

Monitoring Officer Report 2021/22

Audit and Governance Committee
29 September 2022

1. Role of the Monitoring Officer

- 1.1 The Monitoring Officer has the specific duty of ensuring that the Council, its officers, and its elected members maintain the highest standards of conduct in all that they do.
- 1.2 The legal basis for the Monitoring Officer's role is found in Section 5 of the Local Government and Housing Act 1989.
- 1.3 There are three main aspects to the role:
 - To report on matters that he/she believes are, or are likely to be, illegal or amount to maladministration;
 - To be responsible for matters relating to the conduct of Councillors and officers; and
 - To be responsible for the operation of the Constitution
- 1.4 The Monitoring Officer is required to prepare a report to the Authority if it appears that any proposal, decision or omission by the Authority has given rise to, or is likely to, or would give rise to:-
 - a) A contravention of any enactment or rule of law
 - b) Maladministration or failure as described in Part 3 of the Local Government Act 1974
- 1.5 Maladministration or failure under the 1974 Act is a reference to a finding of such made by the Local Government Ombudsman following an investigation undertaken by him/her.
- 1.6 Additionally, Part III of the Local Government Act 2000 makes the Monitoring Officer responsible for maintaining a Register of Member Interests. The Monitoring Officer also operates the procedures for dealing with Code of Conduct complaints against Cheshire East Borough Council Members, and Members of Town and Parish Councils in its area.
- 1.7 Under the requirements set out above, the Monitoring Officer ultimately assumes responsibility for the lawfulness of decision-making processes and a number of other governance controls, some of which are the subject of bespoke delegations in the constitution. These key additional functions are covered in this report. By a combination of these measures and responsibilities, the Monitoring Officer has a key role to play in ensuring sound corporate governance and in informing the production of each Annual Governance Statement.
- 1.8 The Monitoring Officer must be designated by Full Council and cannot be the Chief Executive (Head of Paid Service) or the Director of Finance /Section 151 officer. The duties of the Monitoring Officer must be

performed by him/her personally unless he or she is unable to act by reason of illness or absence, in which case a deputy/deputies, appointed by the Monitoring Officer, may act on his or her behalf.

- 1.9 Irrespective of illness or absence, where the Monitoring Officer is of the view that he or she ought not to perform functions relating to a Code of Conduct matter personally, s/he may delegate those functions to a person nominated by her/him as Deputy Monitoring Officer for that purpose.

2. Member's Code of Conduct

- 2.1. Cheshire East Council's current Code of Conduct came into force on 1 January 2018. It is the responsibility of the Audit and Governance Committee to monitor the operation of this Code as part of the Committee's responsibility for promoting high standards of ethical behaviour.
- 2.2. The Local Government Association ('LGA') has produced a model code of conduct for councillors, which provides a robust base upon which a revised Code can be developed. This model code has been developed nationally on the basis of a significant level of legal expertise and national stakeholder consultation, and represents the predominant view across all local authorities in England as put forward by the LGA. The Audit and Governance Committee established a working group to review the LGA model code to establish its suitability for Cheshire East Council. A final draft Code was agreed at the Committee meeting in July for submission to full Council.
- 2.3. In terms of dealing with complaints under the adopted Code, the Monitoring Officer undertakes a preliminary assessment of each complaint received, consulting one of the Independent Persons where appropriate, before making and notifying the Complainant of his/her decision on whether and how the complaint should proceed. This 'triage' process enables complaints which do not engage the Code or are trivial, vexatious or 'Tit for Tat' to be rejected, without the need to convene an assessment meeting.
- 2.4. Detail of the complaints received in 2021/22 is shown in the table below.

Part A: General Obligations		
No. received		
	Borough	Town Parish
Selflessness	3	10
Integrity	7	25
Objectivity	9	21

Accountability	3	12
Openness, sub paragraph (a) transparency	2	7
Openness, sub paragraph (b) disclosure	3	11
Honesty, sub paragraph (a) declaring interests	0	5
Honesty, sub paragraph (b) use of resources	2	1
Respect for others, sub paragraph (a) courtesy	11	33
Respect for others, sub paragraph (b) equality	2	8
Respect for others, sub paragraph (c) impartiality	1	7
Respect for others, sub paragraph (d) bullying	8	22
Leadership	14	30
Gifts and hospitality	0	0
Failure to register or declare an interest	1	7

Note: the numbers may not tally with the number of complaints received as a Complainant may identify none or more than one paragraph in their complaint.

