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Havering

LONDON BOROUGH

OVERVIEW & SCRUTINY BOARD AGENDA

7.30 pm

Thursday
30 March 2023

Havering Town Hall,
Main Road, Romford

Members 12: Quorum 5

COUNCILLORS:

Conservative Group (4)

Timothy Ryan
Christine Smith
David Taylor
Damian White

Labour Group 2

Mandy Anderson
Katharine Tumilty

Havering Residents' Group (5)

Laurance Garrard
Gerry O'Sullivan (Chairman)
Philip Ruck (Vice-Chair)
Natasha Summers
Bryan Vincent

East Havering Residents 1

Martin Goode

For information about the meeting please contact:

Anthony Clements 01708 433065
anthony.clements@oneSource.co.uk

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

OVERVIEW AND SCRUTINY BOARD

Under the Localism Act 2011 (s. 9F) each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements.

The Overview and Scrutiny Board acts as a vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed sub-committees can be coordinated to avoid duplication and to ensure that areas of priority are being reviewed. The Board also scrutinises general management matters relating to the Council and further details are given in the terms of reference below. The Overview and Scrutiny Board has oversight of performance information submitted to the Council's executive and also leads on scrutiny of the Council budget and associated information. All requisitions or 'call-ins' of executive decisions are dealt with by the Board.

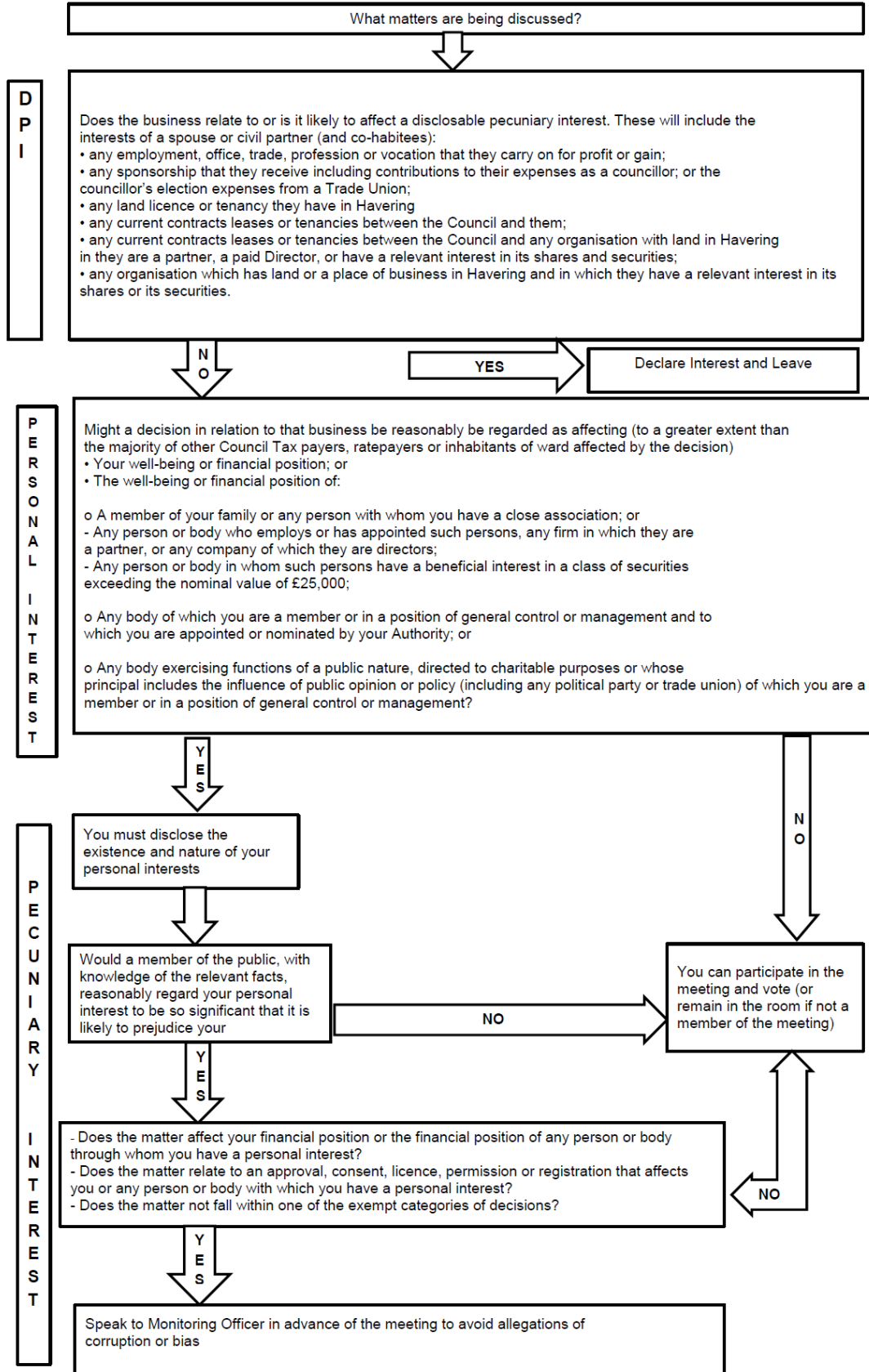
The Board is politically balanced and includes among its membership the Chairmen of the six themed Overview and Scrutiny Sub-Committees.

Terms of Reference:

The areas scrutinised by the Board are:

- Strategy and commissioning
 - Partnerships with Business
 - Customer access
 - E-government and ICT
 - Finance (although each committee is responsible for budget processes that affect its area of oversight)
 - Human resources
 - Asset Management
 - Property resources
 - Facilities Management
 - Communications
 - Democratic Services
 - Social inclusion
 - Councillor Call for Action
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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 10)

To approve as a correct record the minutes of the meeting of the Board held on 1 February 2023 and 7 February 2023 (attached) and to authorise the Chairman to sign them.

5 PARKING - PENALTY CHARGE NOTICES (Pages 11 - 26)

Report attached.

6 RISK REGISTER (Pages 27 - 46)

Report attached.

7 COMPLAINTS (Pages 47 - 66)

Report attached.

Zena Smith
Democratic and Election Services Manager

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Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
OVERVIEW & SCRUTINY BOARD
Havering Town Hall, Main Road, Romford
1 February 2023 (7.30 - 9.00 pm)**

Present:

COUNCILLORS

Conservative Group	Timothy Ryan, Christine Smith and David Taylor
Havering Residents' Group	Bryan Vincent, Gerry O'Sullivan (Chairman), Philip Ruck (Vice-Chair), Laurance Garrard and Natasha Summers
Labour Group	Katharine Tumilty and Patricia Brown
East Havering Residents' Group	Martin Goode

An apology was received for the absence of Councillor Mandy Anderson (substituted by Councillor Patricia Brown).

Also present at the meeting were: Councillor Barry Mugglestone, Cabinet Member for Environment, Councillor David Godwin, Councillor Matthew Stanton and Councillor Brian Eagling.

Officers present at the meeting: Gavin Milnthorpe, Monitoring Officer, Imran Kazalbash, Assistant Director of Public Realm, Julie Oldale, Deputy Section 151 Officer, Ian Saxby, Head of Technical Services Asset Management, Jacki Ager, Waste and External Contracts Manager, Mel Gadd, TMO Officer (Online).

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the action to be taken in an emergency.

26 ELECTION OF CHAIRMAN FOR THE MEETING

The Chairman proposed a different Member of the Overview and Scrutiny Board to lead the meeting as it was a matter of public record that he was one of the signatories of the requisition being considered. In order to ensure the scrutiny process being would be seen to be as even-handed as possible, Councillor Gerry O'Sullivan proposed that a new Chair be nominated.

The nominated Chairman was Councillor Bryan Vincent and the proposal was seconded by Councillor Philip Ruck. The proposal was agreed without a formal vote being required.

27 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

28 EXCLUSION OF THE PUBLIC

The Board agreed to exclude the public from the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during these items there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972.

29 REQUISITION OF KEY EXECUTIVE DECISION: AUTHORISATION TO AWARD A CONTRACT FOR THE EXTENSION AND MODIFICATION OF CENTRAL DEPOT

In accordance with paragraph 17 of the Overview and Scrutiny Committee Rules, a requisition signed by six Members representing more than one Group (Councillors Gerry O'Sullivan, Phillip Ruck, Mandy Anderson, Kathy Tumilty, David Godwin and Matthew Stanton) had called in the Key Executive Decision dated 3 January 2023.

The authorisation to award a contract for the extension and modification of Central Depot was linked to the public realm contract that has already been let. Councillors had stated that they were unaware of the full costs for the extension and modification of Central Depot at the time of the initial meeting of the Places Overview and Scrutiny Sub-Committee to carry out pre-decision scrutiny of the public realm contract on 8th December 2022.

A procedural motion was proposed that, given the grounds of the requisition, only made reference to the decision in respect of the authorisation to award a contract for the extension and modification of Central Depot, that the debate and any subsequent vote on the requisition should relate to the extension and modification of Central Depot only. The procedural motion was proposed by Councillor Gerry O'Sullivan and seconded by Councillor Phillip Ruck. The procedural motion was agreed unanimously.

Officers responded to the grounds for call in through a presentation and written report.

It was noted that there was a contingency arrangement in the estimated cost of works to cover any potential increase in costs such as supplier chain risks. Officers answered Members' questions concerning how the preferred bidder was selected and this included officers evaluating Local Authority

references and quality of work, all of which, along with the other evaluation criteria was included in the full, exempt report submitted at the Places OSSC meeting on 8th December 2022.

Officers responded to Members in relation to how the evaluation took into account if suppliers elected to use the Council's operational site or their own. There was a discussion around costs of capital borrowing and officers presented the Council's assumptions on this.

