

# AUDIT & STANDARDS COMMITTEE

## Agenda Item 49

Brighton & Hove City Council

**Subject:** Complaints Update  
**Date of Meeting:** 20 November 2011  
**Report of:** Monitoring Officer  
**Contact Officer:** Name: **Brian Foley** Tel: **293109**  
E-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 The Localism Act 2011 has required the Council to adopt new arrangements for dealing with complaints about a breach of the Code of Conduct by Council and Parish Council Members. Those arrangements replace the previous process administered under the Standards Committee (England) Regulations 2008.
- 1.2 This paper updates the Audit and Standards Committee on allegations about member conduct following the last report to Audit and Standards Committee on 25 September 2012. Cases which have been closed are summarised in Appendix 1.

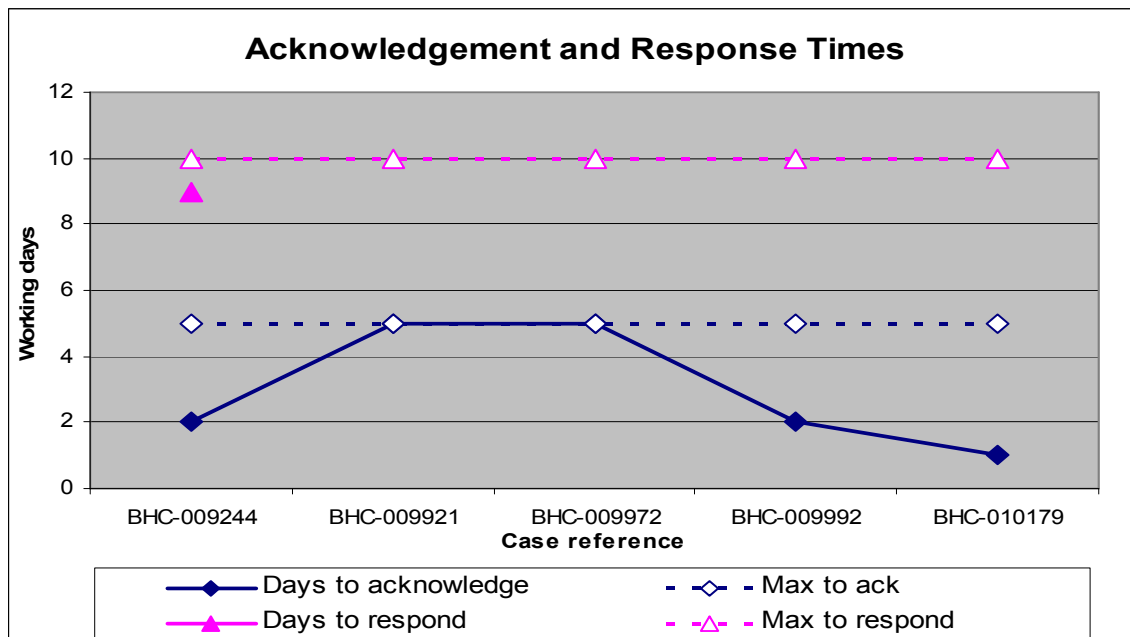
#### 2. RECOMMENDATION:

- 2.1 That the Committee note the report.

#### 3. RELEVANT BACKGROUND INFORMATION

- 3.1 The timescales for dealing with complaints as set out in the new arrangements are as follow:
  - Complaints about Member conduct should be acknowledged as soon as possible and within a maximum of 5 working days.
  - The complainant should be informed within 10 working days how the matter will be dealt with.
  - The whole complaint process should be completed within 65 working days from the date of receipt to date of hearing.
- 3.2 The Transitional Arrangements set out under the Localism Act required that any complaint dealt with under the Standards Committee (England) Regulations 2008 which had not been concluded by 01 July 2012 should be dealt with under the new Localism Act arrangements.

- 3.3 There is one complaint which falls into this category; the outcome is described in the Appendix.
- 3.4 There have been 4 new complaints received which have not previously been included in reports to the Audit and Standards Committee. All cases have been referred to the Monitoring Officer to decide in consultation with an Independent Person if the complaint merits investigation. Those decisions are pending.
- 3.5 The following chart shows that all complaints have been acknowledged within 5 days.



#### **4. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 4.1 There are no direct financial implications relating to this report.

*Finance Officer Consulted: Anne Silley Date: 19 October 2012*

##### Legal Implications:

- 4.2 The report is for noting only. The statutory framework under which complaints about Member conduct are dealt with are covered in the body of the report. The transitional arrangements referred to in paragraph 3.2 above are set out in the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012: SI 2012/1463

*Lawyer Consulted: Oliver Dixon Date: 19 October 2012*

##### Equalities Implications:

- 4.3 There are no Equalities implications

##### Sustainability Implications:

- 4.4 There are no Sustainability implications

##### Crime & Disorder Implications:

- 4.5 There are no Crime and Disorder implications

##### Risk and Opportunity Management Implications:

- 4.6 There are no Risk and Opportunity Management implications

##### Corporate / Citywide Implications:

- 4.7 There are no Corporate or Citywide implications

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Summary of the decisions for complaints that have been concluded.

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

1. None

#### **Background Documents**

1. None

**Appendix 1 - Summary of the decisions for complaints that have been concluded.**

|   |   |
|---|---|
| <b>S&amp;C Reference Number</b>   | <b>BHC-008869</b>                                   |
| <b>Date Received</b>  | <b>08/06/2012</b>                                   |
| <b>Days to Acknowledge</b>  | <b>08/06/2012 (1 day)</b>                           |
| <b>Days for Monitoring Officer to reply</b>   | <b>(12 days to Assessment Panel)</b>                |
| <b>Date of Hearing Panel</b>  | <b>08 November 2012</b>                             |
| <b>Days to Hearing Panel</b>  | <b>109</b>  |
| <b>Comments:</b> This case has been dealt with under the transitional arrangements. The Standards Panel could not hear the case until the procedures were agreed and an Independent Person appointed  |   |
| <b>Complainant</b>  | Committee Members of Saltdean Community Association |
| <b>Summary of Complaint</b>   |   |
| Upon leaving a meeting of the Saltdean Community Association a councillor was alleged to have been overheard to say "they" (referring to the executive members of the Community Association) "are only in it for themselves". The Committee members said this statement denigrates and calls into question the integrity and community service of the committee members |   |
| <b>Section of Code of Conduct that applies</b>  |   |
| <b>Paragraph 3(1)</b> You must treat others with respect  |   |
| <b>Summary of Progress</b>  |   |
| The Hearing Panel has ben set for 08 November 2012. There will be a verbal update to Audit and Standards Committee describing the outcome of the case.  |   |