

E-Mail: CommitteeServices@horsham.gov.uk

Direct Line: 01403 215465

To contact the Monitoring
Officer E-Mail: standards@horsham.gov.uk

Direct Line: 01403 215478

Standards Committee
Wednesday 27th June 2012 at 11.00a.m.
COMMITTEE ROOM 1, PARK NORTH, NORTH STREET, HORSHAM

Councillors: Andrew Baldwin
David Coldwell
Brian Donnelly

Sheila Matthews
Godfrey Newman
Claire Vickers

Parish Council Representatives:
Valerie Court

Isabel Glenister

Independent Representatives:
Eric Blackburn (Chairman)
Paul Byford

Mary Jagger (Vice-Chairman)
David Tilsley

TOM CROWLEY
Chief Executive

AGENDA

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No. |
|---|---------------------|
| 1. Apologies for absence. | |
| 2. To approve the minutes of the meeting of the Committee held on 30 th May 2012 (attached hereto) | 1 |
| 3. To receive any declarations of interest from Members of the Committee | |
| 4. To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer | |
| 5. To note the list of Standards Committee Reports and Documents available for inspection | 5 |
| 6. To receive a report from the Parish Council representatives | |

7. To consider the following report by the Monitoring Officer:

(i) The Local Government Ombudsman Annual Review 2011-2012 **12**

8. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

STANDARDS COMMITTEE

30th May 2012

Present: Councillors: Andrew Baldwin, David Coldwell, Sheila Matthews, Claire Vickers

Parish Council Representative: Val Court

Independent Representatives: Eric Blackburn, Paul Byford, Mary Jagger, David Tilsey

Apologies: Councillors: Brian Donnelly, Godfrey Newman
Parish Council Representative: Isabel Glenister

Also present: Councillor Leonard Crosbie

SC/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Eric Blackburn be elected Chairman of the Committee.

SC/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Mary Jagger be appointed Vice-Chairman of the Committee.

SC/3 **MINUTES**

The minutes of the meeting of the Committee held on 14th March 2012 were approved as a correct record and signed by the Chairman.

SC/4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/5 **ANNOUNCEMENTS**

The Chairman welcomed Selena Saroy, the recently appointed Senior Solicitor (Monitoring & Standards), to her first meeting of the Committee.

SC/6 **MINUTES OF THE MEETING OF THE LOCAL ASSESSMENT SUB-COMMITTEES OF 4TH APRIL 2012**

The minutes of the meeting of the Local Assessment Sub-Committee held on 4th April 2012 were received.

It was noted that the Chairman and the Monitoring Officer had conducted training with the Member concerned in relation to the Council's rules regarding the use of car parking permits by Members and the Code of Members' Conduct in general.

SC/7 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/8 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

Val Court advised that the Monitoring Officer had given a presentation on the revised Standards' regime at the most recent meeting of HALC.

SC/9 **THE LOCALISM ACT 2011: UPDATE ON THE REVISED STANDARDS' REGIME AND CONSULTATION ON THE REVISED CODE OF MEMBERS' CONDUCT**

The Monitoring Officer reported that the Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and the new provisions were likely to come into force on 1st July 2012, although the Order from the Secretary of State was still awaited. The Chairman of the Council had set up a cross party Standards' Liaison Group to work up proposals to enable the Council to comply with the new provisions in the Act, which had been meeting on a monthly basis since December 2011.

As a result of the work of the Group, on 22nd February 2012, the Council had agreed the appointment of one Independent Person and one reserve Independent Person to comply with new statutory provisions and, on 15th May 2012, it had agreed the appointment of a new Standards Committee, arrangements for dealing with Code of Conduct complaints for both district and parish councils, changes to the Constitution, a revised Dispensation Scheme and that the revised Code of Conduct should largely reflect the current code in particular the behavioural aspects contained in paragraphs 3-7.

Recommendations would be made to the Council on 27th June 2012 on the detailed content of the new Code of Members' Conduct to be adopted and the views of this Committee were sought in that respect.

SC/9 The Localism Act 2011: Update on the Revised Standards' Regime and Consultation on the Revised Code of Members' Conduct (cont.)

