>7: yes 7: yes, plus additional restrictions 1: no info</td>
</tr>
<tr>
<td>Who can reject the question?</td>
<td>Proper Officer</td>
<td>1: The Proper Officer 2: Head of L &amp; G 5: Chief Executive 3: Chairman 2: Mayor 1: Democratic Services 1: no info</td>
</tr>
</tbody>
</table>
1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to agree the draft Overview and Scrutiny Commission work programme by providing an update on the progress of items of work previously identified and to seek Member approval that it will continue to form the Commission’s work programme for 2018/19.

2.0 RECOMMENDATION/S

2.1 It is recommended that the Overview and Scrutiny Commission:

- Agree the draft work programme attached at Appendix A
- Consider any future items of work

3.0 THE REPORT

The annual prioritisation workshop enables the Overview and Scrutiny Commission to agree the work programme for the municipal year ahead.

The work programme is kept ‘live’ throughout the year to adjust to new or changing demands on the Commission. The work programme also includes a number of core responsibilities and existing commitments carried forward from the previous year.

The draft work programme is attached at APPENDIX A. This is made up of the following:

3.1 a) Major Reviews

The Commission undertakes at least one major review each year.
3.2  b)  **Outstanding Items of Work Identified by the Commission**

These are items of work identified in 2017/18, either not completed or timetabled for consideration in 2018/19.

3.3  c)  **Crime and Disorder**

These are items of work identified to fulfil the Commissions’ role as the Council’s statutory Crime and Disorder Committee. The Crime and Disorder (Overview and Scrutiny) Regulations require the Council to have a Crime and Disorder Committee with the power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the local authority with respect to the discharge of those functions. The Overview and Scrutiny Committee is the Council’s Crime and Disorder Committee.

The Commission meets as often as it considers appropriate to fulfil this role and to help with these responsibilities the named authorities must provide information, attend meetings (given appropriate notice) and consider any report or recommendations responding to the committee indicating what (if any) action it proposes to take. It must also have regard to the report or recommendations in exercising its functions.

At present the Commission considers the following performance information in October and March each year:

- **North Yorkshire Police**
  Annual invite to the Chief Constable to provide an overview of strategic policing issues and answer Member questions.

- **Safer Harrogate District Local Delivery Group Performance**
  Report from the Community Safety and CCTV Manager on the work of the Group with updates from the Head of Safer Communities (North Yorkshire Community Safety Partnership) and the Cabinet Member for Housing and Safer Communities (The Police and Crime Panel).

- **The Police and Crime Commissioner**
  Annual invite to the Police and Crime Commissioner and discussion about major consultations/plans.

3.4  d)  **Finance**

These are the items that ensure the Commission undertakes appropriate financial scrutiny throughout the year, these include:

- **Medium Term Financial Strategy**
  This presents the Council’s Medium Term Financial Strategy (MTFS) for the
following two years and sets out the assumed budget parameters.

• **Council Budget**
The Commission considers the following year’s budget in January each year including any alternative budgets submitted.

3.5 e) **Performance**

One of the important roles for Overview and Scrutiny is to consider council performance. The Commission considers Corporate Performance as part of the performance management framework together with financial performance reporting to Cabinet and Council as appropriate.

3.6 f) **Health**

In its Health and Well-Being role the Commission regularly considers health issues affecting the Harrogate District. The council also has a representative on the North Yorkshire Scrutiny of Health Committee that reports on a regular basis to the Commission. Lead representatives from partner Health organisations also provide regular updates to the Commission on significant issues.

3.7 g) **Requests From Members of the Public**

Members of the public can request items of work to be included in the Commission’s work programme.

4.0 **REQUIRED ASSESSMENTS AND IMPLICATIONS**

The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

5.0 **CONCLUSIONS**

5.1 It is recommended that the Commission consider:

- The current draft work programme attached at APPENDIX A.
- Any future items of work.

