

**Subject:** *Complaints Update***Date of Meeting:** **14 September 2010****Report of:** *Monitoring Officer***Contact Officer:** Name: Brian Foley Tel: 293109E-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 paper gives information about active Standards complaints and the time taken to deal with closed complaints.
- 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 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 With regard to timescales for complaints Standards for England recommend:
  - Assessments should on average be completed within 20 working days.
  - Review panels should be held within 65 working days.
  - Investigations should be completed within 130 working days from the date of assessment.

3.3 Table 1 below shows the number of working days taken to assess each complaint dealt with under the Local Assessment procedure. Since the introduction in May 2008 the Standards Committee have assessed 40 complaints at an average of 18 days per case.

Table 1

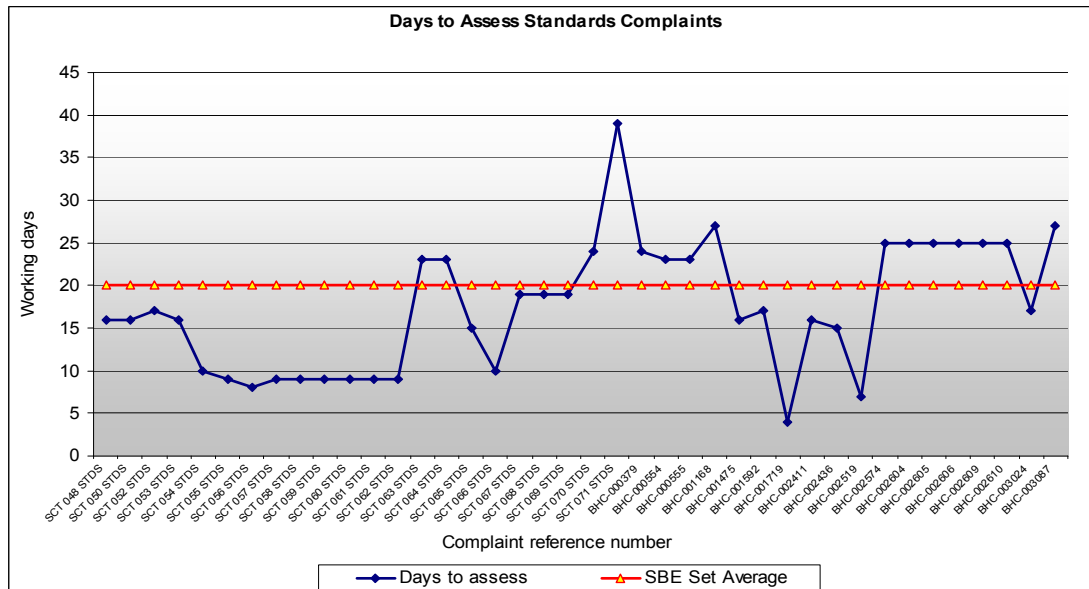
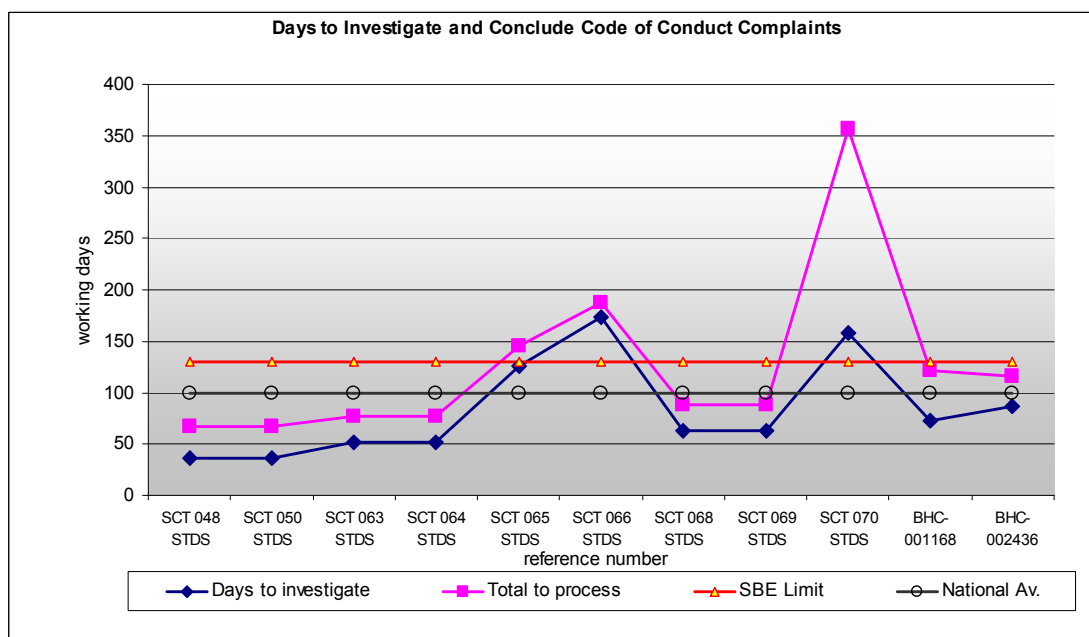