Details as to what had to be included in the new Code were set out in section 28 of the Localism Act 2011. The Act provided that an adopted code, when viewed as a whole, had to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. In addition, the Council had to ensure that its code included provisions the authority considered appropriate in respect of the registration in its register and disclosure of both pecuniary interests and interests other than pecuniary interests.

The Monitoring Officer reported on the history of the Code of Members' Conduct and submitted, for Members' information, the 1974 Code, the National Code of Conduct adopted in 1989, the current Code of Members' Conduct and various templates and illustrative texts that had been prepared by the Local Government Association; the Department of Communities & Local Government; a working group of East and West Sussex District and Borough Council officers; West Sussex County Council; and the National Association of Local Councils.

The Localism Act would also abolish the statutory concepts of personal and prejudicial interests and, instead, regulations would define a new interest called "Disclosable Pecuniary Interests" (DPIs). At present the regulations had not been published but it was considered that DPIs were likely to be broadly equivalent to the current prejudicial interests. It was intended that the revisions to the Register of Interests would also be presented to the Council on 27th June 2012.

The report before the Committee had also been considered by the Chairman's Standards' Liaison Group and Councillor Claire Vickers updated Members on the views of that Group, indicating that the preference had been for the new Code to be as close as possible to both the existing one and that adopted by the County Council. It was also hoped that Parish Councils would adopt this Council's model Code, as the Monitoring Officer would continue to be responsible for dealing with Standards issues arising from the 32 parish councils within the District.

The Committee also considered that a Code as close as possible to both the existing one and that adopted by the County Council would be preferable, both from the point of view of ease of transition and also for the benefit of Members who sat on more than one authority (e.g. District and County or District and Parish). For this reason, it was also considered that the parish councils within the District should be encouraged to adopt the same Code as that eventually adopted by the District Council. Members of the Committee also discussed the composition of the Standards Committee and its sub-committees that would replace the existing Committee when the new Standards regime commenced.

SC/9 The Localism Act 2011: Update on the Revised Standards' Regime and Consultation on the Revised Code of Members' Conduct (cont.)

RESOLVED

- (i) That the matters set out in the report be noted.
- (ii) That it is the view of this Committee that the new Code of Members' Conduct should be as close as possible to both the existing one and that adopted by the County Council and that the parish councils within the District should be encouraged to adopt the same Code as that eventually adopted by the District Council.

REASONS

- (i) To ensure Members of the Council and others to whom the report is circulated are kept up to date with developments flowing from the Localism Act 2011 in relation to standards and member conduct.
- (ii) To comply with the statutory obligations placed upon the Council and its Members set out in Chapter 7 of the Localism Act 2011.

SC/10 **URGENT ITEMS**

There were no urgent matters to be considered.

The meeting finished at 11.00am having commenced at 10.00am.

CHAIRMAN

LIST OF STANDARDS COMMITTEE REPORTS AND DOCUMENTS – 2011 to 2012

The following reports and documents are available for inspection by arrangements with the Monitoring Officer and her staff.

The most up-to-date version of the list is available via the following link:

<http://www.horsham.gov.uk/council/members/1113.aspx>

PART A - REPORTS

Date of report	Subject of report
Past Reports	
14.01.09	Ethical Framework Update January 2009
1.04.09	Ethical Framework Update April 2009
1.04.09	Ombudsman Update April 2009
15.07.09	Ethical Framework Update July 2009
15.07.09	Report to Council – Appointment of Additional Parish Member of Standards Committee
21.10.09	Ethical Framework Update October 2009
21.10.09	Ombudsman Update October 2009
13.01.10	Ethical Framework Update January 2010
13.01.10	Work Programme and future Annual Reports 2010/11
28.04.10	Ombudsman Update April 2010
28.04.10	Ethical Framework Update April 2010
22.09.10	Ombudsman Update September 2010
22.09.10	Ethical Framework Update September 2010
08.12.10	Ethical Framework Update December 2010
16.03.11	Ethical Framework Update March 2011
16.03.11	Ombudsman Update March 2011
16.03.11	Standards Annual Report 2010-11
13.04.11	Report to Council – Standards Annual Report 2010-11
21.09.11	Ethical Framework Update September 2011
21.09.11	Ombudsman Update September 2011 and Annual Letter
21.09.11	Future of Standards at Horsham – Issues and Options Document
07.12.11	Ethical Framework Update December 2011
07.12.11	Revised Standards Regime Update December 2011
14.03.12	Ethical Framework Update March 2012
14.03.12	Ombudsman Update March 2012
30.05.12	The Localism Act 2011
27.06.12	Ethical Framework Update June 2012
27.06.12	Ombudsman Update June 2012 and Annual Review Letter 2011-12