2.5. The decision of the Monitoring Officer in respect of the complaints received was as follows:

Complaint:	2021/22		2020/21		2019/20	
	Borough	Town Parish	Borough	Town Parish	Borough	Town Parish
Rejected at preliminary assessment stage; failed to meet the assessment criteria	16	31	6	37	3	1
Concluded at Initial Assessment Meeting (breach or no breach)	3	8	3	22	7	12
Referred for formal external investigation	2	9* (* figure includes 3 internal investigations)	0	11	0	0
Referred to Standards hearing Sub Committee	0	6	0	11	0	0
Complaint ongoing	0	1	0	11	0	0

- 2.6. A total of 69 complaints were received for 2021/22.
- 2.7. In the 2021/22 period, 22 complaints progressed beyond initial assessment resulting in an outcome of 'breach' (15 cases), 'no likely breach' (6 cases), with one further matter not yet concluded.
- 2.8. This compares to the 2020/21 period during which 22 cases resulted in a finding of 'breach', and 14 cases 'no likely breach'.

3. Register of Member's Interests

- 3.1. Cheshire East Borough Council Members, and Members of Town and Parish Councils in its area, are required to declare and register certain classes of interests with the Monitoring Officer. They must then conduct themselves accordingly in relation to any interest that arises when transacting business on behalf of their Authority.
- 3.2. Registerable interests are explained in the Code of Conduct and include for all Members, Disclosable Pecuniary Interests. Additionally, there is a requirement to declare personal and other interests as set out in the individual Council's Code of Conduct.
- 3.3. A failure to declare an interest, and act accordingly in relation to the same, is capable of amounting to a breach of the Code of Conduct. In relation to Disclosable Pecuniary Interests, it can also amount to a criminal offence.
- 3.4. The relevant registers are available on, or through, the Council's website. There is a requirement to register upon taking office, and it is each Member's responsibility to ensure their register remains up to date as and when interests change.
- 3.5. Other than the Code of Conduct complaints (referred to above) which have involved an allegation of a failure to properly register an interest, there have been no notable issues arising through the year in respect of the registration of interests.
- 3.6. Training in respect of Member interests is covered below.

4. Register of Gifts and Hospitality

- 4.1. Cheshire East Borough Council Members are required to register with the Monitoring Officer details of any gifts or hospitality received where

the value is considered to be in excess of £100.

4.2. The register of gifts and hospitality is maintained by the Monitoring Officer and is available for inspection by appointment at the Council's Office in Westfields.

4.3. Gifts and hospitality received by Members were declared to the Monitoring Officer in the following numbers;

2021/22	2020/21	2019/20	2018/19
1	1	2	1

4.4. Training in respect of gifts and hospitality is covered below.

5. Member Training and Development

5.1. The Member's Code of Conduct is recognised in Cheshire East Council's Member Training and Development Programme as being mandatory. For any member who is elected as a result of a by election a one-to-one briefing session will be provided. The last session took place on 3 March 2020. It hasn't been held annually for some time due to a number of reasons. It's also been delayed due to the review of the code.

5.2. Following Council elections Code of Conduct training is delivered as part of the Induction programme for newly elected Members, with a wider, all Councillor briefing held in the 28-day period between the date of election and the deadline for completion of Members' Register of Interest Forms. Preparations are underway for delivering code of conduct training as part of the induction programme for new members following the local elections in 2023.

5.3. Plans are in place in relation to general code of conduct training over the coming year as part of the Council's four-year cycle of training and development. These plans take into account the earlier recommendations of the Committee on Standards in Public Life, as set out in its report on Local Government Ethical Standards published in January 2019. Training content will reflect the Council's recent transition to a committee system form of governance, with a particular focus on any changes to the Members Code of Conduct arising from a recent review, and the arrangements for dealing with Member complaints.

5.4. In respect of Town and Parish Councils, a training programme has been devised and delivered by The Cheshire Association of Local Councils (ChALC) with attendance by the Monitoring Officer when required.