Table 2



3.4 The Standards Committee have referred 11 cases for investigation. Table 2 shows the number of days to carryout the investigation and the working days to complete the complaint process; that is from the date the complaint was received to the date of determination.

3.5 The average time taken to complete complaints referred for investigation has been 128 working days. This average has been affected by a case which is scheduled to be determined after 356 working days.

3.6 **Summary of active complaints about member conduct and cases where decisions have not previously been reported**

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

**Complaint 1 – Referred to the First-tier Tribunal**

Case Number **SCT070STDS**

Complainant: Elected Member

Date of complaint: 27 February 2009

Date of Assessment Panel: 02 April 2009

Working days to assess: 21

Date of Consideration Panel: 16 November 2009

Date of Determination Panel: 09 July 2010

Total number of working days to process: 356

**Allegation:**

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

- a. Paragraph 3(1): You must treat others with respect.
- b. Paragraph 6(b)(i): You must when using or authorising the use by others of the resources of the authority to act in accordance with the authority's reasonable requirements.
- c. Paragraph 6(b)(ii): You must when using or authorising the use by others of the resources of the authority 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 Determination Panel of the Standards Committee was:

- a. Paragraph 3(1): The subject member had failed to treat another member with respect.
- b. Paragraph 6(b)(i): The subject member did act in accordance with the council's reasonable requirements.
- c. Paragraph 6(b)(ii): The subject member had used council resources improperly for political purposes.

## **Sanctions**

The Determination Panel of the Standards Committee imposed the following sanctions:

- a. Paragraph 3(1): Censure. Suspension for a period not exceeding 6 months, or until such time as the member submits a written apology for the lack of respect shown to the elected member.
- c. Paragraph 6(b)(ii): The subject member undertake training on the roles and responsibilities of being a Councillor within 3 months of the expiry of the appeal period. If the training is not completed the subject member to be suspended for up to 6 months or until such time as he complies with the requirement.

It was not the Panel's intention that the subject member be suspended but without the suspension there was no incentive for the subject member to comply with the sanctions.

## **Appeal Rights**

The Standard Committee (England) Regulations 2008 provide a right of appeal to the First-tier Tribunal within 28 days of service of the decision notice.

The subject member has appealed against the findings and the sanctions.

## **Complaint 2– Outcome *not previously reported***

Case Number **BHC-002436**

Complainant: Elected Member

Date of complaint: 08 February 2010

Date of Assessment Panel: 26 February 2010

Working days to assess: 15

Date of Consideration Panel: 19 July 2010

Total number of working days to process: 116

## **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 5: You must not conduct yourself in a manner which could reasonably regarded as bringing your 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: **BHC- 003087**

Complainant: Member of the public

Date of complaint: 09 May 2010

Date of Assessment Panel: 15 June 2010

Total number of working days to assess: 27

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

Paragraph 4(a): You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature

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

Referred to the Monitoring Officer for investigation.