PART B – DOCUMENTS

	Description	Date	Publisher	Internet Links
SC410	A Plain English Guide to the Localism Bill	15.06.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1923416.pdf
SC411	Annual Report 2010/2011 – Delivering Public Value	14.07.2011	LGO	http://www.lgo.org.uk/publications/annual-report/
SC412	Life After Standards	20.06.2011	Bevan Brittan	http://www.bevanbrittan.com/articles/Pages/Lifewithoutstandards.aspx
SC413	Parish Clerk Sacked in Red Diesel Furore	26.07.2011	Cambridge News	http://www.cambridge-news.co.uk/Cambridge/Parish-clerk-sacked-in-red-diesel-furore-26072011.htm
SC414	ACSeS Backs Peers in Bid To Bolster Standards Provisions of Localism Bill	28.07.2011	LGL	http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=7440%3Aacses-backs-peers-in-bid-to-bolster-standards-provisions-of-localism-bill&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC415	Ombudsman Complaints Schedule March to September 2011 (interim)	21.09.2011	HDC	
SC416	Comparative Ombudsman Complaints Statistics to 31 March 2011	24.06.2011	LGO	http://www.lgo.org.uk/CouncilsPerformance/
SC417	Hansard Report 23 June 2011 Column 1475 Onwards	23.06.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110623-0003.htm
SC418	Local Government Ombudsman Case Update April to September 2011	21.09.2011	HDC	
SC419	Standards Case Update April to September 2011	21.09.2011	HDC	
SC420	Schedule of Local Assessment Sub-Committee Meetings 2011 to 2012	21.09.2011	HDC	
SC421	Annual Report and Accounts 2010 to 2011	18.07.2011	SfE	http://www.standardsforengland.gov.uk/media/Standards%20for%20England%20Annual%20Report%20and%20Accounts%20HC%201247%20v1.pdf

	Description	Date	Publisher	Internet Links
SC422	Standards Regime Post Localism at Horsham – Issues and Options	30.08.2011	HDC	
SC423	The Future of Standards of Conduct of Members of Local Authorities in England – Update	20.07.2011	NALC	http://www.horsham.gov.uk/files/SC423.pdf
SC424	Localism Bill - Second Marshalled List of Amendments to Standards Provisions	05.09.2011	Parliament	
SC425	Local Authorities Could Still be Obligated to Have Code of Conduct as Minister Signals Localism Bill Concession	15.09.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=7898%3Alocal-authorities-could-still-be-obliged-to-have-code-of-conduct-as-minister-signals-localism-bill-concession&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC426	Survey of Public Attitudes Toward Conduct in Public Life 2010	01.09.2011	Committee on Standards in Public Life	http://www.public-standards.gov.uk/Library/CSPL_survey_Final_web_version.pdf
SC427	Hansard Report 12 September 2011 Column 609 Onwards	12.09.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110912-0003.htm
SC428	Hansard Parliamentary Debates House of Lords Official Report Localism Bill (4 th Day) (page 44 onwards)	14.09.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/lhan195.pdf
SC429	Citizenship Survey April 2010 to March 2011	22.09.2011	DCLG	http://www.communities.gov.uk/documents/statistics/pdf/1992885.pdf http://www.communities.gov.uk/documents/statistics/xls/1992761.xls
SC430	Government response to the Communities and Local Government Select Committee's Report: Localism	23.09.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1993667.pdf
SC431	Preliminary Draft Model Code of Conduct for Members	07.10.2011	ACSeS	http://www.horsham.gov.uk/files/SC431.pdf
SC432	Standards for England Case Review 2010 Update (to 31 August 2011)	11.10.2011	SfE	http://www.standardsforengland.gov.uk/media/Case%20review%20111011.pdf
SC433	Ministers Amend Localism Bill to Require Authorities to Have Code of Conduct	27.10.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8332%3Aministers-amend-localism-bill-to-require-authorities-to-have-code-of-conduct&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC434	Localism Bill Amendments to Be Moved on Third Reading – Standards Provisions	27.10.2011	Parliament	http://www.publications.parliament.uk/pa/bills/lbill/2010-2012/0100/amend/am100-b.htm

