

**Subject:** *Complaints Update*  
**Date of Meeting:** **08 September 2009**  
**Report of:** *Acting Monitoring Officer*  
**Contact Officer:** Name: **Brian Foley** Tel: **29-3109**  
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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 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 **SCT068STDS / BHC-000214**

Complainant: Elected Member

Date of complaint: 21 February 2009

Date of Assessment Panel: 20 March 2009

Date of Determination: 25 June 2009

**Allegation:** It was alleged that the Subject Member had breached Section 6 of the Code of Conduct which states *“You must when using or authorising the use of the resources of the authority (ii) ensure that such resources are not used improperly for political purposes (including party political purposes)”*.

**Decision of Assessment Panel:**

The complaint was referred to the Monitoring Officer to be investigated.

**Outcome:** The Panel agreed with the findings within the Investigator’s Report which concluded that the subject member had not improperly used council resources for political purposes and therefore there had been no breach of the code of conduct.

**Recommendations of the report:** That a review of the member’s Website Policy be carried out so that clear boundaries can be established on what matters can be communicated using Council resources with particular reference to support for political events and information about visiting politicians.

**Complaint 2**

Case Number **SCT069STDS / BHC-000005**

Complainant: Elected Member

Date of complaint: 21 February 2009

Date of Assessment Panel: 20 March 2009

Date of Determination: 25 June 2009

**Allegation:** It was alleged that the Subject Member had breached Section 6 of the Code of Conduct which states *“You must when using or authorising the use of the resources of the authority (ii) ensure that such resources are not used improperly for political purposes (including party political purposes)”*.

**Decision of Assessment Panel:**

The complaint was referred to the Monitoring Officer to be investigated.

**Outcome:** The Panel agreed with the findings within the Investigator's Report which concluded that the subject member had not improperly used council resources for political purposes and therefore there had been no breach of the code of conduct.

**Recommendations of the report:** That a review of the member's Website Policy be carried out so that clear boundaries can be established on what matters can be communicated using Council resources with particular reference to support for political events and information about visiting politicians.

**Complaint 3**

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 Section 5 of the Code of Conduct 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 sections 8(1) and 10(1) of the Code of Conduct.

**Decision of Assessment Panel:**

The complaint was referred to the Monitoring Officer to be investigated. Investigation work is in progress.

**Complaint 4**

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 Section 5 of the Code of Conduct.

**Decision of Assessment Panel:**

The complaint was referred to the Monitoring Officer to be investigated. Investigation work is in progress.

**Complaint 5**

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:

Section 3(1) in that they had failed to treat others with respect.  
Section 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.  
Section 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:**

The complaint was referred to the Monitoring Officer to be investigated. Investigation work is in progress.

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

**Complaint 6**

Case Number **SCT067STDS**  
Complainant: Elected Member  
Date of complaint: 21 February 2009  
Date of Assessment Panel: 20 March 2009

**Allegation:** It was alleged that a Member breached Section 6(b)(ii) of the Code of Conduct which states "*You must when using or authorising the use of the resources of the authority (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: 24 March 2009  
Date of Review: 18 May 2009

**Decision of Review Panel:**

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 the Member breached Section 3(1) in that they had failed to treat others with respect. It was also alleged that there had been a breach of Section 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:** tbc

**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 breached Section 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.

**Review Requested:**

Date Review requested: 29 June 2009

Date of Review: 08 September 2009

**Decision of Review Panel:** tbc

**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 breached Section 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

**Review Requested:**

Date Review requested: 29 June 2009

Date of Review: 08 September 2009

**Decision of Review Panel:** tbc

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

**Complaint 10**

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 breached Section 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:** tbc

**3.3 Summary of complaints received under the corporate complaints procedures in Quarter 1, 2009/10**

**3.3.1 Local Government Ombudsman Complaints**

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

There has been a substantial reduction in numbers of complaints investigated by the Ombudsman.

Directorate		Reports	LS	NM	OD	OJ	Prem	NYD	Totals
<b>ASCH</b>	<b>Q1- 09/10</b>							<b>2</b>	<b>2</b>
	08/09	0	4	17	2	2	8		33
<b>CYPT</b>	<b>Q1- 09/10</b>								<b>0</b>
	08/09	0	2	9	1	1	0		13
<b>Culture</b>	<b>Q1- 09/10</b>								<b>0</b>
	08/09	0	0	0	0	0	0		0
<b>Env</b>	<b>Q1- 09/10</b>			<b>1</b>				<b>2</b>	<b>3</b>
	08/09	0	1	14	3	4	8		30
<b>F&amp;R</b>	<b>Q1- 09/10</b>			<b>1</b>				<b>1</b>	<b>2</b>
	08/09	0	2	3	0	4	6		15
<b>S&amp;G</b>	<b>Q1- 09/10</b>							<b>1</b>	<b>1</b>
	08/09	0	1	1	0	1	0		3
<b>Total</b>	<b>Q1- 09/10</b>								<b>8</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.

### 3.3.2 Corporate Stage One and Two Complaints

The following table summarises data about numbers of complaints for each directorate during the first quarter of 2009/10 and compares this to information for 2008/09. Over all there has been a reduction in the number of Stage One and Stage Two complaints. The Adult Social Care and Housing directorate have contributed most significantly to this reduction.

	Stage One		Stage Two	
	Q1- 2009/10	2008/09	Q1- 2009/10	2008/09
ASC&H	93	522	1	34
CYPT	7	54	0	2
Culture	6	45	0	0
Environment	263	1058	7	42
F&R	80	298	4	19
S&G	4	10	0	1
<b>Totals</b>	<b>453</b>	<b>1987</b>	<b>12</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: 20 August 2009*

### **5.2 Legal Implications:**

There are no legal implications.

*Lawyer Consulted: Liz Woodley*

*Date: 20 August 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:**

1. None.

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

1. None.

### **Background Documents:**

1. None.