The requisition of the Key Executive Decision for authorisation to award a contract for the extension and modification of Central Depot was **not** upheld.

The requisition was **NOT UPHELD** by 10 votes to 1.

Members voting not to uphold the requisition:

Councillor Gerry O'Sullivan
Councillor Philip Ruck
Councillor Laurance Garrard
Councillor Patricia Brown
Councillor Timothy Ryan
Councillor Christine Smith
Councillor Natasha Summers
Councillor David Taylor
Councillor Katharine Tumilty
Councillor Bryan Vincent

Members voting to uphold the requisition:

Councillor Martin Goode

The Board further requested the following recommendations to be **noted**:

- All agendas including partially exempt and completely exempt items, should be open to councillors to access for effective scrutiny for their respective committees. Officers are to email members when agendas and documentation are available.
- Reports for new projects should only be brought to Committee meetings and Cabinet when all the relevant information is available especially noting capital costs, the associated chargeable interest to the general fund and the impact of such expenditure on Council resources. If for any reason this cannot be detailed in the report, sufficient reasoning must be stated as to why. As an example future benefits of the project, not already incorporated and quantified in budget/financial assessments, will exceed by far the costs associated with the potential additional revenue and capital expenditure.

The requisition of the Key Executive Decision for authorisation to award a contract for the extension and modification of Central Depot was **NOT UPHELD** which meant the decision could be implemented with immediate effect as set out in the Key Executive Decision report.

Chairman

Public Document Pack

**MINUTES OF A MEETING OF THE
OVERVIEW & SCRUTINY BOARD
Havering Town Hall, Main Road, Romford
7 February 2023 (7.00 - 9.43 pm)**

Present:

COUNCILLORS

Conservative Group	Ray Best, Keith Prince, Timothy Ryan and David Taylor
Havering Residents' Group	Laurance Garrard, Gerry O'Sullivan (Chairman), Philip Ruck (Vice-Chair), Natasha Summers and Bryan Vincent
Labour Group East Havering Residents' Group	Matthew Stanton and Katharine Tumilty Martin Goode

The Chairman reminded Members of the action to be taken in an emergency.

30 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will give details of the actions to be taken in case of fire or other event that may require the evacuation of the meeting room or building.

31 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies were received from Councillors Mandy Anderson (Mathew Stanton substituting) Christine Smith (Keith Prince substituting) and Damian White (Ray Best substituting).

32 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

33 MINUTES

The minutes of the meeting held on 7 December 2022 were agreed as a correct record and signed by the Chairman.

34 2023/24 BUDGET SETTING CYCLE

Housing Revenue Account

The Director of Housing Services explained that rates of inflation and interest rates posed significant challenges for the housing market. Rent levels were recommended to rise by 7% which was below the rate of inflation. Other Housing Revenue Account charges were to rise by the same level. Details of major works capital programmes and the regeneration programme were included in the meeting papers.

Budget and Medium Term Financial Strategy

The Director of Finance explained that the Council was in an acute financial position with a large overspend although this had improved recently. The period 8 overspend could not be covered by General Balances and earmarked reserves were expected to drop to c. £30m which was not a sustainable position.

The forthcoming General Election and Spending Review were likely to lead to some more money being made available for social care costs. Both Adult and Children's Services had high cost pressures. It was accepted that the Central Government funding distribution model was unfair and that this did not currently provide sufficient funding for social care in Havering. Havering also received less funding overall than many other London boroughs.

Financial pressures were being addressed by savings proposals as detailed in appendix A of the report but this would still leave a significant budget gap over the four year cycle. A band D property's Council Tax was proposed to rise by 5.94% (including the GLA precept) to £2,088.13 per year.

Capital Programme

Officers advised that the emphasis of the Capital Programme was very much on regeneration. Housing stock replacement would be financed by capital receipts, HRA revenue and grants but principally from borrowing.

Treasury Management Strategy Statement

It was explained that it was aimed to keep the liquidity allowance above £40m and that the Council would borrow as necessary to do this.

Questions and discussion

The 28% projected rise in the cost of housing repairs and maintenance was mainly due to increased expenditure and did not reflect the costs to tenants. It was clarified that the contractor was paid a set fee for a property and was not paid per job. It was accepted that there was a high level of repairs per property – four per property on average and it was hoped to reduce this by e.g. an increase in planned maintenance. The inflation formula used for repairs and maintenance could be confirmed.

Performance penalties were built into the repairs and maintenance contract although not many had been implemented as yet. The contract had

commenced in April 2023 and was monitored monthly. It was suggested that a report on the repairs contact could be brought to the next meeting of the Places Overview and Scrutiny Sub-Committee.

The model for levels of rent payment included assumptions on both the level of inflation and increases in the level of housing stock and officers were happy to review the way in which HRA data was presented. Detail on the delivery of individual units over the next 2-3 years were included in individual business plans.

Assumptions re the level of void properties were also built into the budget setting process and private sector empty homes could be used as provision for additional homeless demands. Officers accepted that the level of homelessness was as bad as it had ever been with both increasing numbers and difficulty in procuring temporary accommodation. Bed and breakfast accommodation was having to be used in Havering for the first time in many years. Most Council empty properties were due to the death of the owner and these often led to a lot of legal issues with the owner's family.

It was noted that the Bridge Close development was due to repay its borrowing at year 30.

It was confirmed that the Council sought to avoid a high level of debt maturities and that 10-20 year maturing loans were also avoided. The Council was unable to borrow in advance of need so levels of inflation had no direct impact on debt levels. It was clarified that the new CIPFA code of practice stated Councils should net off investments prior to any external borrowing. It was accepted that loans to Mercury Land Holdings were at a high cost. Operational lending was only undertaken to Government bodies and UK High Street banks and not overseas. In terms of overseas borrowing, the Council had one loan of around £7m from an EU country and all other borrowings were from the Public Works Loan Board. The risks of further overseas borrowing meant this was unlikely. Loans made could be quickly retrieved if necessary.

It was emphasised that the allocation of Central Government grant did not reflect adult social care needs in Havering. Details of the cost of delivery care services for each borough could be provided although NHS costs were also an issue. Unit costs for adult social care were very low compared to other boroughs.

It was confirmed that the national pay award for Local Government staff was a flat rate of £2,229 per annum. The 2023/24 award was yet to be decided but budget calculations included an assumption of a 3% rise which equated to c. £3m for current staff numbers at the Council.

An unclear statement regarding the outcome of the budget consultation would be clarified and the report amended prior to it going to Council.

The figure of £6m provision to maintain the condition of highways was based on advice from the borough engineers. Officers wished to be transparent on the use and level of earmarked reserves and it was noted that Members felt that Cabinet could be asked to review the use of earmarked reserves. Officers accepted that a point may be reached where there were insufficient resources for the Council's expenditure but this had not been reached as yet.

Some expenditure coded to revenue could be capitalised but the Government had not yet been approached to allow this. There was a need to put more money into reserves but also to generate more funding and income streams. Expenditure also had to be contained to the resources available and it was anticipated that IT investment should generate opportunities to reduce costs. IT investment was not a single budget item and officers were looking at alternative ways to deliver this.

Details could be supplied of the Council Tax support fund the discretionary support available to economically challenged households. The 1.5% discount for households paying their Council Tax for the year in full would be agreed as part of the budget setting process.

Details were requested of the savings proposal to reduce the level of equipment provided and the impact assessment for this and the review of the subsidy for assistive technology. As regards parking savings, detail of the former cost of cash collection from parking machines could be checked.

Charges for community care packages would be backdated to the point where recipients of what the level of charges would be. The position with Council care being available for people for six weeks after being discharged from hospital would be checked with the Director of Adult Services.

There were two posts budgeted in relation to the Climate Action Plan who would report to the Climate Project Manager. The posts were already generating income for the voluntary sector. Part of the roles was also to source funding for the Council for climate change projects. A list of achievements by the two post holders.

The proposed change to CCTV monitoring hours would be offset by the increased use of IT forms.

Details could be provided of the position with the closure of the Corbets Tey public toilets and the saving from this. It was noted that there was considerable opposition to the closure locally and that local businesses were no longer cooperating with the business toilet accessibility scheme.

Clarity could be given over why charges to utility companies for road closures were being reduced and why prices of section 50 licences were being frozen. Licensed premises fees had been frozen by the Government for many years and officers would check whether the Government had been lobbied to allow for the impact of inflation.

It was clarified that VAT on bookings of football pitches did not apply to block bookings in excess of 10 dates. Clarity was also sought over why a charge for parking of solo motorcycles was scheduled to be introduced. Officers would also seek clarification of how charges for pre-application planning advice were calculated.

Officers confirmed that figures for the expansion of the Council Depot shown in the Capital Programme report indicated the amount of additional capital report. Figures for the capital required for the Farnham & Hilldene redevelopment would be reviewed but preparatory work on the project would take place in 2023/24.

A procedural motion to suspend Committee Procedure Rule 8 (b) and allow an extra 30 minutes to conclude the business of the meeting was agreed unanimously.

It was confirmed that the Council purchased vehicles used in the waste contract so the Council would own these, even if the contract were to fail. The Rainham Compulsory Purchase Orders mentioned in the report would proceed on the basis that the new station at Beam Park would eventually be delivered.

The projected lifespan of traffic CCTV cameras was uncertain but they were generally more robust than previously. It was clarified that the cameras mentioned in the Capital Programme report were not income generating. More information could also be provided on the creation of a waterfall in Redcrofts Lake.

A number of proposal to redevelop the roundabout and subway network in Romford were under discussion with Transport for London.