6. Dispensations

- 6.1. The Monitoring Officer is empowered to grant dispensations enabling Cheshire East Council Members to take part in council business in which they would otherwise have an interest which would prevent their dispensation.
- 6.2. There are a number of “standing” or general dispensations which apply to all Cheshire East Council Members. These are set out through in Chapter 4, Part 1 of the Constitution at the end of the Member Code of Conduct.
- 6.3 No further general dispensations were granted during the course of 2021/22.

7. Information and Data Protection

7.1. Data Protection Requests

- 7.2. Data protection requests cover individuals exercising their rights under the General Data Protection Regulation (GDPR), including subject access requests (SAR), or one of the individual rights such as right of erasure or rectification, or requests for personal data from third-party agencies referred to as Disclosure Requests.
- 7.3. Individual rights requests into the Council typically originate from individuals, including care leavers requesting access to their social care records and sometimes from parents or representatives acting on behalf of the data subject. Disclosure requests come from a range of third-party agencies including the Police, DWP, Home Office, solicitors, other local authorities, and regulatory bodies as well as commercial organisations such as insurance companies requesting CCTV footage. Disclosures are made using one or more of the GDPR discretionary exemptions detailed in the Data Protection Act 2018. The Council aims to respond to such requests in line with the statutory timescale of one month to assist with managing timely responses.
- 7.4. Council Tax receive disclosure requests from agencies to check liability and verify address details. They are responded to directly by the service; however these numbers are included in the figures below.
- 7.5. Table 1a below outlines the number of requests received under data protection legislation during the financial year 2021/22 compared with 2020/21. Table 1b shows the percentage of requests which were responded to within the statutory timescale (one calendar month). However, it should be noted that Disclosure Requests are not a

statutory obligation and there is no legislative timescale for responding so have not been included in the compliance rate.

Table 1a - Data Protection Requests Received

Cases received	2021/22	2020/21
Disclosure request	405	323
Council Tax requests responded to directly	412	553
Individual right request	36	15
Objection to processing personal information	0	1
Subject access request	246	202
Total	1099	1094

Table 1b – Percentage of requests responded to within one month (excluding Disclosure Requests)

	2021/22	2020/21
Response late	98	62
Response sent on time	108	137
Withdrawn/Rejected/Ongoing Request	9	1
Total cases received	215	200
Total requests processed in full at time of report	206	199
% of cases processed in full responded on time	52%	69%

7.6 There has been a steady increase in numbers of requests over the last few years and, while the number has increased slightly in 2021/22 compared to the previous year, the compliance rate has declined. The drop in compliance is due to capacity in the team and it should be noted that information gathered in response to subject access requests and disclosure requests is often complex and voluminous. Every page in every document must be carefully reviewed and redacted before it is released to the requester.

7.7 Freedom of Information/Environmental Information Requests

7.8 Tables 2, 3, 4 and 5 below outline the number of requests received under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations (EIR) 2004. They also detail the type, source and number of requests made to the Council, the response times for individual services and the request outcomes.

7.9 There has been an increase in the number of FOIA and EIR requests and response rates have declined slightly to 96% compared to 97% in the previous year. This drop in compliance is primarily due to reduced resources in the team. The compliance rate is within the “Good” range of criteria set out by the Information Commissioner’s office.

Table 2 – Requests Received under FOIA and EIR's

Type of Request	2021/22	2020/21
FOIA/EIR Requests	1539	1474
EIR Requests to Land Charges ¹	2624	2735
Total FOIA/EIR Requests	4163	4209

Table 3 – Source of FOI/EIR Request

Source	2021/22	2020/21
Commercial	32%	32%
Charity	<1%	<1%
Councillor	<1%	1%
Individual	39%	40%
MP	<1%	1%
Other	1%	<1%
Press or media	9%	9%
Pressure Groups	3%	4%
Public Sector	1%	1%
Researchers	2%	2%
What do they know? ²	11%	9%

Table 4 – Percentage of requests handled within 20 working days per Directorate (excluding requests directly made to Land Charges)

Directorate	2021/22	2020/21
Corporate Directorate	95%	97%
People Directorate	98%	98%
Place Directorate	96%	95%
Total	96%	97%

- 7.10 The Council provides full information to the requester in 53% of cases. In 147 cases at least some of the information was already publicly accessible without the need to make a request through either FOIA or the EIR's (see Table 6). Ordinarily, links are provided to the location of the published information. Responses are also routinely published in the authority's FOI Disclosure Log. Requesters are advised to look there before making a new request.

