

**Subject:** *Complaints Update***Date of Meeting:** **19 January 2010****Report of:** *Monitoring Officer***Contact Officer:** Name: Brian Foley Tel: 29-3109E-mail: [brian.foley@brighton-hove.gov.uk](mailto:brian.foley@brighton-hove.gov.uk)**Wards Affected:** All**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Complaints regarding Member conduct are administered under the arrangements as defined by The Standards Committee (England) Regulations 2008 which came into effect on 08 May 2008. These regulations are derived from the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007.
- 1.2 This report gives information about Standards Complaint being dealt with in the council year 2009/10.
- 1.3 Corporate complaints are dealt with under the Corporate Complaints Procedure at Stage 1, Stage 2 and via the Local Government Ombudsman. The powers of the Ombudsman are set out in the Local Government Act 1974.
- 1.4 This report contains a very brief summary of corporate complaint activity.

**2. RECOMMENDATIONS:**

- 2.1 The Standards Committee is asked to note the report.

**3. RELEVANT BACKGROUND INFORMATION:**

- 3.1 The Local Government Act 2000 requires the names of complainants and of Members about whom allegations have been made to be kept confidential.

3.2 **Summary of complaints about member conduct progressed in the Council year 2009/10**

3.2.1 **Complaints where Standards Committee Assessment Panel decided to refer the complaint to the Monitoring Officer for Investigation**

**Complaint 1**

Case Number **SCT065STDS / BHC-000861**

Complainant: Elected Member

Date of complaint: 16 February 2009

Date of Assessment Panel: 11 March 2009

**Allegation:**

It was alleged that a Member had breached the following sections of the Code of Conduct:

Paragraph 5 in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

It was further alleged that the Member failed to declare a Personal Interest which was also a Prejudicial Interest and was in breach of paragraphs 8(1) and 10(1) of the Code of Conduct

**Decision of Assessment Panel:**

Referred to the Monitoring Officer for investigation.

**Outcome:**

No breach of the code of conduct.

**Complaint 2**

Case Number **SCT066STDS**

Complainant: Elected Member

Date of complaint: 27 February 2009

Date of Assessment Panel: 11 March 2009

**Allegation:**

It was alleged that a Member had breached the following section of the Code of Conduct:

Paragraph 5 in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

**Decision of Assessment Panel:**

Referred to the Monitoring Officer for investigation.

**Outcome:**

No breach of the code of conduct.

### **Complaint 3**

Case Number **SCT070STDS**

Complainant: Elected Member

Date of complaint: 27 February 2009

Date of Assessment Panel: 02 April 2009

#### **Allegation:**

It was alleged that a Member had breached the following sections of the Code of Conduct:

Paragraph 3(1) in that they had failed to treat others with respect.

Paragraph 5 in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

Paragraph 6 (b)(i) in that they had failed when using or authorising the use by others of the resources of the authority to act in accordance with the authority's reasonable requirements, and, 6(b)(ii) failed to ensure that such resources are not used improperly for political purposes (including party political purposes).

#### **Decision of Assessment Panel:**

Referred to the Monitoring Officer for investigation.

#### **Outcome:**

The matter has been referred to a Hearing Panel of the Standards Committee.

### **Complaint 4**

Case Number **BHC-001168**

Complainant: Member of the public

Date of complaint: 28 July 2009

Date of Assessment Panel: 02 September 2009

#### **Allegation:**

It was alleged that a Member had breached the following section of the Code of Conduct:

Paragraph 3(1) You must treat others with respect

Paragraph 3(2)(b) You must not bully any person

Paragraph 3(2) (c) You must not intimidate or attempt to intimidate any person who is or is likely to be , a complainant, a witness or involved with the administration of any investigation or proceedings.

Paragraph 5 in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

#### **Decision of Assessment Panel:**

Referred to the Monitoring Officer for investigation.

#### **Outcome:**

A report has been prepared for Standards Committee Consideration Panel.

