

<b>Subject:</b>	<b>Member Complaints Update</b>		
<b>Date of Meeting:</b>	<b>13 January 2015</b>		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name: Brian Foley</b>	<b>Tel: 293109</b>	
	<b>E-mail: <a href="mailto:brian.foley@brighton-hove.gov.uk">brian.foley@brighton-hove.gov.uk</a></b>		
<b>Wards Affected:</b>	All		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This paper updates the Audit and Standards Committee on complaints we have received about Member conduct following the last report to Audit and Standards Committee on 18 November 2014.

**2. RECOMMENDATION:**

- 2.1 That the Committee note the report.

**3. RELEVANT BACKGROUND INFORMATION**

- 3.1 The current status of complaints about Member conduct is:

3.1.1 Active complaints

There are currently no active complaints.

3.1.2 Closed complaints:

- a. A member of the public complained that in making an objection to a Planning Application a Parish Councillor knowingly gave false information to a planning officer and failed to declare a personal relationship.

The decision of the Monitoring Officer was that the complaint could not represent a potential breach of the Code of Conduct. However a number of recommendations arose from the complaint which included:

The Parish Council should consider adopting the National Association of Local Councils Model Standing Orders to provide for:

- An open and transparent process for calling special meetings of Planning Sub-Committees at which the public can attend.

- An open and transparent process for dealing with urgent Council business and reporting the outcome to the next relevant committee.

Additionally the Parish Council should consider

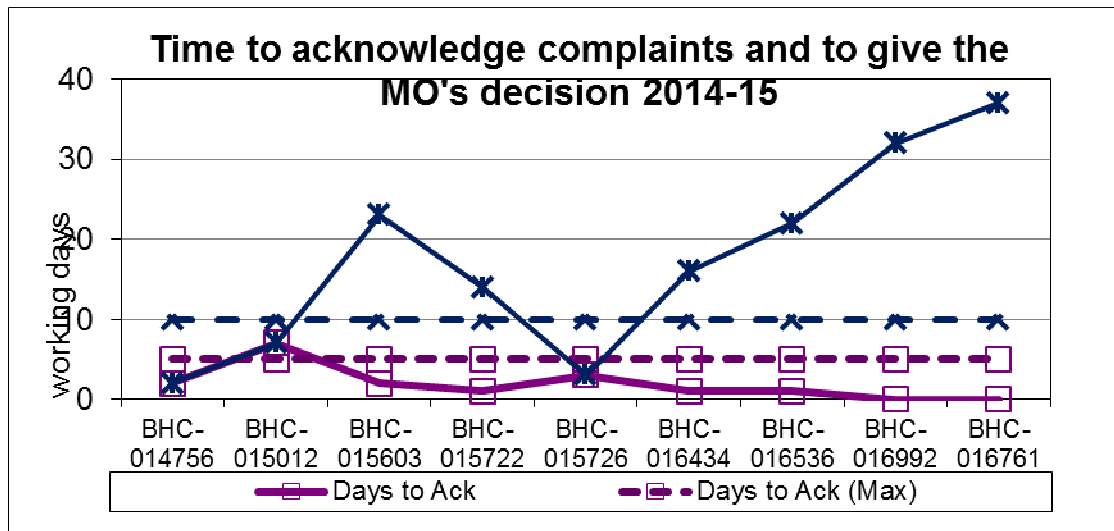
- Including in their Standing Orders rules on the disclosure of personal interest being extended to friends or people that Councillors have a close association with, and an explanation as to what should happen when a Councillor has such an interest.
  - Training and /or retraining Members of their Planning Sub-Committee, in particular on what are valid planning objections and how to deal with information in relation to planning applications which has not been included in the papers provided by the City Council's planning department.
- b. A member of the public complained via the Community Safety Team about the conduct of an elected Member towards her and members of her family and friends. The decision of the Monitoring Officer was that the matter should not be investigated.

Some initial enquiries were carried out into the allegations surrounding the alleged incident and there were inconsistencies in evidence provided from various sources. The inconsistency in evidence might be resolved through further enquiries, but this would have involved significant extra time and cost on the part of council officers. In light of this, the Monitoring Officer and Independent Person did not consider that an enquiry of this nature would be in the public interest and that the complaint did not warrant formal investigation.

3.2 The Council's performance in dealing with individual complaints during 2014-15 is shown 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. This has been achieved in five out of six instances.

3.2.2 Complainants will where possible be informed within 10 working days how the matter will be dealt with. During recent cases there has been a delay in reaching a decision on how to proceed whilst additional background information has been sought.



**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.

*Finance Officer Consulted: James Hengeveld Date: 05/01/15*

Legal Implications:

- 4.2 The Council's arrangements under which complaints about Member conduct are investigated and decided comply with the relevant provisions of the Localism Act 2011.

*Lawyer Consulted: Oliver Dixon Date: 05/01/2015*

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. None

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. None