	Description	Date	Publisher	Internet Links
SC435	Councils Will Have to Rely on Existing Sanctions for Conduct Breaches	02.11.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8387%3Acouncils-will-have-to-rely-on-existing-sanctions-for-conduct-breaches-says-minister&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC436	Updated Blogging Quick Guide	04.11.2011	SfE	http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/Onlineguides/Quickcodeguides/BloggingQuickGuide/
SC437	Local Government Ombudsman Case Update October to December 2011	07.12.2011	HDC	
SC438	Standards Case Update October to December 2011	07.12.2011	HDC	
SC439	The Localism Act 2011	15.11.2011	Parliament	http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf
SC440	Localism Bill Royal Assent Update	16.11.2011	SfE	http://www.standardsforengland.gov.uk/news/futureofthelocalstandardsframework/
SC441	A Plain English Guide to the Localism Act - Update	15.11.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1896534.pdf
SC442	Responses to the Localism Bill receiving Royal Assent	16.11.2011	DCLG	http://www.communities.gov.uk/newsstories/localgovernment/2031000
SC443	Localism Act code of conduct provisions "create as many difficulties as they resolve"	21.11.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8626%3Alocalism-act-code-of-conduct-provisions-qcreate-as-many-difficulties-as-they-resolveq&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC444	Explanatory Notes to Localism Act 2011	24.11.2011	Parliament	http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpgaen_20110020_en.pdf
SC445	Localism Act 2011: Special Report	15.12.2011	LGL	http://www.localgovernmentlawyer.co.uk/images/stories/Localism%20Act%20Special%20Report.pdf
SC446	Independent Persons Under the Localism Act 2011	08.12.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_myblog&show=independent-persons-under-the-localism-act-2011.html&Itemid=111
SC447	Implementation of New Standards Regime Delayed Until 1 st July 2012	23.12.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8911%3Aimplementation-of-new-standards-regime-delayed-until-1st-july-2012&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27

	Description	Date	Publisher	Internet Links
SC448	Cessation of Standards for England	17.01.2012	SfE	
SC449	Local Government Ombudsman Case Update January to March 2012	14.03.2012	HDC	
SC450	Standards Case Update January to March 2012	14.03.2012	HDC	
SC451	Ombudsman Complaints 2011/12 Reporting Year to 29 February 2012	14.03.2012	HDC	
SC452	Updated Schedule of Local Assessment Sub-Committee Meetings 2011 to 2012	14.03.2012	HDC	
SC453	10 Rules of Thumb for Every Tweeting MP	07.02.2012	Grant Shapps MP	
SC454	Submission to Select Committee on Recall of MPs Draft Bill	02.02.2012	Committee on Standards in Public Life	http://www.public-standards.gov.uk/Library/CSPL_submission_to_PCRC_on_recall_of_MPs.doc
SC455	Legal Topic Note: Members' Conduct and the Registration and Disclosure of Their Interests	01.03.2012	NALC	
SC456	The Standards Board for England (Abolition) Order 2012	02.03.2012	Parliament	http://www.legislation.gov.uk/ukxi/2012/668/made/data.pdf
SC457	Prospect of Compromise in Standards Row	15.03.2012	LGC	
SC458	Illustrative Text for Local Code of Conduct	11.04.2012	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/2128898.pdf
SC459	Template Code of Conduct	12.04.2012	LGA	
SC460	Possible Draft of the Interests Part of the Code of Conduct	14.04.2012	ACSeS	