### 3.3 **Complaints where the decision of the Standards Committee Assessment Panel was to take no further action**

#### **Complaint 5**

Case Number **BHC-001592**

Complainant: Member of the public

Date of complaint: 12 October 2009

Date of Assessment Panel: 03 November 2009

**Allegation:** It was alleged that a Member breached:  
Paragraph 3(1) in that they had failed to treat others with respect  
Paragraph 3(2)(a) in that they may have done something which may cause the authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006)  
Paragraph 3(2)(b) in that they had bullied another person  
Paragraph 5, in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

**Decision of Assessment Panel:**

Alternative Action in respect of Paragraph 3(1).

**Review Requested:**

Date Review requested: 17 December 2009

Date of Review: 13 January 2010

**Decision of Review Panel:**

TBC

#### **Complaint 6**

Case Number **BHC-001719**

Complainant: Member of the public

Date of complaint: 29 October 2009

Date of Assessment Panel: 03 November 2009

**Allegation:** It was alleged that a Member breached:  
Paragraph 3(1) in that they had failed to treat others with respect  
Paragraph 3(2)(a) in that they may have done something which may cause the authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006)  
Paragraph 3(2)(b) in that they had bullied another person  
Paragraph 5, in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

**Decision of Assessment Panel:**

Alternative Action in respect of Paragraph 3(1).

**Review Requested:**

Date Review requested: 18 December 2009

Date of Review: 13 January 2010

**Decision of Review Panel:**

TBC

3.4 **Complaints where the decision of the Standards Committee Assessment Panel was to take no further action**

**Complaint 7**

Case Number **BHC-000379**

Complainant: Member of the public

Date of complaint: 20 May 2009

Date of Assessment Panel: 22 June 2009

**Allegation:**

It was alleged that a Member had breached the following sections of the Code of Conduct:

Paragraph 3(1) in that they had failed to treat others with respect, and Paragraph 6(b)(i) in that there had been a failure when using or authorising the use by others of the resources of the authority to act in accordance with the authority's reasonable requirements.

**Decision of Assessment Panel:**

No Further Action

**Review Requested:**

Date Review requested: 26 June 2009

Date of Review: 11 September 2009

**Decision of Review Panel:**

No Further Action

**Complaint 8**

Case Number **BHC-000554**

Complainant: Elected Member

Date of complaint: 21 May 2009

Date of Assessment Panel: 22 June 2009

**Allegation:** It was alleged that a Member had breached the following section of the Code of Conduct:

Paragraph 5, in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

**Decision of Assessment Panel:**

No Further Action

**Review Requested:**

Date Review requested: 29 June 2009

Date of Review: 08 September 2009

**Decision of Review Panel:**

No Further Action

**Complaint 9**

Case Number **BHC-000555**

Complainant: Elected Member

Date of complaint: 21 May 2009

Date of Assessment Panel: 22 June 2009

**Allegation:** It was alleged that a Member had breached the following section of the Code of Conduct:

Paragraph 5, in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

**Decision of Assessment Panel:**

No Further Action

**Review Requested:**

Date Review requested: 29 June 2009

Date of Review: 08 September 2009

**Decision of Review Panel:**

No Further Action

**Complaint 10**

Case Number **BHC-001475**

Complainant: Member of the public

Date of complaint: 30 September 2009

Date of Assessment Panel: 19 October 2009

**Allegation:** It was alleged that a Member had breached the following sections of the Code of Conduct:

Paragraph 3(1) in that they had failed to treat others with respect

Paragraph 3(2)(b) in that they had bullied another person

Paragraph 3(2)(c) in that they had intimidated or attempted to intimidate any person who was or was likely to be, a complainant, a witness or involved with the administration of any investigation or proceedings.

Paragraph 3(2)(d) in that they had done something which compromised or was likely to compromise the impartiality of those who work for, or on behalf of the authority.

Paragraph 5, in that they had failed to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

Paragraph 6(a) in that they had attempted to use their position as a member improperly to confer on themselves or any other person, an advantage or a disadvantage.

Paragraph 6(b) that they had failed when using or authorising the use by others of the resources of your authority to: (i) act in accordance with the authority's reasonable requirements; (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

**Decision of Assessment Panel:**

No Further Action

**Review Requested:**

Date Review requested: 21 October 2009

Date of Review: 03 November 2009

**Decision of Review Panel:**

No Further Action

3.5 **Complaints where a decision of the Standards Committee Assessment Panel is pending**

None.

