

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date: 25 September 2017

Report of: Director of Finance and Resources

Subject: OVERVIEW OF COMPLAINTS AGAINST THE COUNCIL

SUMMARY

This report informs members of the number of complaints made to the Council where these came by way of the Local Government and Social Care Ombudsman, and of any complaints in respect of breaches of the Code of Conduct for Members for the year up to 31 March 2017.

RECOMMENDATION

Members are now invited to note the contents of the report.

INTRODUCTION

1. One of the functions of the Audit and Governance Committee, set out in the Constitution, is to advise on an internal framework of standards of conduct that should be followed by members and officers. To assist the Committee in carrying out this role, it is considered helpful to provide information concerning complaints made to, or about the Council, its members and officers.
2. Many matters which could be termed complaints might more properly be termed service requests and others are dealt with by the relevant departments as part of their normal duties (e.g. a missed refuse bin). Such requests are not covered by this report.
3. Where a matter has not been resolved straightaway, the Council's corporate complaints procedure is followed and the matter is dealt with as a formal complaint. The procedure applies to most complaints, but there are some cases which are treated in a different way. The Council lets the complainant know if this is the case.
4. The formal complaints procedure is a two-stage process. Under Stage 1, the Head of Service in the department responsible will investigate the complaint. If the matter remains unresolved it will proceed to Stage 2 where the Director, of the department responsible, will review the complaint.
5. A complainant who is still not satisfied with the Council's explanation or resolution, after both stages of the complaints process, has the right to contact the Local Government and Social Care Ombudsman (LGO). Such cases are considered in this report together with the Ombudsman's annual letter.
6. Complaints about the conduct of members which involve possible breaches of the Council's Code of Conduct for Members are not dealt with under the Council's formal complaints procedure. Since the implementation of the Localism Act the members' standards responsibility became the responsibility of the Audit and Governance Committee and its Standards Sub Committee.

COMPLAINTS TO THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

7. The LGO's annual review letter, [Appendix A](#), shows that no complaints were upheld against the Council in the last financial year.

Enquiries and Complaints Received

8. In 2016/17 the LGO received a total of 8 complaints about the Council and made 10 decisions. The discrepancy between the figures is related to the LGO using the received date and decision date to determine the year for each. In 2015/16 there were 9 complaints and 8 decisions.
9. The complaints received related to several different service areas, which are summarised below. The titles are determined by the LGO so do not directly correlate with the services delivered by the Council.
 - a. Three for Benefits and Tax
 - b. Two for Corporate and Other Services
 - c. One for Environment Services
 - d. One for Housing

- e. One for Planning and Development
10. The points below provide details of the outcome of the decisions made, by the LGO, in 2016/17.
- a. Four Referred back for Local Resolution
 - b. Four Closed After Initial Enquiries
 - c. Two detailed investigations, both of which were Not Upheld
11. No complaints were upheld, against Fareham Borough Council, in 2016/17. This meant that there were no remedies that the Council needed to implement.

Performance of Hampshire District Councils

12. For the year ended 31 March 2017 the LGO received 115 complaints and enquiries in respect of Hampshire District Councils, including Fareham Borough Council. The lowest number of complaints and enquiries was received by Hart District Council with 2. East Hampshire District Council received the highest number of complaints and enquiries, with a total of 22. Complaints and enquiries relating to Planning and development were the most frequent type, with 45, which is the same as 2015/16 and is more than double the number of the next most common type.
13. For the year ended 31 March 2017 the LGO made a total of 114 decisions in respect of Hampshire District Councils, including Fareham Borough Council. Hart District Council had the lowest number of decisions, with 2. East Hampshire District Council received the highest number of decisions, which resulted in 2 (out of 21) decisions being upheld. Fareham Borough Council was one of 6 councils in Hampshire to receive no upheld decisions in 2016/17.

COMPLAINTS IN RESPECT OF BREACHES OF THE MEMBERS CODE OF CONDUCT

14. The Council has a duty to make arrangements to receive and consider complaints made against Councillors in Fareham. The responsibility for carrying out this function lies with the Monitoring Officer.
15. Complaints can be received in writing, via e-mail or by filling in a complaint form that is available on the Council's website. All complaints are taken seriously and are recorded and investigated by the Monitoring Officer, who evaluates each one against the code of conduct.
16. For the period 1st April 2016 to 31st March 2017, eight formal complaints against members were received by the Monitoring Officer, an increase of three against the previous year. All of these were resolved at an early stage of the complaints procedure as it was established that no breach of the code had occurred.

RISK ASSESSMENT

17. There are no significant risk considerations in relation to this report

CONCLUSION

18. The overall level of complaints, to the Local Government Ombudsman and those about Councillors, are in line with recent trends and the Committee is recommended to note the report.

[Appendix A](#): Annual Review Letter, Local Government Ombudsman

Background Papers:

The Local Government and Social Care Ombudsman's website provides copies of the annual review letters sent to all councils about their performance.

Reference Papers: None

Enquiries:

For further information on this report please contact Annette Rickman, Customer Service Manager (Ext. 4418).