	Description	Date	Publisher	Internet Links
SC461	Ministers Publish "Illustrative Text" of Local Authority Code of Conduct	13.04.2012	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=10063%3Aministers-publish-qillustrative-textq-of-local-authority-code-of-conduct&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC462	Public Law Partnership Draft Code of Conduct	20.04.2012	PLP	http://www.acses.org.uk/doc/filename/1625/PLP_draft_Code_of_Conduct.pdf
SC463	Updated Draft Code of Conduct for Members and Co-Opted Members	20.04.2012	ACSeS	http://www.acses.org.uk/doc/filename/1624/Version_1A_2_Code_of_Conduct_Amended_Templates_-_DRAFT_.doc
SC464	Model Arrangements for Dealing With Standards Allegations Under the Localism Act 2011	20.04.2012	Bevan Brittan	http://www.acses.org.uk/doc/filename/1426/Model_Arrangements_for_dealing_with_standards_allegations_under_the_Localism_Act_2011.doc
SC465	Model Standards Committee Report on Localism Act	20.04.2012	Bevan Brittan	http://www.acses.org.uk/doc/filename/1425/Model_Standards_Committee_report_on_Localism_Act.doc
SC466	Recruitment Pack for Appointment of Independent Person	18.05.2012	ACSeS	http://www.acses.org.uk/members/doclibrary/docs/28
SC467	Template Code of Conduct for Parish Councils	18.05.2012	NALC	http://www.nalc.gov.uk/
SC468	Draft: The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012	25.05.2012	Parliament	
SC469	Draft: The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012	25.05.2012	Parliament	
SC470	Comments from ACSeS: Draft Disclosable Pecuniary Interests Regulations	30.05.2012	ACSeS	

	Description	Date	Publisher	Internet Links
SC471	Ombudsman Complaints 2012/13 Reporting Year to 29 February 2013	27.06.2012	HDC	
SC472	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012	08.06.2012	Parliament	http://www.legislation.gov.uk/uksi/2012/1463/contents/made
SC473	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012	08.06.2012	Parliament	http://www.legislation.gov.uk/uksi/2012/1464/contents/made
SC474	Can You See What it is Yet?	15.06.2012	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=10692:can-you-see-what-it-is-yet&catid=181:editors-blog

Report to Standards Committee

27 June 2012

By the Monitoring Officer

INFORMATION REPORT

Not exempt



The Local Government Ombudsman Annual Review 2011-2012

Executive Summary

This report is to update Members on the developments of the number and nature of complaints about the Council made to the Local Government Ombudsman (the "LGO"). It provides the statistics for the period 01 April 2011 and 31 March 2012, together with details of the LGO's Annual Review for the same period.

Recommendations

The Committee is recommended to note the contents of the report.

Reasons for Recommendations

- i) To ensure that the Committee has the necessary information to ensure that complaints can be made to the Council with ease and complaints are dealt with appropriately.
- ii) To assist with establishing learning lessons so that the Council can improve its performance in the provision of its services.

Background Papers - Information on case files is confidential.

Consultation CMT

Wards affected All

Contact Selena Saroy, extension 5507

File reference CE0/157

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to update Members on the number, nature and the present position of complaints about the Council to the LGO, and provide details of the LGO's Annual Review Letter.

Background/Actions taken to date

- 1.2 The LGO requires complainants to exhaust the Council's internal complaints procedure. In the event that the LGO receives a complaint that has not first been processed internally by the Council, it will refer the complainant to the Council's internal complaints procedure. The LGO then logs these complaints as "premature complaints".
- 1.3 Details of all complaints, compliments and suggestions to the Council are considered by the Performance Management Working Group on a quarterly basis.

2 Statutory and Policy Background

Statutory background

- 2.1 The statutory background is found in the Local Government Act 1974 (as amended) and the Local Government and Public Involvement in Health Act 2007.
- 2.2 The Local Government Act 1974 (as amended) specifies the two main statutory functions for the LGO:
- 2.2.1 To investigate complaints against councils and some other authorities; and
- 2.2.2 To provide advice and guidance on good administrative practice.
- 2.3 The Local Government and Public Involvement in Health Act 2007, also sets out the LGO's role:
- 2.3.1 The LGO may look at service failure in addition to maladministration;
- 2.3.2 The LGO will have a limited power to investigate where an apparent case of maladministration comes to light even though they have received no complaint about the matter;
- 2.3.3 Complaints about the procurement of goods and services are now within jurisdiction;
- 2.3.4 The LGO may issue a 'statement of reasons' instead of a report if they are satisfied with the council's proposals to remedy its failures;
- 2.3.5 There are new powers to publish the LGO's decisions other than reports; and

2.3.6 Complaints no longer need to be in writing.

Relevant Government policy

- 2.4 The relevant Government policy is contained in the legislation cited in paragraph 2.1 above.