The Board **agreed** the following comments and recommendations for consideration and response by the Cabinet:

- **That the importance of securing a good performance by the housing contractor be recognised, given the impact of this on the budget through for example the imposition of penalty clauses.**
- **The Board agrees that the formula for Social Care Grant allocations is not fair to Havering. It is therefore important that any monies for Social Care are spent appropriately. Evidence on how such services are delivered in other boroughs should be considered.**
- **That Cabinet undertakes a review of the use of earmarked reserves.**
- **Officer training should be reviewed to maximise the cost savings from the investment in IT.**

- **That details be provided on the impact assessments undertaken on the proposed reduction in the level of adult social care equipment provided and the review of subsidies for assistive technology provided to residents.**
- **The impact of the closure of the Corbets Tey toilets should be fully considered.**
- **That an explanation be provided of why the fee charged to utility companies for road closures is to be reduced.**
- **That clarification be given of why fines for flytipping and fixed penalty notices are not being increased. Whilst accepting these levels are controlled by Central Government, the Board would like to establish what lobbying has been undertaken by the Council on these issues.**
- **That an explanation be provided of why charges for solo motorcycle parking are being introduced when there was no such charge previously.**

Chairman

Overview & Scrutiny Board

30 March 2023

REPORT

Subject Heading:

Parking Penalty Charge Notice Process

SLT Lead:

Imran Kazalbash, Assistant Director,
Public Realm

Report Author and contact details:

Anthony Clements Principal Democratic
Services Officer
anthony.clements@onesource.co.uk

Policy context:

The report deals with a statutory process.

Financial summary:

There is no significant financial impact from the statutory processes as these requirements are being met by existing budgets.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents X

Place - A great place to live, work and enjoy X

Resources - A well run Council that delivers for People and Place.

SUMMARY

Details are attached of the Parking Penalty Charge Notice process and related issues.

RECOMMENDATION

That the Board review the information on Parking Penalty Charge Notices and decides on any further scrutiny action that it wishes to take.

REPORT DETAIL

Members of the Board have expressed a wish to understand in greater detail the process around Parking Penalty Charge Notices, the appeals process and the proportion of appeals that are successful. A summary of this information is attached and further details will be presented for scrutiny at the meeting.

Financial implications and risks: None of this covering report.

Legal implications and risks: None of this covering report.

Human Resources implications and risks: None of this covering report.

Equalities implications and risks: None of this covering report.

Environmental and Climate Change Implications and Risks: None of this covering report.



Havering

LONDON BOROUGH

Highways, Traffic & Parking

Parking Penalty Charge Notice Process

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There are 3 types of Penalties which can be issued:-

Fixed to Windscreen

Served by post (Regulation 10)

Bus Lane and Moving Traffic PCN

Fixed to Windscreen

- Issued by a foot or mobile patrol Civil Enforcement Officer
- Vehicle is observed in contravention
- Details of contravention recorded
- PCN issued and placed on windscreen or handed to driver
- Regulation under which PCN is enforced is Traffic Management Act 2004.

Served by Post (Regulation 10)

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- This is served within 14 days of contravention, where the issued PCN was refused by the driver, with threatening or abusive behaviour, or where the vehicle is driven away during issuance
- PCN is served to Registered Keeper of vehicle as recorded at DVLA
- Discount period applies in same way as PCN served to windscreen
- Regulation under which the PCN is enforced is the Traffic Management Act 2004

Bus Lane or Moving Traffic PCN

- Contravention is detected by ANPR camera
- Images are reviewed by qualified Officer and PCN created
- PCN is served by post, within 28 days of contravention to the registered keeper as recorded at DVLA.
- Discount period applies.
- Regulation under which a bus lane PCN is enforced is London Local Authorities Act 1996 and for Moving Traffic is London Local Authorities and Transport for London Act 2003

Recovery Process of a PCN

Page 18

- PCN is served – 14 days apply for discount penalty to be paid, or 28 days for full payment of charge. Representation can also be made within 28 days , or within 14 days to qualify for the discounted charge.
- If no payment or representation is received within 28 days, a Charge Certificate will be served which increases the PCN by 50%.
- Once service of a Charge Certificate has occurred there is no further recourse for representation to be made.
- If payment of the Charge Certificate is not made, the debt will be registered at County Court and an Order for Recovery is served allowing 21 days for payment (includes £9.00 debt registration fee) or for a Witness Statement/Statutory Declaration to be filed to County Court.
- If no payment or WS/SD is filed, the debt can be passed to Enforcement Agents after 21 days.
- A Warrant of Execution remains valid for 365 days from date County Court grant its issue.

Challenge & Representation Process

- There are usually 3 points of appeal for a PCN:-
Informal, formal and adjudication
- Where a PCN is served by post there is only a formal representation to be made, with the exception of bus lane penalties.
- Informal challenges are made direct to Traffic & Parking either via the online appeals portal (www.havering.gov.uk/pcn) or via post to the Town Hall.
 - If challenge is rejected the discount is reoffered for a further 14 days
- Formal representation are made in the same way as above. The full charge of the penalty applies if representation rejected unless MTC, where the discount is reoffered
 - Appellants have 28 days to make an application for appeal to independent adjudicator at London Tribunals
 - If the appeal is refused, the full charge of the penalty is payable in all cases.
 - Appellant can request a review of the case decision within 21 days of adjudicators decision. The review is carried out by London Tribunals.
- The decision of the appeal is binding on both the appellant and the Council and the appeals process is hereby exhausted.

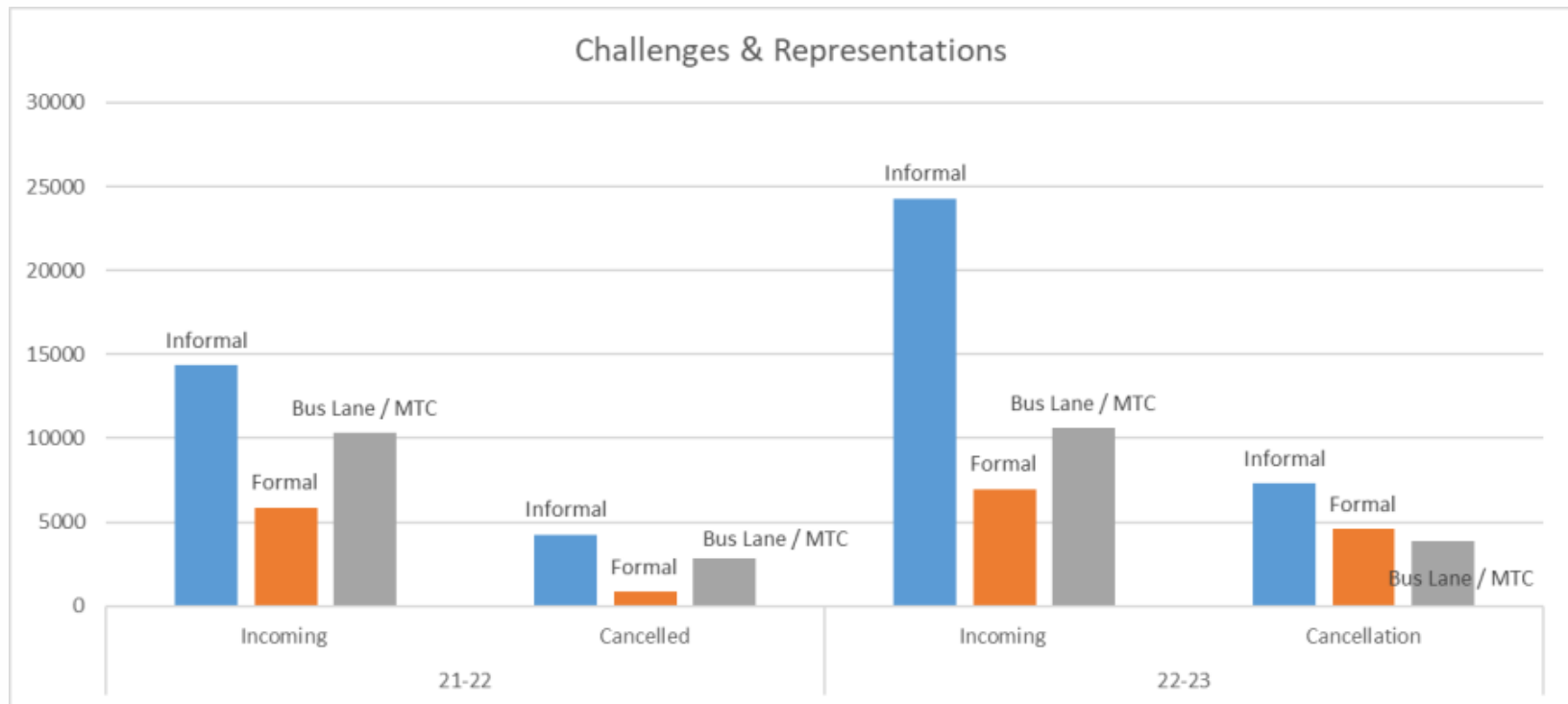
Reviewing Process

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- Formal representations can only be reviewed by a qualified officer under City & Guilds Notice Processing
- All CEO recorded evidence such as Officer notes, observations, photos are reviewed.
- The appellants mitigation is considered and reviewed in line with the Council's Discretionary Policy (https://www.havering.gov.uk/downloads/file/96/policy_for_enforcing_or_cancelling_a_pcn)
- There is only a statutory timeframe for responses to formal representations where the PCN is issued under TMA 2004 (56 days).

