

Brighton & Hove City Council

For general release

Meeting: Standards Committee - Chairs
Date: 12 September 2006
Report of: Director of Strategy and Governance
Subject: Corporate Complaints Update
Ward(s) affected: All

1. Purpose of the Report

- 1.1 The purpose of this report is to update members of the Standards Committee on complaints made about Member Conduct. The report also contains headline information and about Corporate Complaints for the first quarter of the Council year 2006/07.

2. Recommendations

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

3. Information / Background

- 3.1 After receiving an allegation of misconduct about an elected Member the Standards Board for England has several options available to them. Those options are listed under Section 4.0 A to D .
- 3.2 This Report contains summaries of recent complaints about Member conduct. The names of Members about whom allegations have been made and the names of the complainant are kept confidential.

4.0 Information on complaints about Member conduct

Complaints about Members are divided into four categories

- A. Cases referred to the Standards Board for England in which it was decided either not to investigate, or to refer for investigation by an Ethical Standards Officer.

- B. Cases referred to the Monitoring Officer under Local Determination Regulations.
- C. Cases referred to the Monitoring Officer for Local Investigation and Determination.
- D. Cases referred to the Adjudication Panel following investigation by the Ethical Standards Officer.

4.1 **Section A** - The cases referred to the Standards Board for England in this category resulted in a decision either not to investigate, or were referred for investigation by an Ethical Standards Officer.

4.1.1 **Case no. SBE15053.06**

(first reported to Standards Committee on 14 July and will be included in subsequent reports until case is concluded)

Date received: 5 June 2006

This complaint has been referred to an Ethical Standards Officer for investigation. Details of this case remain confidential at this time. At the conclusion of the ESO investigation the ESO can come to one of four findings:

1. There is no evidence that the member has broken any part of their local code.
2. No further action needs to be taken in relation to the matter investigated.
3. The matter should be referred to the monitoring officer.
4. The matter should be referred to the Adjudication panel for England for determination.

4.1.2 **Case no. SBE15209.06**

Date received: 13 June 2006

Aspects of this case have already been referred for Local Determination (SBE15009.06 – see below). As such it was not considered that it would be effective use of public funds to investigate matters that are already under consideration.

4.1.3 **Cases no. SBE 15460.06, SBE15474.06, SBE15475.06**

(not previously reported to Standards Committee)

Complainant: Member of the public

Date received: 24 July 2006

Allegation: The complainant alleged that three councillors who sat on the committee to decide whether an application for a Waste Transfer Station should be approved were representatives from a ward which would have been affected if the application was turned down. It was claimed that that the councillors had a vested interest in seeing the application go through so that it would not become their problem.

SBE decision: It was considered that representing their wards as elected members would not necessarily indicate that they have a personal

interest in the matter. The decision was that this allegation should Not be Investigated.

4.1.4 Cases no. SBE 15476.06, SBE15477.06, SBE15478.06

(not previously reported to Standards Committee)

Complainant: Member of the public

Date received: 18 July 2006

Allegation: The complainant alleged that three councillors who sat on the committee to decide whether an application for a Waste Transfer Station should be approved were representatives from a ward which would have been affected if the application was turned down. It was claimed that that the councillors had an interest in the matter which was so significant that it was likely to affect their judgement.

SBE decision: It was considered that representing their wards as elected members would not necessarily indicate that they have a personal interest in the matter. The decision was that this allegation should Not be Investigated.

4.1.5 Cases no. SBE 15479.06, SBE15480.06, SBE15481.06

(not previously reported to Standards Committee)

Complainant: Member of the public

Date received: 24 July 2006

Allegation: The complainant alleged that three councillors who sat on the committee to decide whether an application for a Waste Transfer Station should be approved were representatives from a ward which would have been affected if the application was turned down. It was claimed that that the councillors had an interest in the matter which was so significant that it was likely to affect their judgement.

SBE decision: It was considered that representing their wards as elected members would not necessarily indicate that they have a personal interest in the matter. The decision was that this allegation should Not be Investigated.

4.1.6 Cases no. SBE 15482.06, SBE15483.06, SBE15484.06

(not previously reported to Standards Committee)

Complainant: Member of the public

Date received: 18 July 2006

Allegation: The complainant alleged that three councillors who sat on the committee to decide whether an application for a Waste Transfer Station should be approved were representatives from a ward which would have been affected if the application was turned down. It was claimed that that the councillors had an interest in the matter which was so significant that it was likely to affect their judgement. The complainant also claimed that the Council as a whole was biased in approving the application.

SBE decision: It was considered that representing their wards as elected members would not necessarily indicate that they have a personal interest in the matter. It was considered that the part of the allegation referring to the council as a whole more properly fell within the remit of the council itself or the Local Government Ombudsman. The decision was that this allegation should Not be Investigated.

4.2 **Section B**

There have been no cases referred to the Monitoring Officer under Local Determination Regulations.

4.3 **Section C** – The following cases have been referred to the Monitoring Officer for Local Investigation and Determination.