Relevant Council policy

- 2.5 The Council's Complaints Procedure for handling comments, representations, criticisms of policy and formal complaints is set out within Part 5D of the Council's Constitution.

3 Details

Annual Review 2011-2012

- 3.1 The Council has received the LGO's draft Annual Review letter, which sets out its provisional complaint statistics. The LGO is due to finalise its Annual Review Letter and send to the Council in late June 2012. The final copy of the LGO's Annual Review letter normally comprises two sections. The first section provides a general update on LGO developments and the second section focuses on the complaints that the LGO receives about the Council's services.
- 3.2 Complainants referred to within the LGO's report and the Annual Letter, when published, will be anonymised in compliance with Part 1 Schedule 12A of the Local Government Act 1972, as it forms information relating to individuals.
- 3.3 The LGO prepares annual statistics for the period of 01 April to 31 March each year. The LGO has provided the Council with provisional statistics for 2011/12 and the final statistics for 2011/12 will be published.
- 3.4 The LGO can make recommendations to the Council in regards to remedying the complaint against its service, including an apology from the Council and compensation payments. In 2011/2012, the LGO did not recommend any compensation payments.
- 3.5 The LGO's provisional statistics indicate that since 01 March 2011, fifteen complaints were made to the LGO, and whilst eight were deemed premature complaints, the LGO may have subsequently investigated where the Council then completed its own internal complaints procedure. For this reason, there is an overlap in the statistics provided, but overall the LGO received fifteen complaints about the Council's services; five fewer complaints than were received in 2010/2011.
- 3.6 The complaints received against Council departments are as follows:
- 3.6.1 Two complaints about the Benefits and Tax team;
 - 3.6.2 One complaint about Strategic Land & Property;
 - 3.6.3 One complaint about the Environmental service, Public Protection and Regulation teams;

- 3.6.4 One complaint about the Housing team; and
- 3.6.5 Ten complaints about the Planning and Development teams.

3.7 The LGO issued investigative decisions in nine complaint cases and determined that:

LGO Determination	Department	Number of cases
There was no reason to use exceptional power to investigate– Advice was instead given to the Council	Benefits and Tax	1
An investigation was not justified	Planning and Development	3
There was not enough evidence of fault	Strategic Land & Property	1
There was no or a minor injustice to the Complainant	Planning and Development;	2
	Environmental service, Public Protection and Regulation teams	1
An injustice was remedied during enquiries	Benefits and Tax	1

3.8 An updated schedule of cases recorded for the 2011/12 reporting year is attached (SC451/SC471).

3.9 The average time taken by the Council to reply to the Ombudsman's written enquiries was 31.0 compared with 23.5 days last year. The target response time is 28 days. The Council exceeded the target response time, as a result of delays in receiving the relevant information from service areas.

4 Next Steps

4.1 This report is based on the provisional statistics that will be recorded in the LGO's final copy of its Annual Review letter. It is intended that this report is to assist with learning lessons and improve performance, following complaints made to the LGO about the Council.

4.2 The LGO's Annual Review Letter shall be published upon receipt.

5 Outcome of Consultations

5.1 Corporate Management Team have been consulted on this report.

6 Other Courses of Action Considered but Rejected

6.1 Not applicable.

7 Staffing Consequences

7.1 There are no staffing consequences flowing from this report.

8 Financial Consequences

8.1 There are no specific financial consequences flowing from this report, but Members should note that the LGO can recommend compensation payments, where complaints are upheld by the LGO.