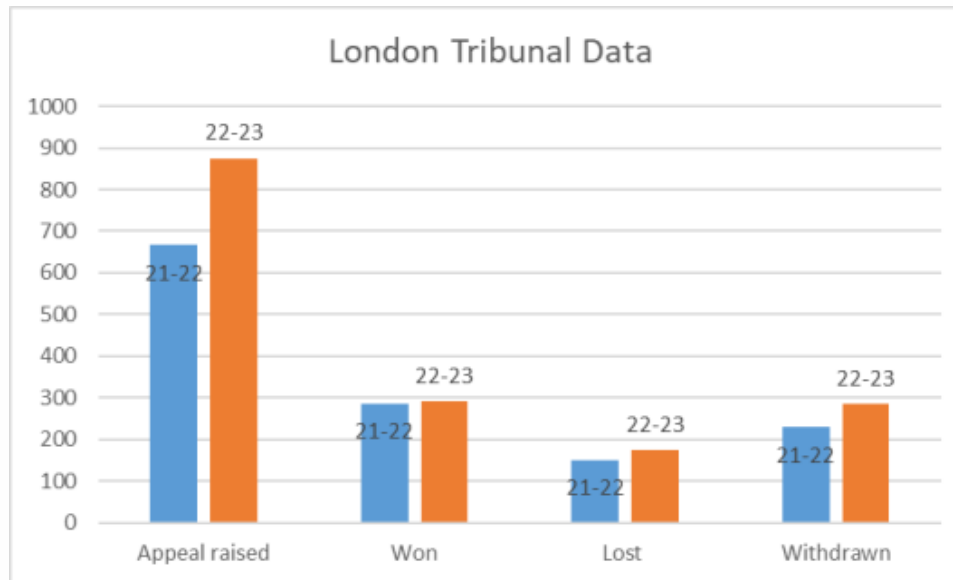
Challenge & Representation Statistics

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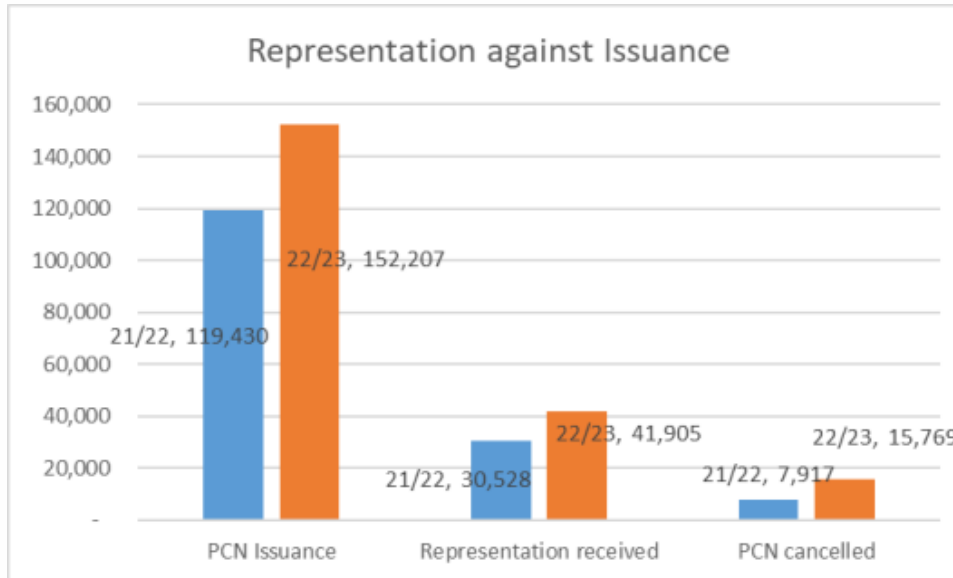
London Tribunal Statistics

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Penalty Issuance Stats

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Statutory Declaration / Witness Statement

- When an Order for Recovery is received the recipient can file a statement to Traffic Enforcement Centre, within 21 days, on the following grounds:-
 1. Did not receive the Notice to Owner / Penalty Charge Notice (Parking contravention).
 2. Made representations about the Penalty Charge to the enforcing authority concerned within 28 days of the service of the Notice to Owner, but did not receive a rejection notice
 3. Appealed against the local authority's decision to reject representation, within 28 days of service of the rejection notice, but have had no response to appeal.
 4. The penalty charge has been paid in full (this is not applicable for Bus Lane & MTC cases).

Next Steps...

- Havering is currently split between Band A (Romford Town Centre) and Band B.
- Band A indicates a higher level charge for all contraventions (£130/£65 and £80/£40) and varies between the level of severity of contravention.
- Band B indicates a lower level charge (£110/£55 and £60/£30)
- Consideration is needed to apply to London Councils and Traffic Enforcement Centre to make Havering Band A as a stronger deterrent to motorists whom continue to ignore parking restrictions

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Overview & Scrutiny Board

30 March 2023

Subject Heading:

Corporate Risk Register

SLT Lead:

Dave McNamara, Director of Finance

Report Author and contact details:

Anthony Clements Principal Democratic
Services Officer
anthony.clements@onesource.co.uk

Policy context:

The report deals with a statutory
process.

Financial summary:

There is no significant financial impact
from the statutory processes as these
requirements are being met by existing
budgets.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place X

SUMMARY

The Council's Corporate Risk Register is attached for review by the Overview and Scrutiny Board.

RECOMMENDATION

The Council's Corporate Risk Register is attached for review by the Overview and Scrutiny Board. The Board is invited to consider, with the assistance of Officers, the current level of risk to which the Council is exposed.

REPORT DETAIL

- 1.1 The Corporate Risk Register is subject to regular review and risks are discussed at monthly Governance and Assurance Board meetings, chaired by the Section 151 officer. Audit Committee receive an updated Corporate Risk Register every six months.
- 1.2 As part of this ongoing review, new risks may be added and existing risks amended or removed at any time changes are identified.
- 1.3 A summary version of the current Corporate Risk Register is provided in Appendix 1. This includes current likelihood and impact scoring of the risks based on assessment by the risk owner (using the risk matrix from the Council's Risk Management Strategy and Toolkit).
- 1.4 The Risk Management Strategy and Toolkit provides a comprehensive framework and process designed to support managers in ensuring that the Council is able to discharge its risk management responsibilities fully. The strategy outlines the objectives and benefits of managing risk, describes the responsibilities for risk management, and provides an overview of the process that we have in place to manage risk successfully.
- 1.5 Havering uses a 5 x 5 scoring matrix to assess the likelihood of a risk event occurring and the potential impact on the Council if it were to happen (below). The green shaded area on the matrix shows the risks where there is good control and the Council is comfortable with the level of risk. Risks in the amber and red zones are those over which closer control and further management action may be required.

		5	10	15	20	25
Impact	Very High (5)	5	10	15	20	25
	High (4)	4	8	12	16	20
	Moderate (3)	3	6	9	12	15
	Low (2)	2	4	6	8	10

Very Low (1)	1	2	3	4	5
	Very Low (1)	Low (2)	Medium (3)	High (4)	Very High (5)
Likelihood					

1.6 Work continues by the Internal Audit & Risk Team to further embed the risk management strategy at a Directorate level, including risk workshops and further training where required. This phase of work will ensure Directorate level risks are aligned to the strategic risks to ensure mitigating actions are managed consistently. This also includes wider rollout of access to JCAD, our Risk Management system, to make the process more efficient and effective; providing links to strategic objectives; easier monitoring and reporting, and demonstration of compliance with good risk management practices.

Financial implications and risks: None of this covering report.

Legal implications and risks: None of this covering report.


Human Resources implications and risks: None of this covering report.

Equalities implications and risks: None of this covering report.

Environmental and Climate Change Implications and Risks: None of this covering report.

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Overview and Scrutiny Committee 30 March 2023
Appendix 1 - Corporate Risk Register – March 2023

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0005	<p>Financial Resilience – Inability to deliver a balanced budget as a result of:</p> <ul style="list-style-type: none"> • Inadequate Government Funding • Rising Demographic pressures and/or increased complexity of Social Care • Rapidly increasing inflation • Cost of Living Crisis • Delay or non-achievement of planned MTFS savings • Inability to forecast due to uncertainty over medium term Government Funding • Uncertainty regarding timing of future Government funding reforms including introduction of the care cap (currently no sooner than October 2025), whilst being required by government to move towards the median cost of care. • Difficulty in identification of further efficiencies and savings following a decade of Austerity and increased demand following the COVID pandemic • Government changes in policy e.g. changes to Home Office refugee dispersal 	March 2023	4	4	16	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Early diagnosis of the financial gap to allow time for actions to be put in place including new savings proposals. - Lobby the Government at every available opportunity to put the case for both lack of Funding for local government generally and more specifically how Havering is disadvantaged from the current distribution formula. - Work with national lobbying groups such as the LGA and London Councils to put the case for more funding to the Government. - The Council has developed over £30m of savings proposals (over 4 years) which are being consulted on to reduce the financial gap which will be monitored for delivery. - The Council continues to review its structure to develop a new target operating model which both aligns with current service priorities but also delivers savings and efficiencies. - The Council is in the process of reviewing the Capital Programme to ensure that all schemes continue to be viable (see regeneration section of this risk register for further details). - The Council has developed action plans to mitigate and reduce the in-year overspend including: <ul style="list-style-type: none"> • All overspends reviewed and challenged to identify any non-recurrent spend which could be funded from reserves • All use of consultancy reviewed by senior management 						


Overview and Scrutiny Committee 30 March 2023
Appendix 1 - Corporate Risk Register – March 2023

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0019 NEW	<p><u>Technology: Business Continuity Planning – Business Continuity (BC) and Council’s Service Resilience in the event of an IT Outage.</u></p> <p>Key potential causes are:</p> <ul style="list-style-type: none"> • Unavailability of IT and/or Telecoms, including from cyber attack • Reduced chances of preventing/responding to incidents due to a lack of forward planning or investment. <p>If the council has a Business Continuity disruption and is unable to ensure the resilience of key Council operations and business activities, then the impact of the event may be increased with a greater impact on people and council Services.</p>	March 2023	4	4	16	n/a
Mitigation Action Plan						
<p><u>Business Continuity and Council’s Service Resilience in the event of an IT outage</u></p> <ul style="list-style-type: none"> - A project to assess Business Continuity Planning (BCP) arrangements in the event of an outage have commenced via Havering Transformation Team. At present many Services are reliant on assumed protection and services provided by the IT team, but this assurance is now being assessed as part of this project. - Outages current rely on perceived timescales, and may not be aligned to likely outages based on all scenarios – such as Cyber Attack (3 months). - The Applications Audit undertaken by the Transformation Team has started to provide high-level outputs to identify system owners and risks, but the data needs to be verified and further information sought where risks are perceived. - Disaster Recovery (DR) capabilities for systems not hosted on IT-managed infrastructure will need to be verified by the System Owners and via vendors. 						

