

**Subject:** Complaints Update  
**Date of Meeting:** 26 June 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 currently 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:

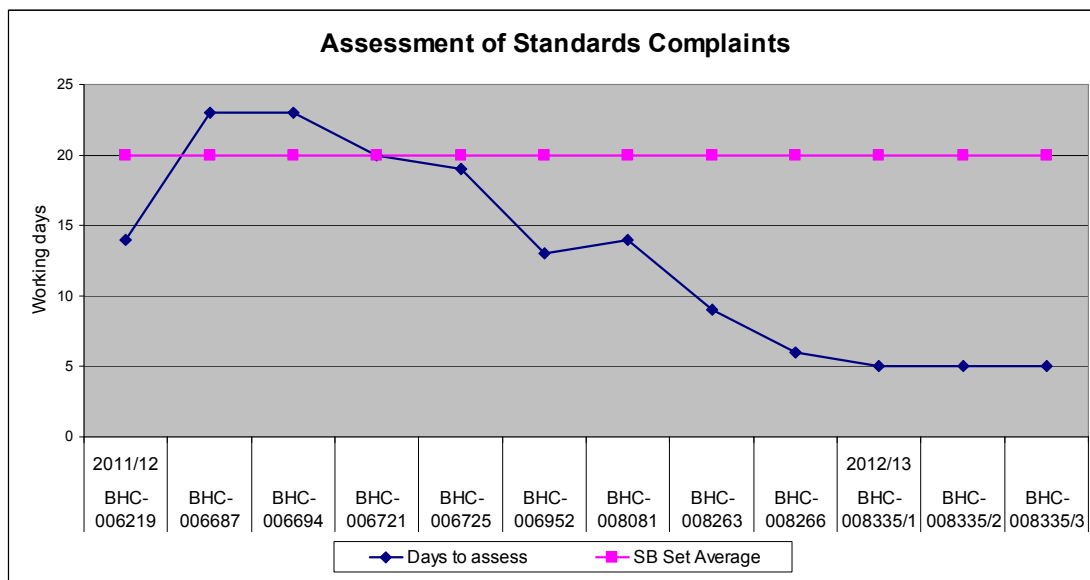
- 2.1 The Audit and Standards Committee is asked to note the report.

#### 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 We continue to work to the timescales for complaints as recommended by Standards for England:
  - 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 shows the number of working days taken to assess each complaint dealt with under the Local Assessment procedure during the council years 2011/12 and 2012/13
- 3.4 There were nine complaints in 2011/12, the average time to assess was 14 working days.
- 3.5 There have been three complaints in 2012/13. They were each raised by the same person, they were identical in nature but were against three different members. The average time to assess the complaints was 5 working days. The panel decide that no further action should be taken.
- 3.6 The Standards Committee has yet to determine a complaint referred for investigation on 31 March 2011.
- 3.7 A new complaint was referred for investigation on 18 May 2012.
- 3.8 All other complaints referred for investigation have been determined and summarised in previous reports to Standards Committee.
- 3.9 Table 1 shows the number of working days Standards Committee took to assess each complaint. Generally complaints are assessed within the time scale that was set down by Standards for England.

Table 1



- 3.10 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.**

### 3.11 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

#### Complaint 2

Case Number: **BHC- 008236**

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

**Date of review request:** 02 May 2012

**Date of Assessment Review Panel:** 18 May 2012

**Number of working days to Review Panel:** 13

**Decision of Assessment Review Panel:**

Referred to the Monitoring Officer for Investigation.

**Outcome:**

Yet to be determined

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

There are no cases falling into this category.

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

**Complaint 3,4,5**

Case Number: **BHC- 008335/1/2/3**

Complainant: Member of the public

Date of complaint: 14 May 2012

Date of Assessment Panel: 18 May 2012

Total number of working days to assess: 5

**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.

**Decision of Assessment Panel:**

No Further Action

**3.14 Complaints referred to the Standards Committee Assessment Review Panel where the decision was to take no further action**

**Complaint 6**

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

**Date of review request:** 05 April 2012

**Date of Assessment Review Panel:** 18 May 2012

**Number of working days to Review Panel:** 32

**Decision of Assessment Review Panel:**

No Further Action

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

There are no cases falling into this category.

### **3.16 The Local Government Ombudsman complaints 2012/13**

	Maladministration causing injustice	Discontinue investigation	Local Settlement	No Maladministration	Not to initiate investigation	Outside Jurisdiction	Premature Complaint	Not yet determined	<b>Total</b>
Adult Assessment								1	<b>1</b>
Adults Provider									
Children and Families		1							<b>1</b>
City Infrastructure								1	<b>1</b>
City Services									
Housing and Social Inclusion		1						1	<b>2</b>
Planning & Public Protection				1					<b>1</b>
Resource Units									
Tourism & Leisure									
		<b>2</b>		<b>1</b>				<b>3</b>	<b>6</b>

3.16.1 The above table shows there have been six complaints considered by the Local Government Ombudsman so far in the year 2012/13.

3.16.2 Three complaints have yet to be determined, the Ombudsman has discontinued their investigation into two cases and in one case they reached a finding that there had been no maladministration.

## **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: 23 May 2012*

### Legal Implications:

5.2 There are no legal implications

*Lawyer Consulted: Liz Culbert Date: 22 May 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