

Subject:	Complaints Update		
Date of Meeting:	11 November 2008		
Report of:	Director of Strategy & Governance		
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Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

This paper gives information about:

- 1.1 Complaints regarding Member conduct administered under new arrangements as defined by The Standards Committee (England) Regulations 2008 which came into effect on 08 May 2008.
- 1.2 Complaints dealt with under the corporate complaints procedures.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Standard Committee (England) Regulations 2008 are derived from the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007. The regulations set out a framework for the operation of a locally based system for assessment, referral, investigation and hearing of complaints of member misconduct.
- 3.2 This paper summarises complaints dealt with under these regulations.
- 3.3 The Local Government Act 2000 requires the names of complainants and of Members about whom allegations have been made to be kept confidential.

3.4 **Summary of complaints about member conduct**

Complaints previously reported to Standards Committee

- 3.5 The Complaints Update Report to Standards Committee of 16 September 2008 gave details of 4 complaints to be dealt with under the new Standards Committee (England) Regulations 2008. The outcomes of those complaints were:

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Complaint withdrawn

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:

A Standards Committee Panel considered the Report of the Investigator appointed by the Monitoring Officer. The Panel agreed with the findings

within the Report and concluded there had been no breach of the code of conduct.

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 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

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 to withdraw from the room or chamber where the business of the meeting was being considered.

Decision of Assessment Panel:

An elements of the complaint to be investigated

Outcome: A Standards Committee Panel considered the Report of the Investigator appointed by the Monitoring Officer. The Panel agreed with the findings within the Report and concluded there had been no breach of the code of conduct.

3.6 New complaints not previously reported to Standards Committee

Case Number **SCT052STDS**

Complainant: An Elected Member

Date of complaint: 12 September 2008

Date of Assessment Panel : 21 October 2008

Allegation:

It is alleged that the Subject Member has 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.

Case Number **SCT053STDS**

Complainant: Member of the public

Date of complaint: 16 September 2008

Date of Assessment Panel : 21 October 2008

Allegation:

It is alleged that the Subject Member has 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 is 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.

3.7 Summary of complaints received under the corporate complaints procedures

Local Government Ombudsman Complaints

In the first half of 2008/09 there have been 69 complaints received by the Ombudsman compared to 77 in the same period of last year. There were 6 cases resolved by Local Settlement. This resulted in total payments to complainants of £1750. There were 26 findings of No Maladministration. The remaining complaints were either closed at the Ombudsman's Discretion, were Outside the LGO's Jurisdiction or were Premature.

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

Stage Two Complaints

In the first half of 2008/09 there have been 59 requests for Stage Two Investigations compared to 88 in the same period of last year. Compensation payments totalled £500.

The services receiving most complaints at Stage Two were Development Control (8), Housing Car Parks and Garages (8), Repairs and Maintenance (6), Parking Management (4).

Stage One Complaints

In the first half of 2008/09 there have been 908 complaints at Stage One compared to 986 in the same period of last year. Compensation payments totalled £100.

The services receiving most complaints at Stage One were Repairs and Maintenance (101), Parking Management (70), Development Control (62), Refuse Collection(60), Transport planning (55), Housing estate management (45), Revenues (42), and Housing Benefits (34).

4. CONSULTATION

4.1 There has been no consultation

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no financial implications

Finance Officer Consulted:

Date:

Legal Implications:

5.2 There are no legal implications

Lawyer Consulted:

Date:

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