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Appendix 1 - Corporate Risk Register – March 2023


Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0004 AMENDED	Technology: Cyber Security – Technical Controls and Platforms The Council's risk level regarding Cybersecurity is higher than should be expected due to appropriate technical controls not being in place. Key potential causes are: - Lack of investment in appropriate technologies. - Reliance on in-house expertise, and self-assessments (PSN).	March 2023	4	4	16	↔
Mitigation Action Plan						
<u>Cyber Security – Technical Controls & Platforms</u> <ul style="list-style-type: none"> - Cyber Security Programme underway, through Capital funding, to put into place new technology and security controls to mitigate known issues. Delivery is monitored by the Senior Information Risk Owner (SIRO) and reported to the Information Governance (IG) Board. - Network Refresh Programme is underway, through Capital funding, to put into place new technology and security controls to mitigate known issues with the network technology and configuration. Currently evaluating contract tenders. Delivery is monitored by the SIRO. - Our Security Operations Centre service provisioned via 3rd party is enabling significant uplift in our ability to detect malicious attacks and has been successful in mitigating a number of vulnerabilities. 						

Overview and Scrutiny Committee 30 March 2023
Appendix 1 - Corporate Risk Register – March 2023


Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0015	<p><u>Regeneration – (Shaping the future of the Borough) – impact of costs inflation, social change and economic downturn</u></p> <ul style="list-style-type: none"> • Circumstances that have arisen at other Councils have highlighted the importance of monitoring the sustainability of significant regeneration programmes. • Quality of housing in Borough - ensuring it is fit for the future. • Inflationary rises mean that the cost of developments may not be sustainable / achievable. • Implications of the Building Safety Act. • Fire Safety regulation changes will impact on the viability / cost of schemes. • Demographic changes impacting on housing needs including changes in government policy 	March 2023	4	3	12	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Regeneration schemes, capital budgets and forecasts are reported quarterly to Themed Board. - The pipeline schemes for the Joint Ventures and Mercury Land Holdings are reviewed at the Regeneration Officer Board every six weeks. - The financial viability of the joint ventures is regularly reviewed and professional advice sought as part of each Annual Business Plan refresh, which are approved at Cabinet: <ul style="list-style-type: none"> • The 12 Sites Joint Venture 2023/24 Business Plan was approved at Cabinet on 8 Feb 2023. • The Bridge Close Regeneration LLP 2023/24 Business Plan was approved at Cabinet on 8 Feb 2023. • The Mercury Land Holdings 2023/24 Business Plan refresh is in progress and expected to be presented to Cabinet in May 2023. • The Rainham and Beam Park Joint Venture 2023/24 Business Plan refresh is in progress and expected to be presented to Cabinet in June 2023. - Projects will be reported to a review group under the Places theme as part of the TOM. - Financial risks are included in each Regeneration Officer Board (ROB) report for each scheme. ROB is chaired by the s151 Officer and this occurs on a 6 weekly basis. - Project progress and risks are reviewed regularly through the Verto dashboard, and highlight reports are produced monthly. - The Regeneration Management team are scheduling risk reviews at a more regular basis, a directorate risk register has been created based on reported project risks. 						


Overview and Scrutiny Committee 30 March 2023
Appendix 1 - Corporate Risk Register – March 2023

- More work is being done to ensure synergy between the monitoring of risks at Corporate, Directorate and Project levels.
- Each business plan review takes independent professional advice as part of the viability review exercise. This is reflected in the annual report to Cabinet for each scheme.
- The two schemes being delivered from the Housing Revenue Account will provide an in-year business plan refresh to Cabinet in around September 2023.
- Greater focus on scheme viability at a project level: Gateway processes have been established to ensure that project viability meets the required hurdles before the Council commits to contract arrangements.
- Ensure adequacy of scheme contingency allowances: This is reviewed on a regular basis as part of financial monitoring and the annual business plan refresh exercise.
- Review of affordable housing products to maximise external grant/income opportunities: The Council has established a strong relationship with the GLA in order to maximise funding opportunities.
- Adjust delivery programmes, where appropriate, to respond to the market cycle: Delivery programme milestones are regularly reviewed and refreshed as part of monthly monitoring.
- Financial Risks are included in each Regeneration Officer Board reports (this occurs on a 6 weekly basis).
- Review for a possible need to adjust the tenure mix (a possible mitigation to viability challenges): Tenure mix is reviewed as part of the annual business planning process.

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0012	<p>Significant Governance or Control Failure - Further work needs to be undertaken to develop a comprehensive, auditable and objective assurance process to give reassurance that the Governance framework is understood and embedded within the organisation. Particular emphasis should be given to ensuring that any change in the governance framework is known and addressed and that new personnel are equipped with the correct knowledge and understanding.</p> <ul style="list-style-type: none"> • Cultural failings, poor leadership and ineffective policies and procedures. • Increasing financial pressures, reduced staffing capacity and loss of skills, knowledge and experience • Increase in commercial activity in local government, accompanied by greater complexity in local delivery and funding arrangements. • Strategic objectives are not achieved. • Greater risk of financial loss when governance is poor. • Leadership failings result in inadequate judgement grading on regulated services. 	March 2023	3	4	12	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Governance and Assurance Board (GAB) continues to operate with regular review of Significant Governance Issues (SGIs) as reported in the Annual Governance Statement. Regular monthly meetings, good attendance by appropriate officers or delegates. - Review of Directorate Assurance Statements to inform assurance opinion, Internal Audit Plan, Significant Governance Issues and the Corporate Risk Register. - Annual Governance Statement is reviewed following the Delivering Good Governance in Local Government CIPFA/SOLACE Framework. - Whistle-blowing procedures have improved and subject to regular review. - Internal Audit regime was revised to reflect the new circumstances of working virtually and flexibly to meet the emerging risks. Audit Plan is regularly reviewed and adapted to address arising issues/risks. This is now embedded as part of the audit planning process. - Internal challenge continues through audit process including; follow up process for all Limited Assurance reports, monitoring and follow up of all High and Medium Risk recommendations and escalation of Limited assurance reports through Governance and Assurance Board, Themed Board and Audit Committee, flexible plan to adjust priorities for emerging risks. - A cross party constitutional working group (including officers) is currently up and running and is systematically reviewing various sections of the constitution to ensure it is fit for purpose. 						

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Appendix 1 - Corporate Risk Register – March 2023


Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0014	<p>Workforce</p> <p>There is a risk that the current work stream demands across the Council result in pressure being placed on resources. This risk also recognises challenges around recruitment and retention of staff and maintaining skills, knowledge and capabilities.</p> <ul style="list-style-type: none"> • This could lead to the Council struggling to meet changes in demand for services. • There could be a loss of experienced staff due to sickness as well as staff leaving for other jobs (given the rising cost of living), with a subsequent impact on service delivery. • National Pay negotiations will have a financial impact. 	March 2023	3	4	12	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Target Operating Model is reviewing the organisation structures to support the Corporate Plan objectives. - Implementation of a new Workforce Strategy: Has now been approved by cabinet and will cover the period until 2024. Phased approach over these two years. - Actions from this strategy are designed to ensure that the Council remains an attractive place to work and remains competitive. - Outcomes and actions from the results of the staff engagement survey. - Revised policies and procedures are being revised and rolled out. These are subject to regular review and update to reflect the latest position. - Promotion and monitoring of staff wellbeing. - Monitor staff turnover/reasons for leaving through exit interview analysis and respond as appropriate in line with policy (redesigning roles/recruitment/market supplements etc.). - Work underway to review workforce trends and hotspots and implement solutions as appropriate. - Development of grow our own workforce strategies in Social care. 						


Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0006	<p>Potential harm to people we owe a duty of care</p> <ul style="list-style-type: none"> • Social care fails in its duty of care, particularly to the vulnerable in society (as a result of workforce challenges - recruitment and retention of experienced and qualified staff - increased hospital attendances / more complex case work etc.) resulting in avoidable harm to a vulnerable adult or child. • Adult social care and Council fails in its duty of care, particularly to the vulnerable in society, and a service user is harmed or dies as a result of those failures. This includes illegal deprivation of liberty of users of services, where the appropriate Deprivation of Liberty Safeguard is not in place. • Children’s Social Care fails in its duty of care to children and a child is harmed or dies as a result of those failures. • Cost of living crisis leading to increased risks of homelessness, domestic violence and crime 	October 2022	4	3	12	
Mitigation Action Plan						
<ul style="list-style-type: none"> - The ASC/JCU service operates Quality Team processes to review standards of care including contract monitoring carried out against framework providers and residential providers in the borough. - A Quality Assurance Framework provides a risk based approach to the care market. - Transparent and robust Guidance for Suspension of Placements with adults providers - Strong links with CQC with early notification of problems with providers. - Service attendance at the Adults Quality and Safeguarding Board with the CQC as well as HealthWatch. - Safeguarding Adults Team reviews investigations following patterns emerging from a provider that suggests systemic concerns. - Robust Adults ‘Establishment Concerns & Failure’ Procedure & Guidance - Sharing of information and intelligence with other Local Authorities at the Local Adults Quality and Safeguarding Group (meets monthly). - Appropriate and effective safeguarding processes and arrangements in place for children and adults. - Children’s Services benchmarking through the London Innovation and Improvement Alliance performance dataset to highlight trends and required improvements - Training in Multi-Agency Safeguarding Hub to ensure appropriately triage safeguarding enquiries against the criteria. - Regular Safeguarding and Oversight meeting chaired by AD Adult Safeguarding and AD Children Services . 						