Table 5 details the number of cases where the information has not been released or has not been released in full.

¹ Personal Search Companies make EIR requests directly to the Land Charges Team, who respond directly to the requester. The requests are all completed within the statutory deadline of 20 working days.

² 'What do they know?' is a website used to make FOI and EIR requests

Table 5 – FOI/EIR Outcomes – 2021/22

Outcomes	2021/22	2020/21
All information sent	829	856
Information not held	136	107
Ongoing Request at year end (outcome not known)	47	26
Some information sent but not all held	138	105
No information sent - all held but exempt	226	219
Some information sent but part exempt	76	86
Exceeds appropriate limit (18 hours) - refused ³	26	9
Request lapsed – (clarification sought but not provided by requester)	27	36
Some information sent and exceeds appropriate limit ³	26	23
Neither confirm nor deny information held	3	6
Vexatious request	2	0
Repeated request	0	0
Part exempt and exceeds appropriate limit	3	1
Some information sent, part exempt and exceeds limit	0	0
Total	1539	1474

7.11 As shown in Table 6 below, 331 FOI Exemptions and EIR Exceptions were applied to refusals issued during 2021/22.

Table 6 – FOI/EIR Refusal Notice Reasons

Refusal Notices issued	2021/22	2020/21
EIRs Regulation 12(3) Personal Information	8	2
EIRs Regulation 12(4)(a) Information Not Held	11	4
EIRs Regulation 12(4)(b) Manifestly Unreasonable	21	1
EIRs Regulation 12(4)(c) Formed in too general a manner	1	0
EIRs Regulation 12(4)(d) Draft Information	4	0
EIRs Regulation 12(4)(e) Internal Communications	1	0
EIRs Regulation 12(5)(b) Course of Justice	5	0
EIRs Regulation 12(5)(c) Intellectual Property Rights	0	0
EIRs Regulation 12(5)(d) Confidentiality of Proceedings	1	0
EIRs Regulation 12(5)(e) Commercial Interests	2	0
EIRs Regulation 12(5)(f) Information in Confidence	2	0
EIRs Regulation 12(5)(g) Protection of Environment	2	0

³ The 'appropriate limit' is 18 hours, i.e. if it will take more than 18 hours to fulfil the request, then it can be refused. If a requester wishes to pursue the request and the response, then a fees notice can be issued. In most cases the requester will issue a new revised and reduced request.

EIRs Regulation 6(1)(b) Already Publicly Accessible	57	52
FOIA Section 12(1) Exceeds Appropriate Limit ³	0	9
FOIA Section 21 Already Publicly Accessible	90	79
FOIA Section 22 Intended for Future Publication	7	6
FOIA Section 23 Information relating to security bodies	0	0
FOIA Section 24 Safeguarding national security	1	
FOIA Section 30 Investigations & Proceedings	1	15
FOIA Section 31 Law Enforcement	40	68
FOIA Section 32 Court Records etc.	0	0
FOIA Section 33 Audit Functions	0	0
FOIA Section 36 Prejudicial to conduct of public affairs	0	1
FOIA Section 38 Health & Safety	0	0
FOIA Section 40 Personal Information	44	43
FOIA Section 41 Information Provided in Confidence	19	10
FOIA Section 42 Legal Professional Privilege	2	1
FOIA Section 43 Commercial Interests	12	7
Total	331	298

It should be noted that the number of exemptions/exceptions does not match with the number of requests refused (Table 4) because more than one exemption/exception may be used in a single refusal notice.

7.12 Internal reviews and referrals to the Information Commissioner's Office

Should a requester be unhappy with the initial response to their request, they have the right to request an internal review. This is conducted by someone independent of the initial response and usually by a senior officer within the Compliance and Customer Relations Team.

Table 7 - Internal Reviews and Outcomes

Outcome	2021/22	2020/21
Not upheld (in favour of Council)	56	40
Ongoing review at end of year	1	0
Upheld – full (in favour of requester)	17	13
Upheld – partial (in favour of requester)	14	19
Withdrawn	5	1
Total	93	73

Should a requester remain unhappy following the internal review, he/she may appeal to the Information Commissioner's Office (ICO) for a decision. Table 8 below outlines the outcomes for complaints made to the ICO.