**OFFICER CONTACT:** Please contact Scrutiny Governance and Risk Manager (Mark Codman), if you require any further information on the contents of this report. The officer can be contacted at Legal and Governance, PO Box 787, Harrogate, HG1 9RW or on 01423 500600 (ext. 58595) or by e-mail – mark.codman@harrogate.gov.uk
Overview and Scrutiny Work Programme

2018/19
Introduction

This document sets out the work programme for the Overview and Scrutiny Commission for the period 2018/19. Every Council must have in place at least one scrutiny committee. The Overview and Scrutiny Commission holds the executive (the cabinet) to public account for its actions. The commission is made up of 12 non-executive councillors and is the main arena for scrutiny.

The objectives of this work programme are to:

- Outline clear priorities and objectives for the Overview and Scrutiny Committee for the period 2018/19
- Identify the resources that are required to ensure the delivery of the objectives from the central scrutiny support function and any wider support from within the Council and externally if applicable
- Act a document upon which the progress of objectives can be tracked, reviewed and re-prioritised if required, particularly in light of new or changing demands.

This work programme requires a number of core programme responsibilities, which include some of the statutory responsibilities of Overview and Scrutiny within local authorities, such as the Crime and Disorder Panel. The work plan also includes activities that form part of the council’s local democracy arrangements. These include:

- Scrutinising and reviewing the work and policies of the cabinet
- Holding cabinet members and chief officers to account for their actions
- Call-in of cabinet key decisions before they're implemented
- Initiating reviews of a council service, function or policy
- Be consulted by the cabinet or the council on the development of draft policies, action plans and best value reviews
- Scrutinising partner and other prominent local organisations and encourage good performance and regularly report in public on how they meet the promises of the local people
- Encourage openness and accountability about the way decisions are made
- Involve local people and improve policies and services for the people of Harrogate

Annual Review

The work programme is subject to an annual review and will be kept ‘live’ during the year to adjust to new or changing demands on the Commission. An annual report on the delivery of the plan will also be produced, published and presented to demonstrate work undertaken throughout the year.
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>4 June 2018</td>
<td>Corporate Delivery Plan: Year-end, 2017/18</td>
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<tr>
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<td>Governance Update</td>
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<td>Appointments to Outside Bodies</td>
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<td>Annual Report 2017/18</td>
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<td>27 June 2018</td>
<td>West Yorkshire and Harrogate Sustainability and Transformation Programme update – (special meeting – ALL Councillors welcome)</td>
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<tr>
<td>2 July 2018</td>
<td>Review of the operation of the Freedom of Information Scheme</td>
</tr>
<tr>
<td>6 August 2018</td>
<td>Medium Term Financial Strategy 2019/20 to 2023/24</td>
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<td>2018/19 July Financial and Service Plan Performance Update</td>
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<tr>
<td></td>
<td>Corporate Plan Delivery Report: Quarter One, 2018/19</td>
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<tr>
<td>3 September 2018</td>
<td>Medium Term Financial Strategy 2019/20 to 2023/24</td>
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<tr>
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<td>Customer Service Delivery Strategy 2018 - 2021</td>
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<td>1 October 2018</td>
<td>Crime and Disorder Panel – Local Police Update</td>
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<td>Crime and Disorder Panel – Harrogate District Community Safety Group Update</td>
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<td></td>
<td>North Yorkshire Scrutiny of Health Committee verbal update</td>
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<td>Customer Service Task and Finish Group verbal update</td>
</tr>
<tr>
<td>29 October 2018</td>
<td>North Yorkshire Police and Crime Commissioner (ALL Councillors welcome)</td>
</tr>
<tr>
<td>12 November 2018</td>
<td>2018/19 October Financial and Service Plan Performance Update</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
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<td>--------------------</td>
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<td>10 December 2018</td>
<td>North Yorkshire Police Chief Constable (special meeting – ALL Councillors welcome)</td>
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<td>7 January 2019</td>
<td>Informal - Scrutiny of the budget</td>
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<tr>
<td>28 January 2019</td>
<td>(ALL Councillors welcome)</td>
</tr>
<tr>
<td>4 February 2019</td>
<td>2018/19 January Financial and Service Plan Performance Update</td>
</tr>
<tr>
<td></td>
<td>Corporate Plan Delivery Report: Quarter Three, 2018/19</td>
</tr>
<tr>
<td>4 March 2019</td>
<td>Housing Company Update</td>
</tr>
<tr>
<td></td>
<td>Ultra Low Emission Vehicle Strategy</td>
</tr>
<tr>
<td>15 April 2019</td>
<td>Crime and Disorder Panel – Local Police Update</td>
</tr>
<tr>
<td></td>
<td>Crime and Disorder Panel – Harrogate District Community Safety Group Update</td>
</tr>
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<td></td>
<td>Unacceptable Behaviour Policy</td>
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<td></td>
<td>Code Of Conduct Review – Draft Scope</td>
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<tr>
<td></td>
<td>Review of Standing Order 27 Public Arrangements - Questions</td>
</tr>
<tr>
<td>13 May 2019</td>
<td></td>
</tr>
</tbody>
</table>
Meeting 13\textsuperscript{th} May – Work Items

