

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of the Standards Committee to be held on 20 May 2010.

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Subject:

Annual review of complaints received.

Summary statement:

This report provides information on the complaints received during the municipal year 2009/10 for the Standards Committee to consider issues arising and actions to address those issues.

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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

- 1.1 This report provides information on the complaints received during the municipal year 2009/10 for the Standards Committee to consider issues arising and actions to address those issues

2. Background

2.1 The role and functions of the Standards Committee include assessment and determination of complaints relating to compliance with the Code of Conduct for Councillors. In addition the role includes promotion and maintenance of high standards of conduct by members of both the District Council and Town and Parish Councils. In undertaking the first role it is important to assess the type and number of complaints received to ascertain if there are any issues which touch upon the second role in terms of providing guidance and additional information to ensure compliance is maintained and reduce the number of complaints received.

2.2 Standards Committee recognise the need to review the nature and type of complaints received to assist in undertaking their role of promoting and maintaining high standards. The Standards Committee work programme therefore includes a review of the type and nature of complaints received on an annual basis.

2.3 During the municipal year 2009/10 up to the date of this report Standards Committee has received sixteen complaints relating to the conduct of members of the District Council and members of Town and Parish Councils. The table attached to this report as Appendix 1 sets out information relating to the type of complainant, the status of the subject member, the outcome of the assessment and whether or not a review was requested of the initial assessment. Members are asked to consider the information provided in the table.

2.4 In addition the Monitor Officer has reviewed the case summaries in each of the sixteen complaints. Members will appreciate that often complainants make a number of allegations within one complaint. Having reviewed the case summaries it would appear that complaints fall into the following categories:

- Failing to treat people with respect 11
- Conduct which could reasonable be regarded as bringing the office or authority into disrepute 11
- Using their position improperly to confer on or secure an advantage or disadvantage 3
- Bullying 2
- Actions which compromise impartiality of those who work for or on behalf of the authority 3
- Using Council resources for political purposes 1
- Failing to register an interest 1
- Failing to update the register of interest 1
- Failing to declare a personal interest 3

• Failing to declare a prejudicial interest	2
• Taking part in a discussion where they have a prejudicial interest	3
• Improperly influencing the decision about a matter	1
Total:	42

2.5 Members will note that over 50% of the allegations made relate to an alleged failure to treat people with respect or conduct which could reasonably be regarded as bringing their office or authority into disrepute. This is very similar to the national perspective and the bulk of complaints received across the country tend to fall into this category. Members may wish to consider what guidance or training ought to be offered in relation to these allegations.

2.6 It has also been noted that of the sixteen complaints received seven relate to allegations of disrespect or disrepute where the complainant is effectively challenging their elected members failure to perform. These relate to concerns raised in respect of failure to respond to telephone enquiries, emails, requests for advice, letters, etc. In all of these cases the Standards Committee Assessment Sub-Committee came to the view that the conduct if proven would not amount to a breach of the code of conduct. This is in line with guidance from Standards for England which states that whilst Councillors are elected to represent their ward and people who live there, there is no obligation on them to respond to each and every request for advice or assistance. In addition the advice states that there are occasions where a Councillor must chose not to become involved in a particular issue or where they are prevented from doing so. Members may wish to consider how the complaints process may be improved to ensure the public understand that it is not the role of the Standards Committee to “performance manage” the operation of individual members. The role of the Standards Committee is to ensure compliance with the Code of Conduct where a member has pro-actively shown disrespect or their conduct could be regarded as bringing their office or authority into disrepute.

2.7 In addition members will note that there are nine allegations which involve failure to declare personal or prejudicial interests, failure to leave a meeting where a prejudicial interest is established and improperly influencing a decision where a member has a prejudicial interest. Members will note that they have previously suggested that training be provided to District, Town and Parish Councillors on the issues of declarations of personal/prejudicial interests and the issue of predetermination.

3. Financial and resource appraisal

3.1 There are no financial implications arising out of the Report.

4. Legal appraisal

- 4.1 City Solicitor is of the opinion that it is important that complaints are reviewed to identify recurring/common issues and actions to improve compliance with the Code and Standards of Conduct.

5. Other Implications

- 5.1 There are no Equal Rights, Sustainability, Community Safety, Human Rights Act, Trade Union implications arising from this report.

6. Not for Publication documents

- 6.1 None.

7. Recommendations

- 7.1 That the Standards Committee considers the data provided relating to the complaints received and discuss possible actions to deliver improvements to the complaints process.

8. Reason for Recommendation

- 8.1 To ensure that the role of the Standards Committee in ensuring compliance with the Code of Conduct and maintaining high standards is met.

9. Appendices

Appendix 1 – Annual review of complaints received