3.6 **Summary of complaints received under the corporate complaints procedures in Quarter 2, 2009/10**

3.7 **Local Government Ombudsman Complaints**

3.7.1 The following table shows the number of complaints received from the Ombudsman during the first half year of 2009/10. There is comparative data for the full year 2008/09.

3.7.2 Looking at the proportion of complaints for the first half year there has been a reduction in numbers of complaints investigated by the Ombudsman.

Directorate		Reports	LS	NM	OD	OJ	Prem	NYD	Totals
<b>ASCH</b>	<b>09/10</b>		<b>1</b>	<b>1</b>	<b>1</b>			<b>3</b>	<b>6</b>
	08/09	0	4	17	2	2	8		33
<b>CYPT</b>	<b>09/10</b>			<b>7</b>	<b>1</b>			<b>1</b>	<b>9</b>
	08/09	0	2	9	1	1	0		13
<b>Culture</b>	<b>09/10</b>								<b>0</b>
	08/09	0	0	0	0	0	0		0
<b>Env</b>	<b>09/10</b>		<b>2</b>	<b>4</b>				<b>2</b>	<b>8</b>
	08/09	0	1	14	3	4	8		30
<b>F&amp;R</b>	<b>09/10</b>		<b>1</b>	<b>4</b>					<b>5</b>
	08/09	0	2	3	0	4	6		15
<b>S&amp;G</b>	<b>09/10</b>					<b>1</b>		<b>1</b>	<b>2</b>
	08/09	0	1	1	0	1	0		3
<b>Total</b>	<b>09/10</b>		<b>4</b>	<b>16</b>	<b>2</b>	<b>1</b>		<b>7</b>	<b>30</b>
	08/09	0	10	44	6	12	22		94

Reports: There have been no formal reports identifying maladministration causing injustice issued by the LGO against the Council.

Local Settlements: In such cases the investigation is discontinued because the LGO is satisfied that a suitable action has been agreed by the local authority.

No Maladministration: The LGO concludes their investigation by writing a formal report finding no maladministration by the council.

Ombudsman Discretion: The ombudsman issues a decision letter in which they decide to discontinue the investigation most commonly because there is found to be insufficient injustice to warrant continuing to investigate.

Outside Jurisdiction: These are cases that the LGO is unable to investigate.

Premature Complaints: Complaints that the local authority have not yet had opportunity to consider.

Not Yet Determined: Cases where the Council are awaiting a decision from the LGO.

### 3.8 Corporate Stage One and Two Complaints

3.8.1 The following table summarises data about numbers of complaints for each directorate during the first half year of 2009/10 and compares this to information for the whole of 2008/09.

3.8.2 Proportionally there have been fewer Stage One complaints in 09/10 than in 08/09. The significant reductions have been in Housing and in Benefits and Revenues.



3.8.3 Stage Two complaints have increased relative to those recorded in the previous year. Adult Social Care and Housing is very similar to the previous year. But complaints referred for further investigation about Environment and Finance and Resources have increased.

	Stage One		Stage Two	
	Q1,Q2 09/10	2008/09	Q1,Q2 09/10	2008/09
ASC&H	177	522	15	34
CYPT	14	54	1	2
Culture	21	45	0	0
Environment	497	1058	37	42
F&R	143	298	15	19
S&G	5	10	0	1
<b>Totals</b>	<b>857</b>	<b>1987</b>	<b>68</b>	<b>98</b>

#### 4. CONSULTATION:

4.1 There has been no consultation.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### 5.1 Financial Implications:

There are no direct financial implications arising from the report.

*Finance Officer Consulted: Anne Silley*

*Date: 17 December 2009*

##### 5.2 Legal Implications:

There are no legal implications.

*Lawyer Consulted: Liz Woodley*

*Date: 17 December 2009*

##### 5.3 Equalities Implications:

There are no equalities implications.

##### 5.4 Sustainability Implications:

There are no sustainability implications.

##### 5.5 Crime & Disorder Implications:

There are no crime and disorder implications.

5.6 Risk and Opportunity Management Implications:

There are no Risk and Opportunity management Implications.

5.7 Corporate / Citywide Implications:

There are no Corporate or Citywide implications.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None.

### **Documents In Members' Rooms:**

None.

### **Background Documents:**

None.