- Safeguarding Policies and Guidance are reviewed and updated.
- Staff are appropriately supervised to be able to carry out their roles to a high standard.
- Robust Quality Assurance Framework and learning through Rapid reviews and learning dissemination in Children’s Services.

Mitigation Action Plan (continued)

- Safeguarding Adults Board (SAB) and Local Safeguarding Partnerships (for children) in place with opportunities for Chair(s) to escalate any areas of concern.
- Robust and well communicated process in place to forward specific cases to the Community and Domestic Violence Multi Agency Risk Assessment Conferences (MARAC) to ensure partnership approach where required.
- Safeguarding Adult Team attend Team Meetings to provide relevant updates around key topics such as Mental Capacity Act (MCA) or Domestic Violence (DV).
- Training for adult residential and nursing homes and develop the safeguarding support provided to them to ensure they fully understand their roles and responsibilities in relation to safeguarding.
- Adults and Children’s Social Care Resilience Business case to address staffing pressures.
- Broad range of targeted training available to social care staff and managers to ensure all are properly equipped.
- Regular Review of Safeguarding caseloads across teams.
- Monitoring of demand via referrals to Multi-Agency Safeguarding Hub (MASH).
- Recruitment process underway for Social Workers in Havering.
- Involvement in the LIA Recruitment microsite and London Pledge work
- Monitoring and continuation of early help and intervention work where possible, in line with model of practice.
- Council’s cost of living response to mitigate financial pressures on residents, including administering national and local schemes for financial support, responding to new referrals relating to risks of homelessness (and to mitigate against increases in domestic violence etc), and building energy resilience (such as our energy doctor scheme).

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0013	<p><u>Failure to deliver strategic corporate priorities</u></p> <p>The budget pressures combined with unprecedented levels of demand (e.g. for children's and adults services), may have an impact on the ability to deliver corporate priorities in line with residents demand and perception.</p> <ul style="list-style-type: none"> • Council priorities are not met leading to dissatisfaction from residents. • There is a risk that a breakdown in the Council relationship with residents could lead to a lack of trust and engagement, poor communication, non-delivery of objectives; and, failure to meet expectations. Risk that a loss of trust occurs if complaints and Member's Enquiries handled poorly or in an untimely manner. 	March 2023	4	3	12	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Corporate plan with established priorities supports delivery of key programmes and is monitored regularly. - The Council will ensure regular engagement, consultation and increased participation in the planning of services and provision of insight into residents' lived experience. - Programmes such as local area coordination and community hubs are designed specifically to build stronger relationships with residents. Council-run campaigns - run either solely and directly or in partnership (such as the #BeNiceToYourNoggin campaign) raise awareness about community issues and communicates what the Council is doing to support residents. 						

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0007 AMENDED	<p><u>Failure to adapt to the potential impacts of climate change</u> The causes of climate change are set out in the modelling of impacts of a warming planet. The Council response to these impacts has not been adequately addressed.</p> <p>Effects include:</p> <ul style="list-style-type: none"> • Flash flooding – pluvial (rain): Localised, severe impacts, Road network impacted • Fluvial flooding – (Main water Courses) Damage to property and infrastructure • Increased storminess – Damage to the built environment and individuals • Heatwaves: Increased risk of fires and damage to infrastructure, Reduction in summer water • Climate forced immigration • Risk of invasive species becoming more prevalent. • Health of residents adversely impacted 	March 2023	4	3	12	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Havering Climate Change Action Plan: The impacts of climate change are incorporated in the Havering Climate Change Action Plan (HCCAP) and are specifically addressed in the Council governance - Inclusion in Business Continuity and Emergency Plans: The Council’s response is contained within the Business Continuity Plans of services and is regularly reviewed. 						

Overview and Scrutiny Committee 30 March 2023
Appendix 1 - Corporate Risk Register – March 2023


Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
<p>HAV00020 NEW</p>	<p><u>Technology: ICT Resilience – The Council’s ability to deliver critical and key services in the event of ICT outages and be able to recover in the event of system and/or data loss.</u> Key potential causes are: - Poor Business Continuity (BCP) planning and understanding of key system architecture. - Untested Disaster Recovery (DR) arrangements including data recovery. - Untested network reconfiguration to alleviate key location outage. - Untested recovery schedules in terms of order and instructions. - Lack of resilience available for legacy systems (single points of failure - people and technology). - Services undertaking their own IT arrangements outside of the corporate approach - Poor data management can lead to delays in recovery timescales if retained data volumes are excessive, and critical and non-critical data are combined in back-ups - Impact of the ICT Shared Tenancy arrangements</p>	<p>March 2023</p>	<p>3</p>	<p>3</p>	<p>9</p>	<p>n/a</p>
<p>Mitigation Action Plan</p>						
<p><u>ICT Resilience</u></p> <ul style="list-style-type: none"> - A replacement IT backup solution for systems managed via the oneSource IT service has been procured and implemented, significantly improving DR capabilities. - Vendor Contracts: It should be noted that this will only cover systems that are hosted on IT-managed infrastructure. The DR arrangements for other systems will be the responsibility of the System Owners and the contracts with the vendors, and is being addressed via the BCP work within the Transformation Team. - Review of Disaster Recovery capabilities: Additional review of DR capability has been undertaken as part of the assurance in the event of rolling power outages by postcode during winter 2023. - Disaster recovery testing: DR testing to be scheduled during Q1 2023/24, as part of wider review of capabilities post Transformation Project delivery. - Recruitment of Records Management Lead: Records Management Lead to be recruited in 2023/24 financial year to lead on data assessment for GDPR compliance and also to seek to reduce excessive data storage. 						

Overview and Scrutiny Committee 30 March 2023
Appendix 1 - Corporate Risk Register – March 2023

- Backup systems for client case recording systems – Liquid Logic LAS, LCS and EHM						
Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV00021 NEW	<u>Technology: Legacy Systems</u> Sovereignty of service areas and a reluctance to change IT systems (or lack of investment budgets) can lead to systems being in place which are incompatible with modern IT controls, leading to sub-optimal workarounds being put into place to maintain operational running.	March 2023	3	3	9	n/a
Mitigation Action Plan						
<ul style="list-style-type: none"> - The Applications Audit undertaken by the Transformation Team has started to provide high-level outputs to identify system owners and risks, but the data needs to be verified and further information sought where risks are perceived. - The revised Digital Strategy is to inform an Enterprise Architecture approach will provision the standards for existing, and future, solutions to be assessed against. Where approaches are not aligned to the standards, remedial activity can be identified and scheduled, with a known owner. - Application Rationalisation approach being considered, moving away from niche systems to corporate-wide systems, with niche functionality provided using standard tooling – all maintainable and reducing costs, whilst improving GDPR/Cyber considerations 						

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Appendix 1 - Corporate Risk Register – March 2023

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV00018 NEW	<p>Technology: Information Security Policies and Risk Management</p> <p>There is a risk that if the council does not have an Information Security Management System then it will not be able to effectively manage Information Security risks.</p> <p>Key potential causes are:</p> <ul style="list-style-type: none"> - Ineffective Information Security Management System, inadequate resources to create and maintain an ISMS, management buy-in and support to operate an ISMS. Lack of formal approach to risk management (ISO27001). 	March 2023	3	3	9	n/a
Mitigation Action Plan						
<p><u>ICT Resilience</u></p> <ul style="list-style-type: none"> - Information Governance Board Oversight: The Information Governance Board continues to provide oversight of Information Assurance and acts as an escalation point to the SIRO. - A review/update of all policies, including developing any that are missing is continuing through an external contracted resource. First outputs shared with the IG Board in January 2023. - A revised training system with an improved ability to track compliance has been released to staff, alongside Phishing simulations. - Significant capacity issues within the Information Assurance team and a lack of wider skills within the team remain to be addressed. - Lack of Information Asset Registers and Information Asset Owners within the Service Areas/Directorates continues – hence an over-reliance on Information Assurance colleagues. Following other priority action being completed, this will now be reviewed by the IG Board. 						

Risk Ref.	Risk Title and Description	Last updated	Impact	Likelihood	Current Status (R/A/G)	Direction of Travel
HAV0002	<p>Major system, supplier, external infrastructure failure or natural disaster</p> <ul style="list-style-type: none"> • Lack of effective business continuity plans / emergency planning and poor defences in places (e.g. severe weather, flooding, pandemic etc.). • Business Continuity (BC) and Councils Service Resilience in the event of an IT Outage - If the council has a Business Continuity disruption and is unable to ensure the resilience of key Council operations and business activities, then the impact of the event maybe increased with a greater impact on people/services. • Unavailability of IT and/or Telecoms, including from cyber attack • Instability of the social care market due to problems with financial sustainability, workforce capacity and recruitment means that the Council are unable to commission care and support services for vulnerable residents. • Capacity issues within the provider market sector (linked to recruitment and retention) could lead to an inability to meet demand for services. • Cost of care in residential homes is incompatible with the Council's rate leading to an unstable market and residential care home refusing to take clients. 	March 2023	3	2	6	
Mitigation Action Plan						
<ul style="list-style-type: none"> - Due diligence in advance of contract awards. - Major emergency plan in place within organisation to mitigate the initial impacts of these types of events. - Corporate Business Continuity Plan and individual service area Business Continuity Plans held and updated by services. - Corporate Business Continuity Plan outlines critical service for initial priorities with included service time scales. - Individual incident plans for specific scenario for example, Multi-agency flood plan, Excess Deaths Plan, Severe Weather, etc. - Regular updates of plans and testing and exercising associated risks. - Corporate Risk Register linked to the London Risk register on relating risks, for example; societal associated risks. - Work with Care Providers Voice, workforce professionals and other partners to develop and implement a workforce development plan and training offer to support retention and development of existing staff and attract new staff to the care sector. - Regular review of market rates, in consultation with local providers and uplifts applied as appropriate to support the market and ensure suitable rates are offered and passed on to workforce. - Monitoring of the reablement contract and development of agreement with CCG for long term joint funding arrangements and increasing capacity to ensure a sustainable service that will meet future need. 						