Current ongoing in-depth scrutiny reviews:

- Freedom of Information Scheme (Final Report to Cabinet 27\textsuperscript{th} Feb)
- Customer Services (Task and Finish Group)

Other issues to be added to the work plan as appropriate which were identified at the annual prioritisation workshop:

<table>
<thead>
<tr>
<th>High Priority</th>
<th>Medium Priority</th>
<th>Low Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning customer service/performance</td>
<td>Waste collection and recycling</td>
<td></td>
</tr>
<tr>
<td>Support our local economy</td>
<td>Commercialisation/self-sufficiency</td>
<td></td>
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<tr>
<td>Civic centre savings</td>
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</tbody>
</table>

- Community Infrastructure Levy
- Possible work arising from Leisure and Operational (Waste & Recycling) Reviews
FORWARD PLAN OF KEY DECISIONS

For the period: 1 February 2019 - 31 May 2019

The council publishes a Forward Plan which details the key decisions that are scheduled to be taken by the Cabinet, a Member of the Cabinet or a designated Chief Officer in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulation 2012. These decisions need to be published on the Forward Plan at least 28 clear days before the decision is to be taken.

Key decisions

A Key Decision is an Executive decision which is likely

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority; and regard must be had to guidance issued by the Secretary of State to determine the meaning of “significant”.

The Council has fixed the following financial thresholds for deciding whether a Cabinet decision is a Key Decision. It must involve:

- revenue expenditure of £150,000 or more
- savings of £50,000 or more
- capital expenditure of £250,000 or more
- decisions made by the Chief Executive, in exercise of emergency powers only, £300,000

Key decisions can be subject to the Overview and Scrutiny call-in procedure. Only urgent Key Decisions aren't subject to this and don't have to be published in the Forward Plan.

If you would like further information on any of the items shown in this Forward Plan please contact the respective officer(s) for each item.

