

Subject: Complaints Update**Date of Meeting: 24 September 2013****Report of: Monitoring Officer****Contact Officer: Name: Brian Foley Tel: 293109**E-mail: brian.foley@brighton-hove.gov.uk**Wards Affected: All****FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This paper updates the Audit and Standards Committee on allegations about Member conduct following the last report to Audit and Standards Committee on 25 June 2013.
- 1.2 A summary of the decisions for complaints that have been closed are set out in Appendix 1.

2. RECOMMENDATION:

- 2.1 That the Committee note the report.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The current status of Code of Conduct complaints is:

3.1.1 Active complaints

- One complaint has yet to be resolved by Local Resolution.
- One complaint has been referred for investigation.

3.1.2 Closed complaints

- a. A Member of the public complained that a councillor spoke about Christians and the Christian faith in a disparaging way which the complainant found upsetting and personally offensive. Having sought the views of an Independent person the Monitoring Officer concluded that the councillor's remarks were made in the context of a debate dealing with Council business and in the capacity as an elected Member of the Council. In the course of debate it may be expected that some people may disagree with opinions expressed or find them challenging.

It was appreciated that the complainant sincerely considered the councillor's comments offensive but the Monitoring Officer did not

consider the remarks could potentially bring the office of Councillor into disrepute. The Monitoring Officer gave weight to the fact that the remarks giving rise to the complaint were not targeted at any individual and were delivered in a way that was not abusive.

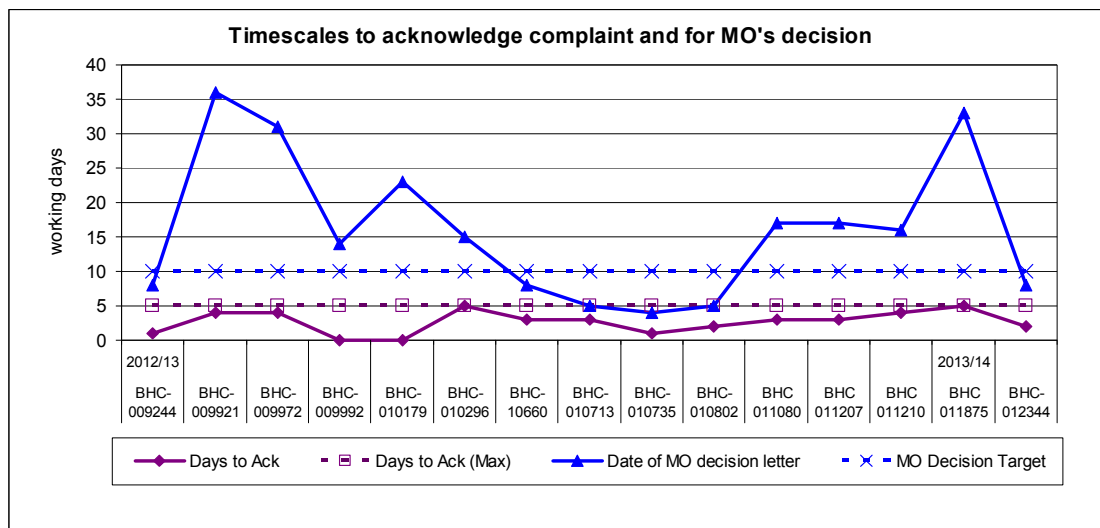
3.2 The Council's performance in dealing with individual complaints is illustrated in the chart below.

3.2.1 Complaints about Member conduct should be acknowledged as soon as possible and within a maximum of 5 working days.

Comment: To date all complaints have been acknowledged within 5 working days.

3.2.2 The complainant will normally be informed within 10 working days how the matter will be dealt with.

Comment: The new process for dealing with complaints about member conduct is working well and decisions are now reached far more quickly than under the previous arrangements. Consultations on individual cases with the Independent Persons take place promptly and have proven to be valuable. The Monitoring Officer will continue to ensure decisions are reached within the 10 day timescale whenever possible.



4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 The costs of complaints in terms of administration and compensation awards (where appropriate) are met within the allocated budget. There were no compensation awards in the period covered by the report.

Finance Officer Consulted: Anne Silley Date:

Legal Implications:

- 4.2 The Council's arrangements under which complaints about Member conduct are investigated and decided conform with the relevant provisions of the Localism Act 2011; and local procedures agreed by Audit & Standards Committee in September 2012, as amended in April 2013..

Lawyer Consulted: Oliver Dixon Date: 21/08/13

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

Audit & Standards Complaint	
Reference Number	BHC-011785
Date Received	29/05/2013
Days to Acknowledge	1 days
Days to reach decision	23 days
Days to conclude	23 days
Complainant	Member of the public
Decision Letter	
<p>On 29 May 2013 a member of the public submitted a complaint about a councillor which referred to the disparaging way the councillor had spoken about Christians and the Christian faith and referred to statements made at full council. The complainant stated they found the remarks personally offensive and upsetting. The complainant also referred to other occasion where the councillor had made known their disagreement with the "the invidious" way that Christians operate in the city.</p> <p>Under Brighton & Hove City Council's arrangements for dealing with breaches of the Member's Code of Conduct the Monitoring Officer is required to consider the complaint and, after consultation with an Independent Person, take a decision as to whether it merits formal investigation. An 'Independent Person' in this context is a person who has been appointed under the provisions of the Localism Act 2011 who is not an elected Councillor and who has no connection to the Council.</p> <p>Having carefully reviewed the complaint and having consulted with an Independent Person, the Monitoring Officer reached the view that the issues raised could not amount to a breach of the Code of Conduct and therefore should not be referred for investigation. The reasoning for this decision is explained below.</p> <p>The councillor's remarks were made in the context of a debate dealing with Council business and in their capacity as an elected Member of the Council. In the course of debate it may be expected that some people may disagree with opinions expressed or find them challenging.</p> <p>Whilst it is appreciated that the member of the public sincerely considered the councillor's comments offensive, the Monitoring Officer did not consider the remarks could potentially bring the office of Councillor into disrepute. He gave weight to the fact that the remarks giving rise to the complaint were not targeted at any individual and were delivered in a way that was not sneering, sarcastic or abusive.</p> <p>The decision not to investigate the complaint is exclusively based on whether the actions of the Member referred to could amount to a breach of the Council's Code of Conduct for Members. It is not based on any assessment of the views and opinions held by the councillor. Having taken these considerations into account, the Monitoring Officer's conclusion is that this complaint should not be investigated.</p>	

