

**Subject:** *Complaints Update***Date of Meeting:** **03 March 2009****Report of:** *Monitoring Officer***Contact Officer:** Name: *Brian Foley* Tel: **29-3109**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 Complaints regarding Member conduct are administered under new 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 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.

**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**

Complaints previously reported to Standards Committee

The outcomes of complaints previously reported to Standards Committee were:

## **Complaint 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.

### **Outcome:**

Complaint withdrawn.

## **Complaint 2**

**(This matter was identical to Complaint 1 but from a different member of the public)**

Case Number **SCT048STDS**

Complainant: Member of the public

Date of complaint: 20 July 2008

Date of Assessment Panel : 14 August 2008

Date of Determination: 24 October 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.

**Outcome:**

The Panel agreed with the findings within the Investigator's Report and concluded there had been no breach of the code of conduct.

**Complaint 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 failed 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.

**Outcome:**

Complaint withdrawn.

**Complaint 4**

**(This matter was identical to Complaint 3 but from a different member of the public)**

Case Number **SCT050STDS**

Complainant: Member of the public

Date of complaint: 08 July 2008

Date of Assessment Panel : 14 August 2008

Date of Determination: 24 October 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 failed 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.

**Outcome:**

The Panel agreed with the findings within the Investigator's Report and concluded there had been no breach of the code of conduct.

**Complaint 5**

Case Number **SCT052STDS**

Complainant: An Elected Member

Date of complaint: 12 September 2008

Date of Assessment Panel: 21 October 2008

**Allegation:**

It was alleged that the Subject Member had breached:

Section 5 of the Code of Conduct which states 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

**Decision of the Assessment Panel:**

The Assessment Panel decided that no action should be taken in respect of the complaint.

**Complaint 6**

Case Number **SCT053STDS**

Complainant: Member of the public

Date of complaint: 16 September 2008

Date of Assessment Panel : 21 October 2008

**Allegation:**

It was alleged that the Subject Member had breached:

Section 5 of the Code of Conduct which states "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

It was further alleged that the Subject Member has a prejudicial interest in the matter and should therefore not make a public judgement on a planning application yet to be submitted or registered.

**Decision of the Assessment Panel:**

The Assessment Panel decided that no action should be taken in respect of the complaint.

## Complaints not previously reported to Standards Committee

### **Complaints 7 - 15**

Case Number **SCT 054 STDS to SCT 062 STDS**

Complainant: Members of the public

Date of complaint: 29 - 31 October 2008

Date of Assessment Panel : 11 November 2008

#### **Allegations:**

It was alleged that the Subject Member had breached:

Section 5 of the Code of Conduct which states "*You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*", and

Section 3(1) of the Code of Conduct which states, "*You must treat others with respect*".

#### **Decisions of Assessment Panel:**

The Assessment Panel decided that no action should be taken in respect of the complaint.

### **Complaints 16 and 17**

There are a further two complaints currently under consideration which when concluded will be included in a subsequent report to the Standards Committee.

## **3.3 Summary of complaints received under the corporate complaints procedures to end of December 2008**

### Local Government Ombudsman Complaints

To the end of December 2008 there have been 85 complaints received by the Ombudsman compared to 67 in the same period of the previous year. There have been no findings of Maladministration with Injustice. There have been 8 cases (9%) resolved by Local Settlement. Four of those cases resulted in financial redress with total payments of £1825. There have been 34 findings (40%) of No Maladministration. The remaining complaints were either closed at the Ombudsman's Discretion (8%), were Outside the LGO's Jurisdiction (13%), returned to the Council as Premature (21%) or have not yet been determined (9%).

The services receiving most complaints from the Ombudsman were Schools Admissions (12%), Development Control (12%), Repairs and Maintenance (11%), Housing Allocations (8%). Housing Estate Management (7%), and Housing Benefits (6%), and Revenues (6%).

### Stage Two Complaints

To the end of December 2008 there have been 123 requests for Stage Two Investigations compared to 115 in the same period of last year. Four awards of compensation resulted in total payments of £1400.

The services receiving most complaints at Stage Two were City Clean (14%) Development Control (14%), Housing Car Parks and Garages (9%), Repairs and Maintenance (9%), Housing Benefits (7%) Parking Management (6%) Revenues (5%).

### Stage One Complaints

To the end of December 2008 there have been 1240 complaints at Stage One compared to 1279 in the same period of last year. Compensation payments totalled £285.

The services receiving most complaints at Stage One were Refuse Collection (12%), Repairs and Maintenance (11%), Housing Estate Management (9%), Revenues (8%), Parking Management (7%), Development Control (5%), and Housing Benefits (4%).

## **4. CONSULTATION**

4.1 There is no consultation conducted for this report.

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

### Financial Implications:

5.1 There are no financial implications.

*Finance Officer Consulted: Anne Silley*

*Date: 19/02/2009*

### Legal Implications:

5.2 There are no legal implications.

*Lawyer Consulted: Liz Woodley*

*Date: 18/02/2009*

### 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.

