

Subject: Complaints Update**Date of Meeting: 17 April 2012****Report of: Monitoring Officer****Contact Officer: Name: Brian Foley Tel: 293109**

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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 cases where the outcome has not previously been reported.
- 1.3 There is a brief update on complaints dealt with via the Local Government Ombudsman. The powers of the Ombudsman are set out in the Local Government Act 1974.

2. RECOMMENDATIONS:

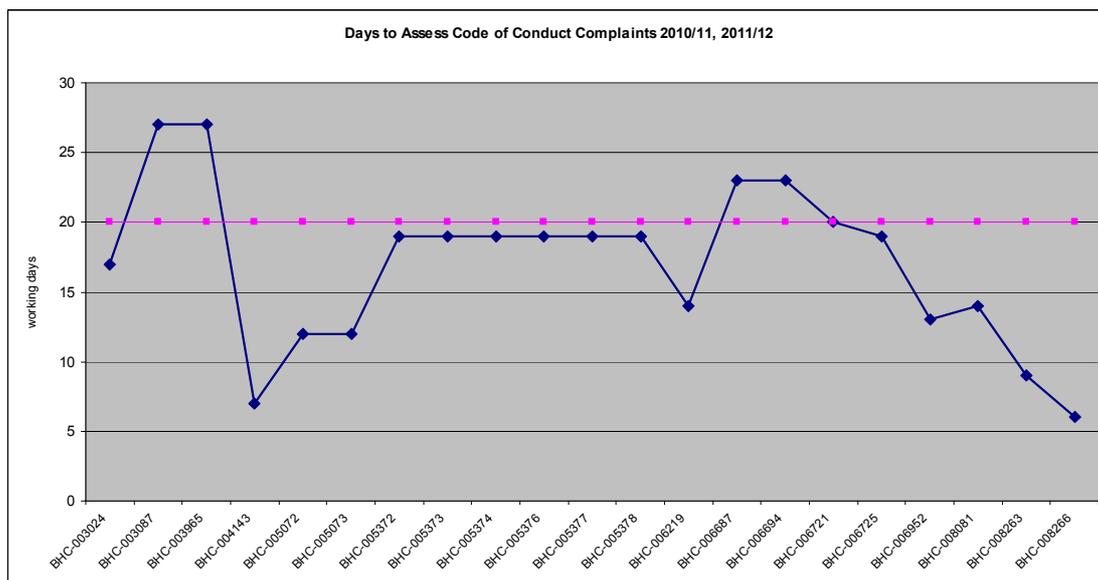
- 2.1 The Standards Committee is asked to note the report.

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 during the council years 2010/11 and 2011/12.
- 3.4 There were twelve complaints in 2010/11. The average time to assess was 18 working days.
- 3.5 The complaints raised in 2010/11 resulted in three cases being referred to the Monitoring Officer for investigation. Two of those have been determined with a finding of no breach of the code of conduct. A third has yet to be determined.
- 3.6 There have been nine complaints in 2011/12. The average time to assess has been 14 working days.
- 3.7 In 2011/12 one case was referred to the monitoring officer for investigation. There was a finding of a breach of Paragraph 5 *“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”*. The Panel imposed no sanction.

Table 1



- 3.8 There have been three new complaints since the last report to Standards Committee.
- 3.9 An update on those cases and details of the active case follow below.

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

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

Complaint 1

Case Number: **BHC- 005373 B**

Complainant: Member of the public

Date of complaint: 07 March 2011

Date of Assessment Panel: 31 March 2011

Total number of working days to assess: 19

Allegation: It was alleged that a Member had each 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 be regarded as bringing your office or authority into disrepute.

Decision of Assessment Panel:

Referred to the Monitoring Officer for Investigation.

Outcome:

Yet to be determined

3.11 Complaints where the decision of the Standards Committee Assessment Panel was to take 'other action'

There are no cases falling into this category.

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

Complaint 2

Case Number: **BHC- 008081**

Complainant: Member of the public

Date of complaint: 13 March 2012

Date of Assessment Panel: 30 March 2012

Total number of working days to assess: 14

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

- **Paragraph 3(1)**
You must treat others with respect
- **Paragraph 3(2)(a)**
You must not do anything which may cause your authority to breach any of the equality enactments.
- **Paragraph 5**

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Decision of Assessment Panel:

No Further Action

Complaint 3

Case Number: **BHC- 008263**

Complainant: Member of the public

Date of complaint: 20 March 2012

Date of Assessment Panel: 30 March 2012

Total number of working days to assess: 9

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

- **Paragraph 3(1)**
You must treat others with respect

Decision of Assessment Panel:

No Further Action

Complaint 4

Case Number: **BHC- 008266**

Complainant: Member of the public

Date of complaint: 23 March 2012

Date of Assessment Panel: 30 March 2012

Total number of working days to assess: 6

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

- **Paragraph 5** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- **Paragraph 9**
Where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- **Paragraph 10**
Where you have a personal interest in any business of the authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

Decision of Assessment Panel:

No Further Action

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

There are no cases falling into this category.

3.14 The Local Government Ombudsman complaints 2011/12

	Maladministration causing injustice	Dis-continue investigation	Local Settlement	No Maladministration	Not to initiate investigation	Outside Jurisdiction	Premature Complaint	Not yet determined	Total
Adult Assessment	1			2					3
Adults Provider			1	1			1		3
Children and Families		10	1	1	3		1	3	19
City Infrastructure		5		2	3				10
City Services		3	1	1		1			6
Housing and Social Inclusion	1	8	1	1	2	2		2	17
Planning & Public Protection		3		4	1	1		2	11
Resource Units		3		1		1			5
Tourism & Leisure					1				1
	2	32	4	13	10	5	2	7	75

3.14.1 The above table shows the number of complaint investigations carried out by the Local Government Ombudsman from April 2011 to the end of March 2012.

3.14.2 The number of complaints actually investigated by the Ombudsman, excluding Premature Complaints and those where the decision was 'Not to Initiate an Investigation' is very similar to the previous year. 63 were investigated in 2011/12 compared to 67 in 2010/11.

3.14.3 In total the council have paid £5228.20 in compensation at the recommendation of the Ombudsman to the end of March 2012.

4. CONSULTATION

4.1 There has been no consultation

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The costs of complaints in terms of administration and compensation are met within the allocated budget.

Finance Officer Consulted: Anne Silley Date: 22 March 2012

Legal Implications:

5.2 There are no legal implications

Lawyer Consulted: Liz Woodley Date: 22 March 2012

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. None

Documents In Members' Rooms

1. None

Background Documents

1. None