Overview & Scrutiny Board

30 March 2023

Subject Heading:

Complaints

SLT Lead:

Sandy Hamberger, Director of Policy, Strategy and Transformation

Report Author and contact details:

Anthony Clements Principal Democratic Services Officer
anthony.clements@onesource.co.uk

Policy context:

The report deals with a statutory process.

Financial summary:

There is no significant financial impact from the statutory processes as these requirements are being met by existing budgets.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents X

Place - A great place to live, work and enjoy X

Resources - A well run Council that delivers for People and Place X

SUMMARY

Details of the Council's complaints procedures and relevant statistics will be given at the meeting.

RECOMMENDATION

That the Board consider the information on how complaints and related issues are dealt with and decides on any further scrutiny action that it wishes to take.

REPORT DETAIL

The Board has asked for details of how complaints are dealt with across the Council. Whilst this is a large area that is likely to require further, more focussed scrutiny, officers will give at the meeting some key statistics and information about complaints procedures across the Council. The recent Cabinet report discussing some proposed changes to complaints policies is attached for information.

Financial implications and risks: None of this covering report.

Legal implications and risks: None of this covering report.

Human Resources implications and risks: None of this covering report.

Equalities implications and risks: None of this covering report.

Environmental and Climate Change Implications and Risks: None of this covering report.



Havering

LONDON BOROUGH

Monitoring of waste collection services in Havering

Introduction

Waste and recycling collections outsourced to Serco.

Urbaser due to take over waste collection as well as street cleansing services from Oct 22nd.

Serco currently collects:

Recycling

General waste

Green garden waste

Bulky waste

Clinical waste

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How the service is monitored

Complaints:

Existing corporate complaints timescales followed, with waste team investigating.

Monitoring of individual properties where deemed necessary.

Targeted monitoring off the back of complaints, meet with residents / managing agents and meet with Serco supervisors.

Feedback to Serco for immediate action where required, as well as discussed at monthly meetings.

How the service is monitored

In-person monitoring of:

Frequently missed properties / problem locations

Complaint issues

Crew compliance

Crew health and safety

Tipping compliance

Joint monitoring with Serco supervisors / management

Desktop monitoring of:

Key performance indicators

Complaints (number, repetitions, rectifications)

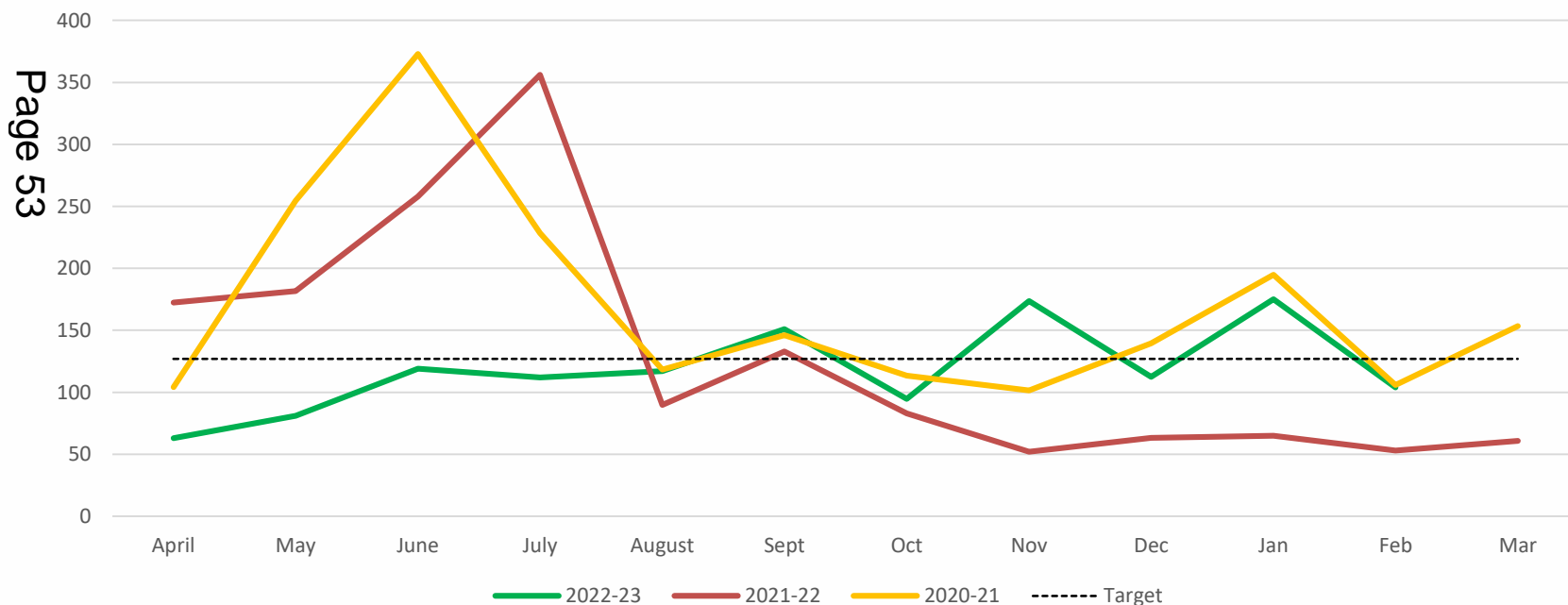
Crew use of in-cab technology (LBH has access to Serco's system)

Real time vehicle tracking data

Performance indicators

Number of missed collections per 100,000 (waste and recycling below, but all services monitored).

Missed waste collections per 100,000
 (Lower is better)

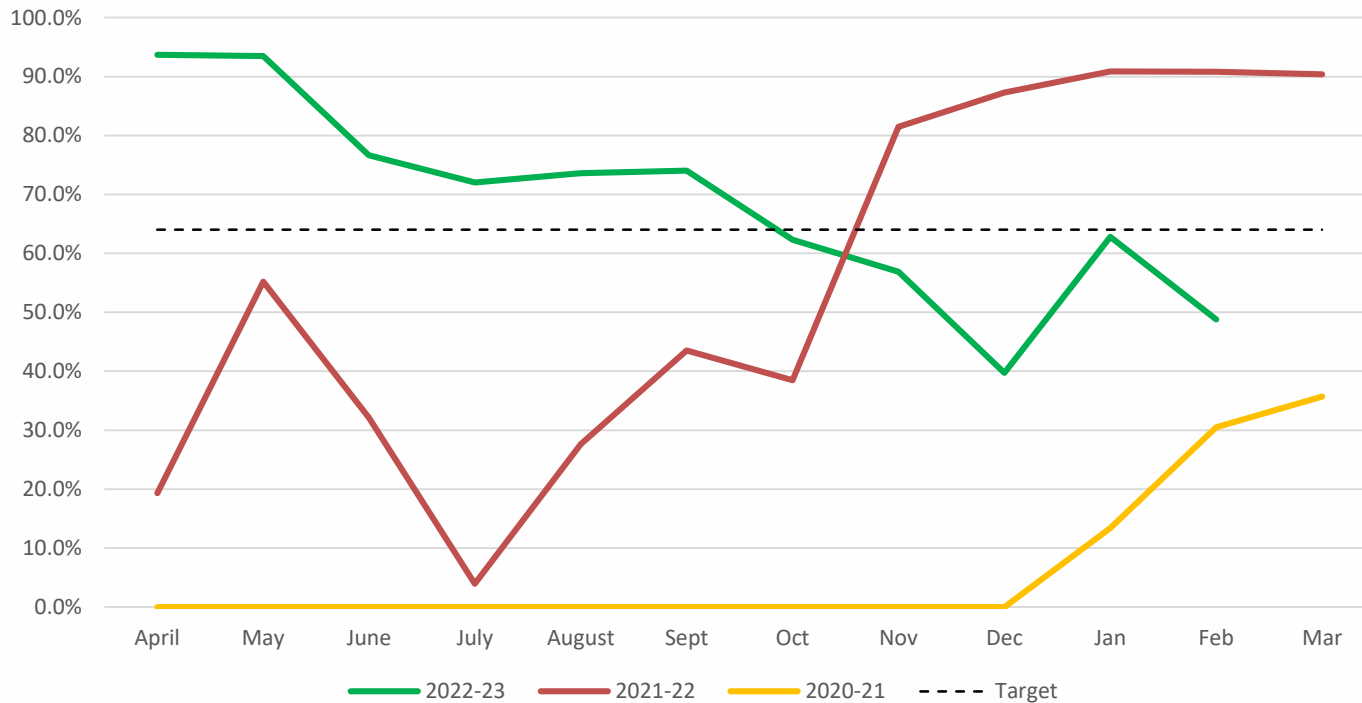


Performance indicators

% of missed collections rectified within the 24 hours time frame

Missed collections rectified on time
 (Higher is better)

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Performance indicators

Financial penalties are issued for failures to adhere to the agreed indicators.

RAG status determines the financial value of the penalty, up to £25,000 per month.

Waste team works with Serco to identify underperforming crews.

Performance impacted by:

Vehicle reliability

Staffing

Inclement weather

Future service changes

Integration of waste and street cleansing services to allow for greater flexibility/reactivity

Larger monitoring team focused on both waste and street cleansing services

Updated technology providing more real time data to evidence collections (photos, GPS)

More intelligent technology for reporting and feeding back to customers on missed collections and other service requests.

