

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date **22 September 2014**

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 Ombudsman, and of any complaints in respect of breaches of the Code of Conduct for Members for the year up to 31 March 2014.

RECOMMENDATION

That members 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 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. 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.

COMPLAINTS TO THE LOCAL GOVERNMENT OMBUDSMAN

7. The Local Government Ombudsman's annual review letter, attached at Appendix A, shows no complaints that were upheld against the Council this year. Over the past year the Local Government Ombudsman has changed the way it classifies complaint resolution. Maladministration, potentially including injustice, is covered under the heading of an upheld complaint. A decision relating to a complaint received during 2013/14 has been upheld, but was not decided until after the end of the financial year. This will be reported in next year's annual review letter.

Enquiries and Complaints received

8. In 2013/14 the Local Government Ombudsman received 11 complaints about the Council and made 13 decisions. The discrepancy between these figures is for the following reasons:
 - (a) All decisions made during 2013/14 are counted, regardless of when the complaint was received
 - (b) Some of the received complaints were not decided until after the end of 2013/14

9. Additional details regarding the complaints and how they were resolved can be seen below.
- (a) Three complaints were not upheld, no fault found, following detailed investigations.
 - (b) Six complaints were closed after initial enquiries, with no further action taken.
 - (c) The remaining four complaints were referred back for local resolution, because the Council had not been given the opportunity to complete its complaints process.
10. The volume of complaints received by the Local Government Ombudsman was up on the 7 complaints received during 2012/13, but the same number as 2011/12. This shows that the number, of complaints, is not a significant departure from the recent trend.
11. Complaints relating to Planning and Development were the most common, with 3. Each of the following areas received two complaints:
- (a) Benefits and tax
 - (b) Environmental services and public protection and regulations
 - (c) Highways and transport
 - (d) Housing
12. Due to the changes in the way the Local Government Ombudsman processes complaints, it is not possible to compare these figures with 2012/13.

Performance of Hampshire District Councils

13. For the year ended 31 March 2014 the Local Government Ombudsman received 138 complaints and enquiries in respect of Hampshire district councils (including Fareham Borough Council). The lowest number of complaints and enquiries was 5 for Hart District Council up to 19 at New Forest District Council. Complaints and enquiries relating to Planning and Development were the most frequent type with 41, nearly double any other type.
14. For the year ended 31 March 2014 the Local Government Ombudsman dealt with 143 complaints in respect of Hampshire district councils (including Fareham Borough Council), ranging from 5 at Hart District Council to 21 at New Forest District Council. Of the 143 decisions, 22 were investigated, which resulted in 11 decisions being upheld.

COMPLAINTS IN RESPECT OF BREACHES OF THE MEMBERS CODE OF CONDUCT

15. 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.

16. 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 members' code of conduct.
17. For the period 1st April 2013 to 31st March 2014, seven complaints against members were received. Six of these were resolved at an early stage of the complaints procedure as it was established that no breach of the code had occurred.
18. One complaint was received following a planning application heard by the Planning Committee on 26th February 2014 that a council member had failed to disclose a pecuniary interest to the committee as required under the code of conduct.
19. The conclusion of the investigation was that a technical breach of the code had occurred, and in line with the law, the matter was referred to the police for their consideration. The Monitoring Officer met with the police, who recommended that it was not in the public interest to take any further action as regards any criminal breach.
20. This decision was reached having considered the level of the breach, the fact that the Monitoring Officer had alerted the member to the inadvertent breach and given advice. Further training on the code of conduct and probity in planning was planned as a matter of priority.
21. The recommendation was discussed with the designated Independent Person and the Solicitor to The Council and it was considered reasonable, proportionate and appropriate in the circumstances.

RISK ASSESSMENT

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

CONCLUSION

23. The overall level of complaints, to the Local Government Ombudsman and those about Councillors, does not represent a significant departure from recent trends and the Committee is recommended to note the report.

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.

Reference Papers:

None

Enquiries:

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