

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date **23 September 2013**

Report of: **Director of Community**
 Director of Regulatory and Democratic Services and Monitoring

Officer

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

SUMMARY

This report informs members of the numbers of complaints made to the Council where these came by way of the Local Government Ombudsman, and of any complaints in respect of breaches of the Code of Conduct for Members for the year up to 31 March 2013.

RECOMMENDATION

That the report reviewing complaints to the Local Government Ombudsman and allegations of breaches of the Code of Conduct for Members for the year ending 31 March 2013 be noted.

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 procedure. Under Stage 1, the Head of Service in the department responsible for the service 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 has the right to contact the Local Government 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. Up until 1 July 2012, these were referred to the Standards Assessment Sub Committee of the former Standards Committee for consideration and if appropriate for further investigation. From the 1 July 2012 the new standards arrangements as introduced by the Localism Act came into effect and the standards responsibility became the responsibility of the Audit and Governance Committee and its Standards Sub Committee. This report covers the period 1 April 2012 until 31 March 2013 so covers complaints made under both arrangements.

COMPLAINTS TO THE LOCAL GOVERNMENT OMBUDSMAN

7. There were no findings of maladministration against the Council this year. The Ombudsman's annual review letter is attached at Appendix A. Over the past year the Local Government Ombudsman has been through a significant transformation programme. The result of the changes has led to different ways of working, which means that more detailed statistics are not available for 2012/13.

Enquiries and Complaints received

8. In 2012/13 the Local Government Ombudsman received 7 complaints about the Council. This is a reduction on 2011/12, where the Ombudsman received 11 enquiries or complaints (there were no findings of maladministration against the Council during 2011/12). On average 10 complaints were received by District/Borough Councils during 2012/13. In reviewing the Council's records it has been possible to identify that the seven complaints were resolved as follows:

- (a) 1 premature complaint, where the Council had not been given the opportunity to

resolve the issue through its full complaints procedure.

- (b) 4 complaints that were not investigated further by the Ombudsman. A complaint may not be investigated because the events happened too long ago, is not in the jurisdiction of the Ombudsman or there has been an insufficient affect to justify an investigation.
- (c) 2 investigations by the Ombudsman. In these cases the Ombudsman did not find any significant administrative faults or evidence of maladministration.

Performance of Hampshire District Councils

- 9. In respect of Hampshire district councils, due to the limited information it is not possible to know the details of the findings made by the Local Government Ombudsman. For the year ended 31 March 2013 the Ombudsman dealt with 78 complaints in respect of Hampshire district councils ranging from 2 at Hart District Council to 13 at Basingstoke and Deane Borough Council.

COMPLAINTS IN RESPECT OF BREACHES OF THE MEMBERS CODE OF CONDUCT

- 10. The Council has a responsibility for making arrangements to receive and consider complaints against Councillors in Fareham.
- 11. At the meeting of full Council on 21 June 2012, a revised Members` Code of Conduct and arrangements for dealing with complaints about Members was adopted that was consistent with the requirements of the Localism Act 2011. These new arrangements came into effect on 1 July 2012.
- 12. All complaints are taken seriously and investigated as appropriate. In order to be considered under the formal complaints process complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking. When a complaint does not meet these criteria and does not reveal a potential breach of the Members` Code of Conduct it is treated as a `general enquiry`. This means that the Monitoring Officer responds to the complainant explaining why the matters complained of do not constitute a potential breach of the Members` Code of Conduct.
- 13. When a written complaint is submitted which provides the relevant information, the Monitoring Officer will consider the complaint and make a decision as to whether it will be treated as a valid complaint or not. For the period 1 April 2012 to 31 March 2013, the Monitoring Officer received 10 separate complaints about Councillors, 7 of which were treated as formal complaints and assessed against the criteria set out in the complaints procedure.
- 14. So far, all complaints have been resolved at an early stage of the complaints procedure meaning that there have been no determinations or findings of a failure to comply with the Code of Conduct that needed to be referred following investigation by the Monitoring Officer to the Standards Sub Committee.
- 15. At the meeting of the Audit and Governance Committee on the 11 March 2013, the Committee considered a motion which was submitted to Council on 22 February 2013 by Councillor N R Gregory and which had been referred to the Audit and Governance Committee for consideration. The motion related to the Code of Conduct for Members

and the sanctions available for dealing with any breach of the code. In considering the matter, it was resolved that the motion referred from Council to the Audit and Governance Committee is not supported but the Monitoring Officer bring a report back to the Committee in one year's time to give an update on how the current arrangements are working with possible recommendations for improvement. This report is scheduled in the Committees work programme for March 2014.

RISK ASSESSMENT

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

CONCLUSION

17. The overall level of complaints is not considered to give any cause for concern and the Committee is recommended to note the report.

Appendices:

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

Background Papers:

The Local Government Ombudsman's website provides copies of the annual reviews sent to all councils about their performance. Visit:

Reference Papers:

None

Enquiries:

For further information on this report please contact Christopher Cotmore. (Ext 4552)