

Subject: *Complaints Update*
Date of Meeting: **16 September 2008**
Report of: *Director of Strategy and Governance*
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Wards Affected: All

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

This paper gives information about:

- 1.1 Complaints regarding Member conduct administered under new arrangements as defined by The Standards Committee (England) Regulations 2008 which came into effect on 08 May 2008.
- 1.2 Complaints dealt with under the corporate complaints procedures.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Standard Committee (England) Regulations 2008 are derived from the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007. The regulations set out a framework for the operation of a locally based system for assessment, referral, investigation and hearing of complaints of member misconduct.
- 3.2 This paper summarises complaints dealt with under these regulations.
- 3.3 The Local Government Act 2000 requires the names of complainants and of Members about whom allegations have been made to be kept confidential.

4. SUMMARY OF COMPLAINTS ABOUT MEMBER CONDUCT

4.1 There have been four complaints dealt with under the new Standards Committee (England) Regulations 2008. These cases have been considered by an Assessment Panel of the Standards Committee. The complaints are from two members of the public and concern identical issues about the same two councillors.

4.1.1 Case Number **SCT047STDS**

Complainant: Member of the public

Date of complaint: 08 July 2008

Date of Assessment Panel : 14 August 2008

Allegation:

The complaints relate to representations made to the Planning Applications Sub-Committee. The complaint alleges the member has breached section 6(a) that *you must not use or attempt to use your position as a Member improperly to confer on, or secure for yourself or any other person an advantage or disadvantage*, and section 12(1), *that the member had a prejudicial interest in any business of the authority and failed to withdraw from the room or chamber where a meeting considering the business was being held.*

Decision of Assessment Panel:

Complaint to be investigated

4.1.2 Case Number **SCT048STDS**

Complainant: Member of the public

Date of complaint: 20 July 2008

Date of Assessment Panel : 14 August 2008

Allegation:

The complaints relate to representations made to the Planning Applications Sub-Committee. The complaint alleges the member has breached section 6(a) that *you must not use or attempt to use your position as a Member improperly to confer on, or secure for yourself or any other person an advantage or disadvantage*, and section 12(1), *that the member had a prejudicial interest in any business of the authority and failed to withdraw from the room or chamber where a meeting considering the business was being held.*

Decision of Assessment Panel:

Complaint to be investigated

4.1.3 Case Number **SCT049STDS**

Complainant: Member of the public

Date of complaint: 08 July 2008

Date of Assessment Panel : 14 August 2008

Allegation:

The complaints relate to a decision made by a Planning Applications Sub-Committee. The complaint alleges the member has breached sections

8(2)(a), 9(1), 10(1), and 12(1) of the Code of Conduct in that there was a personal and prejudicial interest which the member failed to declare and to withdraw from the room or chamber where the business of the meeting was being considered.

Decision of Assessment Panel:

An element of the complaint to be investigated

4.1.4 Case Number **SCT050STDS**

Complainant: Member of the public

Date of complaint: 08 July 2008

Date of Assessment Panel : 14 August 2008

Allegation:

The complaints relate to a decision made by a Planning Applications Sub-Committee. The complaint alleges the member has breached sections 8(2)(a), 9(1), 10(1), and 12(1) of the Code of Conduct in that there was a personal and prejudicial interest which the member failed to declare and to withdraw from the room or chamber where the business of the meeting was being considered.

Decision of Assessment Panel:

An elements of the complaint to be investigated

5.0 SUMMARY OF COMPLAINTS RECEIVED UNDER THE CORPORATE COMPLAINTS PROCEDURES

- 5.1 The Ombudsman received 93 complaints about the Council during 2007/08, a fall of 35 from the previous year.
- 5.2 That reduction mainly resulted from falls in complaints about Housing, down by 8 to 24, Planning down by 18 to 14, and Education down by 6 to 5. Other complaints were broadly in line with previous years figures. Complaints about Parking and Highways increased by 5 to 14.
- 5.3 At BHCC 15% of cases were resolved by Local Settlement which compares favourably to the national figure of 27%. Local Settlement is where an investigation is discontinued because the authority agrees to take action which the Ombudsman considers to be satisfactory to resolve the complaint. These investigations resulted in compensation payments amounting to £4000.
- 5.4 There were no findings of Maladministration and none of the complaints were dealt with by way of formal report finding Maladministration causing Injustice.
- 5.5 The Ombudsman considers that working relationships with the Council's complaints officers continue to be positive and professional. Average response times continue to decrease to 28.7 days, just outside the target response time of 28 days.

- 5.6 The Council received 1788 Stage One corporate complaints in 2007/08, down 289 from the previous year.
- 5.7 That reduction has occurred as a result in falls in complaints about City Clean, and Housing Benefits.
- 5.8 Complaints about Transport and Highways, Revenues, Housing Management, Repairs and Maintenance, Housing Needs have remained broadly consistent.
- 5.9 Complaints about Development Control have increased.

6. FINANCIAL & OTHER IMPLICATIONS:

6.1 Financial Implications:

There are no financial implications.

6.2 Legal Implications:

There are no legal implications.

6.3 Equalities Implications:

An Equalities Impact Assessment for complaints received under the new regulations is being carried out by the Standards and Complaints Manager to ensure members of the public are aware of the change in procedures and to make the service widely accessible.

6.3 Sustainability Implications:

There are no Sustainability Implications for this report.

6.4 Crime & Disorder Implications:

There are no Crime & Disorder implications for this report.

6.5 Risk and Opportunity Management Implications:

There are no issues that require immediate action. Two issues will require review:

- Training for members in operation of new assessment procedure (see report dated 10 June 2008)

- Ensuring disadvantaged communities have knowledge of and access to new complaint process (to be addressed in Equalities Impact Assessment)

6.6 Corporate / Citywide Implications:

This report is a measure of the quality of ethical governance for the City and openness of leadership within the Council

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

7.1 None required

8. REASONS FOR REPORT RECOMMENDATION:

8.1 To inform members of the Standards Committee of complaints made about alleged breaches of the members' Code of Conduct.

8.2 To ensure high quality ethical governance.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. None

Background Documents

1. None