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Thank you

Jacki Ager CRWM
Interim Head of Environment
Jacki.ager@havering.gov.uk

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CABINET

Subject Heading:	Complaints Policies
Cabinet Member:	Leader of the Council
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Jodie Gutteridge Service Improvement Officer 01708 433747
Policy context:	Reviewing the Complaint Policies across the Local Authority
Financial summary:	No financial implications
Is this a Key Decision?	Yes
When should this matter be reviewed?	March 2023
Reviewing OSC:	Overview and Scrutiny Board

The subject matter of this report deals with the following Council Objectives:

X People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

SUMMARY

At present the Authority has a number of disparate, out of date policies relating to complaints. For our residents it can be a challenge to navigate and even understand the correct and most efficient way to raise a concern. This report seeks to consolidate, simplify and deliver an effective and consistent approach.

We have conducted initial research and recommendations referred to in this report are for further validation and socialisation with our regulatory partners and key stakeholders. It is also recommended that we conduct four week consultation with residents. Therefore, we would propose to bring back a full set of recommendations along with the team changes linked to the target operating model and new complaints system collectively in summer 2023.

Through the initial research we have found that we do not have clear and consistent category definitions residents are unable to easily identify when a concern may be a 'Service Request' or when an issue would become a 'Formal Complaint'. This again causes confusion for our residents and can result in the incorrect signposting of an issue thus causing unnecessary delays.

According to the Local Government and Social Care Ombudsman "Effective Complaint handling for local authorities" document written in October 2020, "If a complaint does not fall under a statutory process then it is for us to determine how to respond to the complaint properly. A good complaint process is flexible depending on the complaint and the complainant. There is no right or wrong number of stages to a non-statutory complaint process, what matters most is you investigate the complaint robustly and consider your findings properly. Once you are satisfied with your response you should direct the complainant to the Ombudsman". This does not necessarily have to be at the end of our complaint process, but once we are satisfied there is no merit in further consideration and we have reached our final decision.

RECOMMENDATIONS

With this guidance in mind we are looking to explore, validate and consult on the following recommendations:

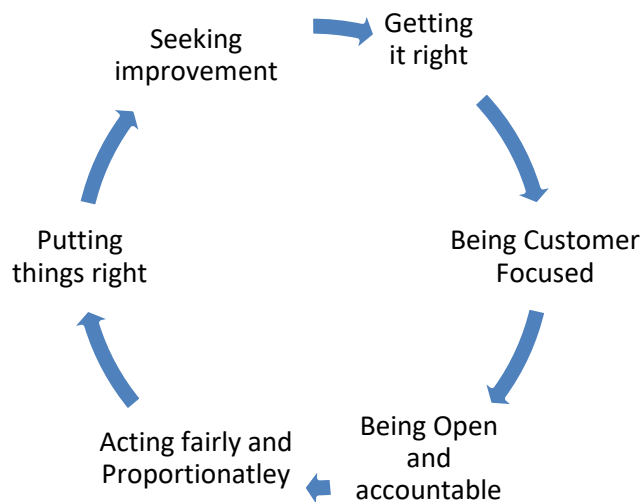
1. We review and bring together all relevant policies into one easy to understand document, this will include statutory complaints, corporate complaints, data complaints and housing.
2. We have a clear and concise policy (up to 6 pages) that identifies the legislation covered, the objectives of the policy and the difference between a statutory and corporate complaint.
3. We have appendices for the definition and procedure for each area (statutory complaints, corporate complaints (including housing complaints), data complaints and Member enquiries.
4. We provide clear and consistent definitions for complaints, general enquiries and service requests within this policy.
5. We consider an informal complaint stage for those who would like to raise concerns without lodging a formal complaint.
6. We review and reduce the current 3 stage process, striving for a right first time, 1 stage policy where applicable (noting some statutory processes will not allow this).
7. We review and adjust the response timeframe to support a right first time approach, likely to be 20 working days. This gives the officers enough time to conduct a full investigation, with a view that this will then mean they will not develop into an ombudsman complaint.
8. We ensure that data is used and analysed more effectively. A performance report is produced on a bi-monthly basis and that a quarterly report is taken to Overview and Scrutiny sub-committee.
9. Senior Officers will be accountable for complaints with Assistant Directors/ Heads of Service conducting spot checks which will enable them to make changes to improve services.
10. Service improvements, lessons learnt and trends in activity will be provided to Senior Leaders in order to feed in to strategic improvement plans. This will be further supported by lead members who will be able to consider repeat service issues and whether changes to current policies are required.

REPORT DETAIL

For a good complaint process, it is essential that the right people are involved at the right time, and that officers are able to make changes / decisions when something goes wrong.

Learning from our complaints should be at the centre of our complaints process and this should inform any contracting arrangements / monitoring in place. We should have an effective reporting mechanism in place which will provide performance details to the right people to ensure the correct decisions are being made.

A good complaint process has six stages.



Getting it right –We will ensure our policy complies with the relevant law and should be clear and easy to access. We should spend time planning the investigation at the beginning and be clear with the complainant what the outcome is and what we will be doing to make it right.

Being customer focused – We will make sure all our complainants are able to make a complaint if they want to, so we should have reasonable adjustments in place to accommodate everyone e.g. an easy read document. We should be clear on our timescales and update the complainant if there are any delays in response. Once a decision has been made, we should consider whether the complainant requires any support understanding the outcome, e.g. do they require an in person meeting to discuss the findings?

Being open and accountable – We will ensure our policy and website makes it clear to everyone that they can complain and how they can do it. We should ensure to feedback who is looking into the complaint and what information has been considered in the investigation.

Acting fairly and proportionately – We will offer support to our residents should they wish to complain, this means accepting complaints over the phone for those unable to read, write or providing interpreting services for those who need them (BSL/Language interpreters) .

The complainant will be made aware that there is the option to challenge the decision if they remain unhappy.

Putting things right – We will ensure that when something has been highlighted as being wrong, we should put this right as soon as possible, and not wait until the complaint has been closed, but ensure we tell the complainant how and when this will / has been put right.

Seeking improvement – We should monitor the reason for all our complaints. If we are receiving multiple complaints about the same issue, this can be a sign of systemic failure. By making sure there is a mechanism in place so we can learn from complaints will help us improve our services.

Local Authorities frequently provide services by arrangement with a third party partner or external provider. The law says the Ombudsman can treat the actions of third parties as if they were actions of the council, where any such third party arrangements exist (Local Government Act 1974, section 25(6) to 25(8)). We should work with our providers on what the complaint process will be and ensure they are aware of when they should refer to our complaint process and when other channels are more suitable.

Our goal is to make our senior officers more accountable for complaints, in the hope that this would encourage better investigations into the complaint. It is suggested that Assistant Directors / Head of Service will spot check complaints which will enable them to make changes to improve services.

We should be providing reports on our performance to internal staff on a monthly basis to ensure any trends are picked up at the earliest opportunity. We should also provide an annual report on our complaint handling performance and make this information available to the public in the interest of openness and transparency. This will also enable us to focus on the learning and improvements from complaints and not just on the numbers.

The Local Government Ombudsman identifies that councillors have an important dual role signposting and pursuing complaints on behalf of the members of the public, and scrutinising the delivery of local services. This has been highlighted as an area of improvement for the new policy whereby we will improve the Members Enquiry function, providing guidance for members and local officers on what constitutes a members enquiry and how they will be responded to, but will also include a standing item at scrutiny on a bi-monthly basis where the performance of complaints, including any lessons learned, will be fed back. This will be the opportunity for members to ask questions to ensure we are doing things right. There is a whole section on the Local Government Ombudsman website specific to [scrutiny questions](#), as well as a "[councillor handbook on handling complains for service improvement](#)".

Following on from this Cabinet report, Officers will undertake further work to refine the final recommendations before consulting with stakeholders, regulatory bodies and our residents. An updated report with a revised draft policy will be brought back to Cabinet in summer 2023.

Please note that any complaint against councillors will not fall under this complaints policy, they are subject to the Member's Code of Conduct.

REASONS AND OPTIONS

Not applicable.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications to make the recommendations highlighted in this report.

Legal implications and risks:

We must ensure we are adhering to all legislation for corporate, statutory and data protections complaints when updating our complaint policies, this includes but is not limited to:

- GDPR,
- FOI act,
- The Children's Act 1989
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Human Resources implications and risks:

There are currently no HR implications or risks that impact on the Councils workforce as a result of reviewing and developing a new complaints process. However, should the outcome of the review lead to a need to make changes to the structure of the current complaints teams, these changes will be undertaken in accordance with the Councils Organisational Change policy and procedure.

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- i. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- ii. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- iii. foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment/identity.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council

is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An initial EIA has been drafted in advance of writing the complaints policy to identify any potential areas of concern that would need to be included. At this time this includes potential impacts on those residents who does not have access to or know how to use a computer to complete online (Socio-economic/ age) as well as those residents who are unable to read / write (learning difficulties) or whose first language is not English (language). Reasonable adjustments will be identified and included in the new policy and a full EIA will be available alongside the updated complaints policy.

Health and Wellbeing implications and risks:

There are no health and wellbeing implications to make the recommendations highlighted in this report.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Having more than one policy uses more carbon to store each of them on our website, and by only enabling our customers to use an online form also uses more carbon, so by reducing the number of documents we have and enabling our residents to contact us in a number of ways will reduce the amount of carbon we produce.

BACKGROUND PAPERS

[Corporate Complaints Policy \(current\)](#)

[Getting the best from complaints – Department of Education and Skills](#)

[Effective complaint handling for local authorities – Local Government and Social Care Ombudsman](#)

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