4.3.1 **Case no. SBE15009.06**

(first reported to Standards Committee on 14 July and will be included in subsequent reports until case is concluded)

Date received: 30 May 2006

This complaint was referred to an Ethical Standards Officer for investigation. The ESO concluded that the matter should be referred to the Monitoring Officer for local investigation and determination. Details of this case remain confidential at this time.

4.3.2 **Case no. SBE15050.06**

(first reported to Standards Committee on 14 July and will be included in subsequent reports until case is concluded)

Date received: 8 June 2006

This complaint was referred to an Ethical Standards Officer for investigation. The ESO concluded that the matter should be referred to the Monitoring Officer for local investigation and determination. Details of this case remain confidential at this time.

4.3.3 **Case no. SBE 15289.06** (not previously reported to Standards Committee)

Date received: 13 June 2006

This complaint was referred to an Ethical Standards Officer for investigation. The ESO concluded that the matter should be referred to the Monitoring Officer for local investigation and determination. Details of this case remain confidential at this time.

4.4 **Section D**

There have been no cases referred to the Adjudication Panel following investigation by the Ethical Standards Officer.

5.0 Information on Complaints received from the Local Government Ombudsman

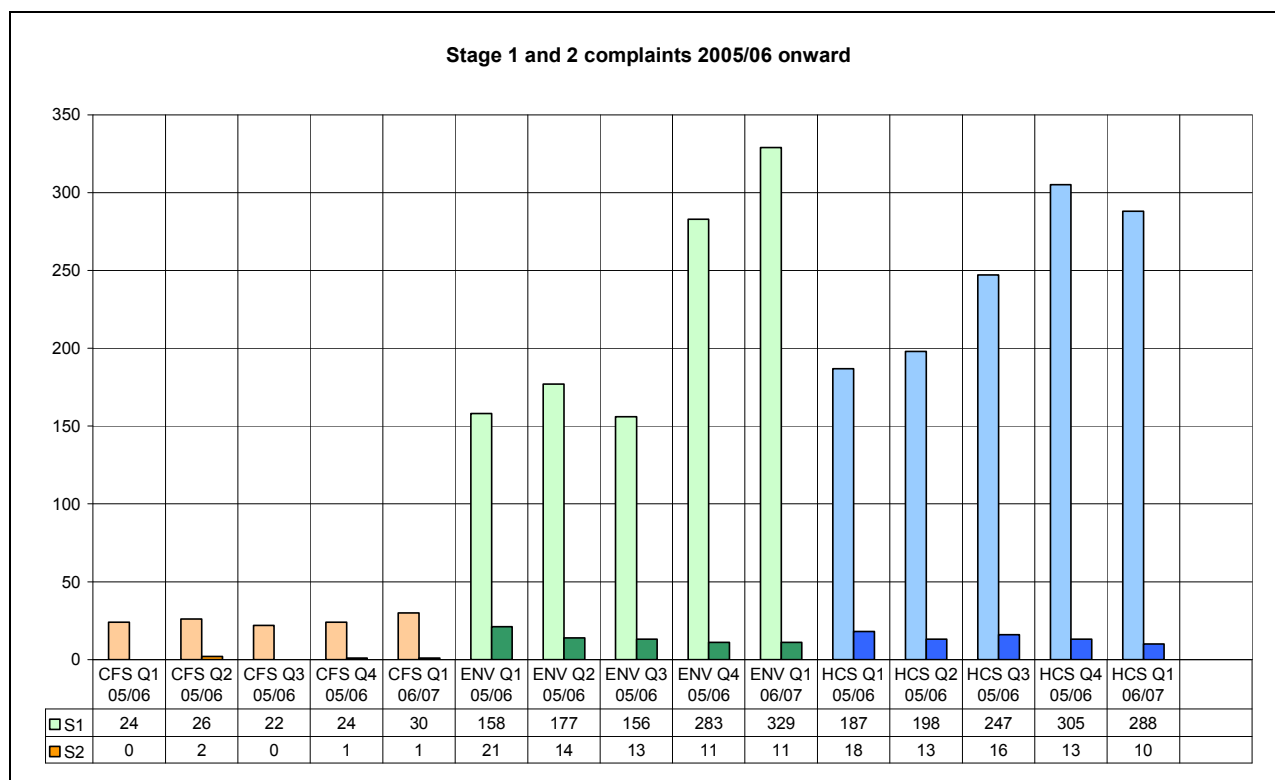
- 5.1 Appendix 1 provides a Glossary of terms used by the Ombudsman.
- 5.2 Table 1 below shows the numbers of complaints made to the Local Government Ombudsman and the outcomes. The figures in bold show data for quarter 1 in the council year 2006/07 and for comparative purposes figures are given for the previous year 2005/06.
- 5.3 The information indicates a trend towards reducing numbers of complaints made to the Ombudsman.
- 5.4 Five of the six complaints about Children and Young People's Trust relate to school admissions. This level of complaint is consistent with numbers of complaints made in previous years. What is noticeable is that the Ombudsman has to date found no maladministration in relation to any of those complaints nor has he suggested reason in either of the case to make a local settlement
- 5.5 The Ombudsman requested that a local settlement should be found in one complaint each against about Environment and Housing and City Support. This resulted in payments being made which totalled £450.