#### **Outcome:**

Investigation not yet concluded.

### 3.7 **Complaints where the decision of the Standards Committee Assessment Panel was to take 'other action'**

Previous cases have been reported and concluded. There are no new cases.

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

Previous cases have been reported and concluded. There are no new cases.

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

There are no new cases pending.

### 3.10 **Summary of complaints received under the corporate complaints procedures**

#### **Local Government Ombudsman Complaints 2009/10**

3.10.1 The following table is reproduced from the Ombudsman's annual report. It shows that 101 people contacted the Ombudsman for advice, and 67 cases were referred for investigation.

3.10.2 The second table shows the outcome of the investigations. There was one Report against the council. The Council reached a local settlement in 17 cases. The Ombudsman's report gives details of the Report issued and Local Settlements. A copy is included in the appendix.

LGO Advice Team 2009/10										
Enquiries and Complaints	Adult Social Care	Children Social Care	Education	Housing	Benefits	Local Taxation	Planning and Building Control	Transport and Highways	Other	Total
Premature complaint	1	1	0	9	1	1	1	5	4	23
Advice given	0	1	0	1	0	1	1	3	5	12
Forwarded for investigation (Ex prem)	3	0	0	3	2	2	3	0	2	15
Forwarded for investigation (New)	5	0	10	10	2	5	3	7	9	51
<b>Total</b>	<b>9</b>	<b>2</b>	<b>10</b>	<b>23</b>	<b>5</b>	<b>9</b>	<b>8</b>	<b>15</b>	<b>20</b>	<b>101</b>

Investigative Team 2009/10								
Decisions	MI reps	LS	M reps	NM reps	No mal	OMb disc	Outside jurisdiction	Total
2009/10	1	17	0	0	32	10	7	67

### Corporate Stage One and Two Complaints

3.10.3 The following table shows the numbers of complaints for each directorate during 2009/10 and compares this to the first quarter for 2010/11.

3.10.4 There general indication is that the total complaint level at Stage One are proportionate to those received in the previous year.

3.10.5 Complaint numbers in Adult Social Care and Housing were increasing throughout 2009/10. That increase has now stopped and it is anticipated that levels will start to reduce.

3.10.6 Complaint levels in Environment fell consistently throughout 2009/10. There has been a slight increase in Q1 of 2010/11.

3.10.7 The proportion of Stage One complaints escalated to Stage Two complaints has dropped slightly from 8.3% to 7.6%.

	Stage One		Stage Two	
	2009/10	2010/11 Q1	2009/10	2010/11 Q1
ASC&H	521	153	44	9
CYPT	110	28	13	2
Culture	38	10	1	0
Environment	894	192	74	19
F&R	278	70	20	5
S&G	13	5	0	0
<b>Totals</b>	<b>1854</b>	<b>458</b>	<b>154</b>	<b>35</b>

#### 4. CONSULTATION:

4.1 There has been no consultation

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

5.1 There are no direct financial implications arising from the report.

*Finance Officer Consulted: Anne Silley*

*Date: 01 September 2010*

##### Legal Implications:

5.2 There are no legal implications.

*Lawyer Consulted: Liz Woodley*

*Date: 01 September 2010*

##### Equalities Implications:

5.3 There are no equalities implications.

##### Sustainability Implications:

5.4 There are no sustainability implications.

##### Crime & Disorder Implications:

5.5 There are no crime and disorder implications.

##### Risk and Opportunity Management Implications:

5.6 There are no Risk and Opportunity management Implications.

##### Corporate / Citywide Implications:

5.7 There are no Corporate or Citywide implications.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. The Local Government Ombudsman's Annual Review for Brighton and Hove City Council for the year ended 31 March 2010.

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

1. None.

### **Background Documents:**

1. None.