

# FAREHAM

## BOROUGH COUNCIL

### **Report to Audit and Governance Committee**

**Date:** 17 September 2018

**Report of:** Director of Finance and Resources

**Subject:** ANNUAL OVERVIEW OF COMPLAINTS AGAINST THE COUNCIL

#### **SUMMARY**

This report informs members of the number of complaints made to the Council via the Local Government and Social Care Ombudsman, the Housing Ombudsman Service and of any complaints in respect of breaches of the Code of Conduct for Members for the year up to 31 March 2018.

#### **RECOMMENDATION**

It is recommended that the Committee notes 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 as complaints might more properly be termed as 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 straight away, 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 have been followed, has the right to contact the Local Government and Social Care Ombudsman (LGSCO). Such cases are considered in this report together with the Ombudsman's annual letter.
6. In addition, tenants and leaseholders of housing associations and local authorities can contact the Housing Ombudsman Service, who will also investigate housing complaints that fall within their jurisdiction under the Housing Act 1996.
7. 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**

8. The LGSCO's annual review letter, Appendix A, shows that no complaints were upheld against the Council in the last financial year.

## **ENQUIRIES AND COMPLAINTS RECEIVED**

9. In 2017/18 the LGSCO received a total of 10 complaints about the Council and made 7 decisions. Cases are not always received and decided within the same financial year, which explains the discrepancy between the figures; the LGSCO uses the received date and decision date to determine the year for each. In 2016/17 there were 8 complaints and 10 decisions.
10. The complaints received related to several different service areas, which are summarised below. The titles are determined by the LGSCO so do not directly correlate with the services delivered by the Council:

- (a) Five for Planning and Development
- (b) Two for Corporate and Other Services
- (c) Two for Highways and Transport
- (d) One for Housing

11. The points below provide details of the outcome of the 7 decisions made by the LGSCO in 2017/18:

- (a) Three referred back for local resolution – the LGSCO found the complaint was taken to them too early and hadn't yet gone through the Council's complaints procedure. No further information is available on these as we are reliant upon the complainant contacting the relevant department with their complaint directly.
- (b) Three closed after initial enquiries – the LGSCO considered the complaint but decided against completing a full investigation.
- (c) One advice given – the LGSCO provided early advice, or explained where to go for the right help.

12. No complaints were upheld against Fareham Borough Council in 2017/18. This meant that there were no remedies that the Council needed to implement.

13. In addition to those complaints and enquiries received by the Local Government and Social Care Ombudsman, the Housing Ombudsman Service also received one complaint relating to how the Council, as the landlord, had handled allegations of anti-social behaviour. Although this complaint was received in the 2017/2018 financial year, the decision was not made until the following year and the decision will therefore be included in the 2018/2019 report.

### **PERFORMANCE OF HAMPSHIRE DISTRICT COUNCILS**

14. For the year ended 31 March 2018, the LGSCO received 128 complaints and enquiries in respect of Hampshire District Councils, including Fareham Borough Council. This is an increase on the 115 complaints received during the previous year. The lowest number of complaints and enquiries was received by Rushmoor Borough Council with 4. Winchester City Council received the highest number of complaints and enquiries, with a total of 20. Complaints and enquiries relating to Planning and Development were the most frequent type with 41, which is almost double the number of the next most common complaint type. This is a slight decrease on the 45 Planning and Development complaints/enquiries received for the year ended 31 March 2017.

15. For the year ended 31 March 2018, the LGSCO made a total of 134 decisions in respect of Hampshire District Councils, including Fareham Borough Council. Rushmoor Borough Council had the lowest number of decisions, with 4. Winchester City Council received the highest number of decisions, which resulted in 1 (out of 20) decisions being upheld. New Forest District Council had the most decisions upheld with 3 (out of 14). Fareham Borough Council was one of four Councils in Hampshire to receive no upheld decisions in 2017/18.

16. No information is available from the Housing Ombudsman Service regarding the number of complaints and enquiries received in respect of other Hampshire District Councils.

## **COMPLAINTS IN RESPECT OF BREACHES OF THE MEMBERS CODE OF CONDUCT**

17. 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 Council's Monitoring Officer.
18. Complaints can be received in writing, via email or by completing an online 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.
19. For the period 1 April 2017 to 31 March 2018, sixteen formal complaints against members were received by the Monitoring Officer, an increase of eight compared to the previous year. Fifteen of these were resolved at an early stage of the complaints procedure as it was established that no breach of the code had occurred. One minor breach of code was established, which resulted in a letter from the Monitoring Officer to the subject member.

## **RISK ASSESSMENT**

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

## **CONCLUSION**

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

## **Appendix A – LGSCO Annual Review letter**

### **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)