For general information about the decision-making process and for copies of any documents outlined in the Forward Plan please contact Democratic Services, Harrogate Borough Council, Civic Centre, St Luke’s Avenue, Harrogate HG1 2AE or democraticservices@harrogate.gov.uk following their publication.
<table>
<thead>
<tr>
<th>Reference</th>
<th>Date of Decision</th>
<th>Decision Maker</th>
<th>Title</th>
<th>Reason for Key Decision</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>001PES18</td>
<td>31 Dec 2019</td>
<td>Cabinet</td>
<td>Nursery Review</td>
<td>It will involve revenue expenditure of £150,000 or more.</td>
<td>Jon Clubb, Commercial and Development Manager <a href="mailto:jonathan.clubb@harrogate.gov.uk">jonathan.clubb@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>002HP18</td>
<td>7 May 2019</td>
<td>Cabinet Member for Resources, Enterprise and Economic Development (Deputy Leader)</td>
<td>Electrical Installation Condition Reports for the Councils Public and Operational Buildings and the Resulting Remedial Works</td>
<td>It will involve revenue expenditure of £150,000 or more.</td>
<td>Lorraine Larini, Compliance Manager <a href="mailto:Lorraine.Larini@harrogate.gov.uk">Lorraine.Larini@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>003HP18</td>
<td>4 Apr 2019</td>
<td>Cabinet Member for Resources, Enterprise and Economic Development (Deputy Leader)</td>
<td>Planned Preventative Maintenance and Call Out Service for Heating, Ventilation and Air Conditioning in Council Owned Properties</td>
<td>It will involve revenue expenditure of £150,000 or more.</td>
<td>Lorraine Larini, Compliance Manager <a href="mailto:Lorraine.Larini@harrogate.gov.uk">Lorraine.Larini@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>004CTS18</td>
<td>27 Mar 2019</td>
<td>Cabinet</td>
<td>Ripon Leisure Centre – Harry’s Place Childcare</td>
<td>It will involve decisions that will have a significant effect on those living or working in an area comprising two or more wards in the area of the authority.</td>
<td>Tim Hepworth, Change Manager - CTS <a href="mailto:timothy.hepworth@harrogate.gov.uk">timothy.hepworth@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>Reference</td>
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<tr>
<td>008PSEG18</td>
<td>7 May 2019</td>
<td>Cabinet Member for Resources,</td>
<td>Conyngham Hall, Knaresborough - Refurbishments - appointment of</td>
<td>It will involve capital expenditure of £250,000 or more.</td>
<td>Nigel Thompson, Strategic Property Manager</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Enterprise and Economic Development</td>
<td>contractors to carry out the works</td>
<td></td>
<td><a href="mailto:nigel.thompson-dts@harrogate.gov.uk">nigel.thompson-dts@harrogate.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Deputy Leader)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>006PSEG18</td>
<td>27 Mar 2019</td>
<td>Cabinet</td>
<td>Acquisition of Empty Properties</td>
<td>It will involve revenue expenditure of £150,000 or more.</td>
<td>Jonathan Dunk, Executive Officer – Strategic Property and Major Projects</td>
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<td></td>
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<td><a href="mailto:jonathan.dunk@harrogate.gov.uk">jonathan.dunk@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>005PSEG18(Officer)</td>
<td>Before 30 Apr 2019</td>
<td>Director of Economy and Culture</td>
<td>Water Supply Contract</td>
<td>It will involve revenue expenditure of £150,000 or more.</td>
<td>Graham Wadsworth, Energy and Sustainability Manager</td>
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<td></td>
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<td></td>
<td><a href="mailto:graham.wadsworth@harrogate.gov.uk">graham.wadsworth@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>009HP18</td>
<td>27 Mar 2019</td>
<td>Cabinet</td>
<td>Appointment of Supplier for the Provision of Building Materials</td>
<td>It will involve revenue expenditure of £150,000 or more.</td>
<td>James Clemans, Operations Manager</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td><a href="mailto:james.clemans@harrogate.gov.uk">james.clemans@harrogate.gov.uk</a></td>
</tr>
<tr>
<td>010PSEG18</td>
<td>24 Apr 2019</td>
<td>Cabinet</td>
<td>Wireless Networks in Harrogate District</td>
<td>It will involve revenue expenditure</td>
<td>Matt Roberts, Economic</td>
</tr>
<tr>
<td>Reference</td>
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<td>Title</td>
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<td></td>
<td></td>
<td></td>
<td>of £150,000 or more.</td>
<td>Development Officer <a href="mailto:matthew.roberts@harrogate.gov.uk">matthew.roberts@harrogate.gov.uk</a></td>
</tr>
</tbody>
</table>