9 Other Consequences of the Proposed Action

9.1 Other consequences of the proposed action are set out in Appendix 1.

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal?	The report will assist the Council with learning lessons and improving performance.
Risk Assessment attached Yes/No	No.
How will the proposal help to reduce Crime and Disorder?	This report does not directly affect the Council's duty to reduce crime and disorder.
How will the proposal help to promote Human Rights?	Responding to complaints effectively and learning from the process, together with the adoption of the ethical framework will enhance citizens' human rights in all their aspects.
What is the impact of the proposal on Equality and Diversity?	<p>The Council is committed to the values of Equality and Diversity in relation to the provision of services and when serving residents.</p> <p>It has adopted a Single Equality Scheme as a public commitment of how the Council will meet the duties placed upon it by equality legislation.</p> <p>Having the right climate to accept and respond effectively to complaints against the Council will ensure the duties placed upon the Council by equality legislation are considered.</p>
Equalities Impact Assessment attached Yes/No/Not relevant	No.
How will the proposal help to promote Sustainability?	This report does not directly help to promote sustainability.

Ombudsman Complaints 2011/12

SC451/SC471

Ref	Nature of Complaint	Date Complaint Received	Current Position	Date Determined	Further Action	Lesson Learnt
	Housing – Complaint about Housing Benefit	25.02.11	Complaint withdrawn – Deemed a premature complaint	06.04.11		
CEO157	Planning and development – unhappy with planning permissions granted on neighbouring land.	04.08.11			See CEOP13	
CEO158	Planning and development – unhappy with planning permissions granted on neighbouring land.	04.08.11			See CEOP13	
CEO159	Corporate and other services – publicly accusing complainant of certain matters and failing to respond to a request for details of a public marketing exercise.	07.09.11	Determined. No or insufficient evidence of maladministration.	07.11.11		

Ref	Nature of Complaint	Date Complaint Received	Current Position	Date Determined	Further Action	Lesson Learnt
CEO160	Planning and development – alleged failure to identify suitable gypsy and traveller sites and did not handle consultation and appeal hearing on planning application adequately.	23.12.11	File closed: Complainant withdrew complaint. LGO indicated intention not to pursue complaint further in any event.	07.02.12		
CEO161	Planning and development – alleged failure to comply with legislation relating to EIAs and failure to draft a correct and effective planning condition.	24.01.12	Determined: Ombudsman decided not to initiate an investigation.	28.02.12		
CEO162	Planning and development – alleged failures by the Council relating to errors on a planning report and consultation documentation and the approval of incorrect plans.	27.02.12	Ongoing: Provisional view received from LGO indicating intention not to pursue complaint further. LGO has asked for clarification on one point by 19.03.12.	21.03.12		

Ref	Nature of Complaint	Date Complaint Received	Current Position	Date Determined	Further Action	Lesson Learnt
CEOP12	Benefits and tax – incorrect advice given in relation to amount of benefits received.	17.03.11	File closed: Investigation discontinued by Ombudsman.	06.04.11		
CEOP13	Planning and development – unhappy with planning permissions granted on neighbouring land.	04.08.11	File closed: Problem resolved through complaints procedure.			
CEOP14	Planning and development – unhappy with planning permissions granted on neighbouring land and perceived discrimination.	05.08.11	File closed: Problem resolved through complaints procedure.			
CEOP15	Planning and development – planning permission granted without adding agreed conditions and lack of response to correspondence from complainant.	25.08.11	File closed: Problem resolved through complaints procedure.			
CEOP16	Planning and development – complaint about height of neighbour's hedge and alleged administrative fault in dealing with this.	12.10.11	File Closed: Investigation discontinued by Ombudsman.	12.10.11		

Ref	Nature of Complaint	Date Complaint Received	Current Position	Date Determined	Further Action	Lesson Learnt
CEOP17	Housing – complainants were to be put in bed and breakfast accommodation and were concerned this would be too far from their jobs to enable them to commute.	09.01.12	Ongoing: Being dealt with under complaints procedure. Stage 1 response sent.			
CEOP18	Planning and Development - No enforcement action taken on works which allegedly did not comply with approved plans and lack of response to letters.	25.01.12	Ongoing: Being dealt with under complaints procedure.			
CEO163	Planning and Development - No enforcement action taken on works which allegedly did not comply with approved plans and lack of response to letters.	25.01.12	Determined: Ombudsman decided not to initiate an investigation.	27.04.12		