Table 8 – Outcomes of complaints to the Information Commissioner’s Office (ICO)

Complaints to the ICO	2021/22	2020/21
Information Notice	1	1
Ongoing at year end	4	0
Withdrawn	1	0
Complaint Upheld	3	1
Complaint Not Upheld	0	4
TOTAL	9	6

8 Complaints including Local Government and Social Care Ombudsmen Referrals

8.1 During 2021/22 the Council received 2993 instances of customer feedback under the Council’s Corporate Compliments, Suggestions and Complaints Policy, as well as the Council’s Adults and Children’s Social Care Complaints Policies. Of these, 554 were compliments, 105 were suggestions and 2334 were complaints. Details are attached in Appendix 1.

Total complaints have increased by 32% in 2021/22 compared with the previous year, when 1753 were received. Most service areas have seen an increase in complaints, however the service areas with the most proportionate increases are Waste and Recycling, Highways, Planning, Council Tax and Special Educational Needs.

The number of recorded compliments in 2021/22 was 554, compared with 887 in 20/21; Council Tax recorded the most compliments followed by Adult Services. The Council also recorded 105 suggestions. These are neither complaints nor compliments, but often suggested changes to policy or working practice.

Appendices 1, 2(a) and 2(b) show the number of cases of formal feedback received. A summary of the cases closed during 2021/22 by the Local Government and Social Care Ombudsman is also provided. Figures for 2020/21 are also included for comparison.

8.2 Stage 2 Corporate Complaints

Of the 2316 corporate (i.e. non-children’s social care) complaints received in 2021/22, 169 cases were escalated to a Stage 2 investigation and 19 went straight to Stage 2; for example in cases where there may have already been lengthy correspondence exchanged between the service and the customer.

This compares with 2020/21, when 113 complaints were escalated to a Stage 2 investigation and 24 were considered directly at Stage 2. The main service areas which received requests for Stage 2 investigations were Highway Operations (30), Development Management (46) and Special Educational Needs (11).

8.3 Children’s Social Care Complaints

In 2021/22 18 new statutory children’s social care complaints were received compared with 32 in 2020/21. Of the 18 complaints, 2 were dealt with at Stage 2, compared with 7 in 2020/21. Two complaints in 2021/22 were considered at Stage 3 (Review Panel) of the Children’s social care complaints procedure.

8.4 Adult Social Care Complaints

In 2021/22 122 new adults social care complaints were received, compared with 91 in 2020/21. Of the 122 complaints, 17 were dealt with at Stage 2.

8.5 Local Government and Social Care Ombudsman (LGSCO) referrals

All customers are offered the opportunity to appeal to the LGSCO if they are unhappy with the way in which the Council has handled their complaint.

Appendices 2a and 2b show the number of Decision Notices issued to the Council during 2021/22 (64) and 2020/21 (also 64). For comparison, during 2019/20 the Council received 73 Decision Notices, in 2018/19 it was 78 and 91 during 2017/18.

Of the 64 Decision Notices issued by the LGSCO in 2021/22, 40 cases were closed after the LGSCO conducted their initial enquiry with no further action for the Council. They carried out detailed investigations on 19 cases. In 2 of these cases they found there had been Fault with No Injustice and in 12 there was Fault with Injustice to the complainant. Most of these cases related to Highways and SEND as detailed in the table below.

Service	No of LGO Decision Notices	Fault with No Injustice	Fault with Injustice
Highways	17	1	3
SEND	7	0	5
Children’s Social Care	6	1	2
Anti-Social Behaviour	1	0	1
Licensing	1	0	1

There were 6 cases which the Ombudsman received which were rejected on receipt and referred back for local resolution. There may be others as the Council is not always notified of these cases and these figures are published in the LGSCO’s annual report, which is usually issued by the end of July following the end of the financial year.

An update report on LGSCO referrals will be submitted to a future Audit & Governance Committee meeting, following the publication of the Ombudsman’s Annual Report.

9 Regulation of Investigatory Powers (RIPA) Act

9.1 The Council occasionally needs to use directed surveillance and obtain communications data to carry out its enforcement functions effectively, e.g. planning enforcement, licensing enforcement, trading standards, environmental health and community enforcement. RIPA provides a regulatory framework to enable public authorities to obtain information using certain covert investigatory techniques.