LGO Decision	CYPT		Env'ment		Finance and Property		HCS		Strategy and Governance		Total for Council	
	05/06	Q1	05/06	Q1	05/06	Q1	05/06	Q1	05/06	Q1	05/06	Q1
Local Settlement	1		5	1	-		3	1	-		9	2
No Injustice	-		-		-		-		-		-	
No Maladministration	9	2	9		-		13		2		33	2
Ombudsman's Discretion	-	1	1	1	-		8	2	-		9	4
Outside Jurisdiction	2		2	2	1		5	3	1		11	5
Premature Complaint	3	1	11		-		10	2	-		24	3
Not yet determined	2	2	1	1	-		6	1	-		9	4
Total	17	6	29	5	1		45	9	3		95	20

6.0 Information on complaints received under the Council's Corporate Complaints Procedure.

- 6.1 Chart 1 below shows by stage and by quarter, numbers of complaints received by the directorates that are the main providers of services to the public.
- 6.2 The directorates providing the majority of services to people living in and visiting the city are Children and Young Peoples Trust , Environment, and Housing & City Support.
- 6.3 Strategy & Governance (now including Human Resources), Property & Finance, and Cultural Services receive very few complaints per annum and have not therefore been recorded on this chart.
- 6.4 The numbers of Stage 1 and 2 complaints for CYPT include complaints about Children's Social Care. Numbers are consistent throughout the period with between 0 and 8% of complaints progressing to stage 2 in each quarter. This indicates good levels of satisfaction with responses to complaints.
- 6.5 Numbers of Stage 1 complaints about Environment have apparently risen sharply in the last two quarters but this is can be accounted for by a change in the way results are now recorded. From Jan 06 complaints received from members and MPs on behalf of constituents are recorded centrally. The proportion of complaints being referred to stage 2 for each quarter have been 13.3%, 7.9%, 8.3%, 3.9%, 3.3% . This trend indicates increasing satisfaction with the outcome offstage 1 complaints.
- 6.6 Complaints about Housing and City Services have increased but more gradually. This is in line with the changes made to recording of HCS complaints over a longer period. The trend for referral to stage 2 is 9.6%, 6.6%, 5.9%, 4.7%, 3.9%. . Again the reducing proportion of cases escalating to stage 2 indicates improved satisfaction with stage 1 complaint resolution.

Chart 1



7.0 Compliments

7.1 The table below shows the number of compliments currently recorded by Standards and Complaints of compliments made by members of the public in relation to services they have receive

Directorat e	Complimen ts Q4, 04/05	Complimen ts Q1, 05/06	Complimen ts Q2, 05/06	Complimen ts Q3, 05/06	Complimen ts Q4, 05/06	Complimen ts Q1, 06/07
CFS	7	6	2	0	5	3
Environme nt	16	19	20	6	14	17
HCS	36	85	57	50	56	78
Total	59	110	79	56	75	98

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Wards affected	All

Financial implications	None
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Legal implications None

Corporate/Citywide implications This report provides information about complaints relating to ethical governance. Details of the complaints have been kept anonymous.	Risk assessment Failure to identify complaints about member conduct could undermine confidence in the democratic structure of the authority.
Sustainability implications None	Equalities implications Equalities elements of complaints made to the Council will continue to be monitored and acted upon as issues arise.
Implications for the prevention of crime and disorder None	

Background papers No non-confidential background papers have been relied upon to a material extent in compiling this report.
Contact Officer Brian Foley, Standards and Complaints Manager, 293109

APPENDIX 1

Glossary of Terminology used by the Local Government Ombudsman

Local Settlement:

During the course of an investigation the Council takes or agrees to take some action, which the Ombudsman considers to be a satisfactory response to the complainant.

Maladministration:

Where there has been a fault in the way the Council has or has not done something.

For example:

- Took too long to do something
- Did not follow its own rules
- Broke its promise
- Did not make a decision in the correct way

No Injustice:

The Ombudsman will only investigate injustice as a result of Maladministration. Injustice might occur if:

- A person did not receive a service or benefit to which they were entitled
- A financial loss was incurred
- Distress or upset was caused

Ombudsman's discretion:

Cases are terminated at the Ombudsman's discretion if for example:

- The complainant wishes to withdraw the complaint
- The complainant decides to take court action
- No or insufficient injustice to justify continuing the investigation

Outside Jurisdiction:

The law does not allow the Ombudsman to investigate certain things, these can include:

- Personnel matters
- Internal management of schools
- Matters which affect all or most of the people living in a Council's area

Premature Complaints:

Complaints not accepted because the Council have not had a reasonable opportunity to deal with them first