It is imperative that, when investigating alleged wrongdoing, certain conditions are met in each case in order that successful prosecutions can be made. It is essential that covert surveillance is only used when it is necessary and proportionate to do so. Therefore, this must be properly authorised and recorded, the tests of necessity and proportionality must be satisfied, and the potential for collateral intrusion must be considered and minimised.

The Council's Authorising Officers/Designated Persons are:

Place Directorate

Peter Skates, Director of Growth & Enterprise

Paul Bayley, Director of Environment & Neighbourhood Services

Corporate Directorate

Alex Thompson, Director of Finance & Customer Services

People Directorate

Jill Broomhall, Director of Adult Social Care Operations

Nichola Thompson, Director of Commissioning

Kerry Birtles, Director of Children's Social Care

Once authorised, all applications need the approval of a Justice of the Peace/Magistrate, as required by the Protection of Freedoms Act 2012. The Act also restricts the use of RIPA authorised surveillance to the investigation of offences which attract a custodial sentence of six months or more. The Director of Governance and Compliance Services assumes responsibility for the integrity of the process to ensure that the Council complies with the legislation.

9.2 Use of Covert Human Intelligence Source (CHIS)

Covert human intelligence sources may only be authorised if there are certain additional arrangements in place, including an employee of the Council being responsible for the source's security and welfare and a Senior Officer with general oversight of the use made of the source. Use of a CHIS must be authorised by the Chief Executive before it is approved by a Justice of the Peace/Magistrate.

9.3 Applications Authorised

Surveillance activity, including test purchases, has reduced significantly in the last two years due to COVID restrictions; however activity is expected to commence again later this year. The table below shows that no applications were authorised during 2021/22. The last authorisation was in 2019.

	2021/22	2020/21	2019/20
Directed surveillance	0	0	2
Communications Data	0	0	0
CHIS	0	0	0

10. Whistleblowing

- 10.1 Cheshire East has an established whistleblowing policy and detailed supporting guidance available on both the Centranet and the Council's website. The current policy was introduced in March 2018 following a review of the Council's arrangements by Public Concern at Work (now known as Protect), the leading advocate for whistleblowing in the UK.
- 10.2 The policy is based on the model policy recommended by Protect but has been adapted to meet Cheshire East's specific requirements such as members of Audit and Governance Committee being designated contacts under the policy. The policy is kept under review and any changes required to ensure that it remains in line with best practice will be brought back to the Committee for approval and adoption.
- 10.3 It can be difficult to determine whether an organisation's whistleblowing arrangements are effective as it is important to take into consideration more than simply the volume of reports received. This is because a single, well-founded concern received over a number of years more than justifies maintaining the whistleblowing arrangements.
- 10.4 It is therefore important to ensure that employees, members and external parties working for the Council are aware of the arrangements and provided with assurance that any concerns raised will be taken seriously and that anyone raising concerns will be protected from suffering any detriment as a result of "blowing the whistle".
- 10.5 To achieve this, the following work has been undertaken since the policy was adopted:
- Publicity and signposting of the policy and supporting information in Team Voice and on Centranet.

- Development and launch of detailed guidance for officers and members in the event that they are approached with a concern.
- Training delivered to Audit and Governance Committee
- Training delivered to Wider Leadership Team, Finance and HR staff.
- Promotion of the Whistleblowing arrangements under the Brighter Futures Culture Workstream communications and events.

10.6 The Council's Whistleblowing Policy is subject to periodic review to ensure it maintains current good practice and relevance to the Council's circumstances. The next such review is likely to occur during 2022/23, following which appropriate training and support will be put in place. Training is likely to reflect the growing prevalence of online resources, for example, e-learning modules.

Referrals Received

10.7 The table below shows the number of referrals received during 2021/22 along with a breakdown of the outcome and comparative figures for 2020/21. The figures include all referrals via the online reporting tool and to the dedicated whistleblowing email account.

	2021/22	2020/21
No of Referrals Received	6	8
Met criteria and action taken:		
Unfounded after testing concerns	1	0
Referred for investigation after testing concerns	0	1
Did not meet criteria and action taken:		
Referred to other Council service for resolution	3	7
Referred for disciplinary investigation	0	0
Rejected after testing concerns	2	0

10.8 It is pleasing to note that all of the concerns raised were as a result of what appears to be genuine unease on the part of our staff, and that sufficient information was provided to allow for the concerns raised to be tested in each case.

10.9 Although only a small number of concerns were raised through the whistleblowing policy in both 2020/21 and 2021/22, there is no evidence that staff failed to report concerns because of fear that it would be detrimental to them.

11 Constitution/Decision Making Process in operation

11.1 The Constitution is monitored and reviewed at officer level by the Monitoring Officer, with any significant changes submitted to Council for

approval. Minor changes can be made by the Monitoring Officer in consultation with Members.

- 11.2 During 2020/21, a completely rewritten Constitution was produced to support the Council's transition to a committee system form of governance. The new Constitution was the product of extensive work undertaken by the Monitoring Officer and members of the Constitution Committee. Since its initial implementation, the new Constitution has been subject to ongoing review and refinement to ensure its practical application best fits the needs of the Council.
- 11.3 There were 157 formal meetings scheduled during 2021/22., Of the total number of meetings held, there were approximately 27 closed Committee sessions held under Schedule 12A of the Local Government Act 1972. These included meetings of the Appointments Committee, Audit and Governance Committee, General Appeals Sub-Committee, General Licensing Sub- Committee, LA School Governor Nomination Sub Committee, Corporate Parenting Committee, Staffing Appeals Sub Committee, Finance Sub Committee, Children and Families Committee, Economy and Growth Committee and Highways and Transport Committee.

Feedback Received – Appendix 1

Service Area	Complaints Received 2020 / 2021	Complaints Received 2021 / 2022	Compliments Received 2020 / 2021	Compliments Received 2021 / 2022	Suggestions Received 2020 / 2021	Suggestions Received 2021 / 2022
Waste & Recycling	598	689	110	55	29	8
Highway Operations	251	310	21	21	28	18
Development Management & Enforcement	151	258	0	2	21	4
Children's Services*	127	150	65	38	37	6
Council Tax & Billing	107	144	199	113	4	3
Adult Services*	91	122	105	90	1	3
Parking Services	88	65	2	4	2	0
Environmental Services (Waste Strategy)		89		3		15
Special Educational Needs (SEN)	55	93	0	28	15	1
Transport	24	29	0	1	0	7
Grounds Maintenance	23	30	82	51	2	11
Mixed Service Area	22	13	7	2	2	0
Environmental Protection	22	13	1	1	3	0
Housing	19	18	2	1	1	0
Business Rates & Billing	19	11	132	38	1	0
Customer Services	17	33	56	39	11	2
Benefits	16	29	4	2	1	0
Education (other than SEN)	15	28	0	14	0	2
Building Control	12	22	0	2	0	0
Street Cleansing	10	17	29	15	1	3
Communities & Partnerships	9	4	13	6	4	4
Electoral Registration	9	8	1	0	0	2
Assets	9	17	4	0	2	1
Licensing	8	7	0	0	1	0
Regeneration & Economic Development	7	7	2	0	1	0
Public Rights of Way	5	3	3	1	2	0
Bereavement	4	4	0	1	0	0
Legal Services	4	14	0	0	0	2
Ranger Service	4	0	1	0	2	0
Commercial Services	3	1	0	0	0	0
Trading Standards	3	4	0	2	0	0
Animal Welfare	3	5	0	0	0	0
Leisure	3	1	0	0	0	0
Democratic Services & Compliance	3	34	2	6	1	2
Gypsies and Traveller Service	2	0	1		2	0
Library & Cultural Services	2	4	34	11	4	0
Spatial Planning	2	2	0	0	1	0
Revenue Recovery	2	0	0	0	0	0
Visitor Economy incl. Tatton Park	1	0	0	0	0	2
Online Services	1	0	0	0	0	3
Communications & Media Relations	1	3	0	0	1	2
Business Intelligence & Performance	1	1	0	0	0	0
Highways Strategy	0	0	0	0	1	0
Facilities	0	1	0	0	0	0
Markets	0	1	0	0	0	0
Partnerships Business	0	0	0	0	0	0
Registration	0	12	0	0	0	0
Emergency Planning	0	0	0	0	0	0
HR	0	0	0	0	0	0
Public Health	0	6	11	1	3	2

Blue Badge Team				2		2
Other Areas	0	32		6		0
Total	1753	2334	887	554	184	105



