

Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	23 rd October 2014	
TITLE:	Report on assessment of complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex 1 – Report on assessment of complaint		

1 THE ISSUE

- 1.1 The Committee is asked to consider the attached details of complaints received and discuss any issues arising.

2 RECOMMENDATION

- 2.1 That the Committee consider the report and agree to receive six monthly updates at future meetings.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is required to have in place adequate arrangements to assess complaints and deal with any warranting further action.

5 THE REPORT

- 5.1 Attached as Annex 1 is a table giving information about complaints received.
- 5.2 The Committee is asked to consider the following aspects:-

- Timelines of the process (5.3)
- Emerging patterns or trends (5.4)

- Customer and public expectations (5.5)
- Any lessons learned or future actions (5.6)

5.3 There have been some cases which have taken longer to resolve than was expected. In most of these cases, this has been caused by the need to assess further information, to clarify facts or to seek additional comments from either the complainant or the member the subject of the complaint. In particular -

09/12 - An assessment was required of the decision-making process of the Parish Council and various members involved.

14/12 – There was a considerable amount of correspondence designed to ensure that the complaint could be dealt with fairly and, given the nature of the complaint, anonymously.

2 and 11/13 – The discussions and negotiations necessary to start and pursue a mediated outcome are inevitably time consuming and on occasions necessitate review and reflection.

3/13 – There was a lengthy dispute both about the facts and whether the councillor was or was not acting as a councillor at the time the incident of concern occurred.

6/13 – A considerable amount of research had to be done to ascertain the precise nature of the complaint and its evidential base.

9/13 & 10/13 – The complaint related to a number of court proceedings and a whole range of concerns that took a long period of time to assess.

4/14 & 5/14 – The case took a long time to resolve as a high court decision on similar facts was awaited.

9/14 – The allegations necessitated a considerable amount of research and correspondence with the complainant but found no evidence to support the belief of undue influence.

5.4 There are a number of cases (1/13, 4 and 5/13, 14-20/13, 13/13) where the provisions of the Code concerning Disclosable Pecuniary and 'other' interests have been considered. Whilst the form concept is fairly straightforward, the latter has been seen as less than clear – not least because in the case of parish councils they have their own codes that are not always the same. This would appear to be a training issue that will be addressed in Bath & North East Somerset as part of the induction for new members and through liaison with ALCA.

One frequent belief is that members who have more than one role in their council (eg member of the staffing committee and member of full Council) have some form of prohibitive interest that prevents them from fulfilling both roles. This is not the case. A member of a Staffing Committee which recommends a point of view to the full Council can quite properly vote on the Committee's recommendations.

This also applies to members who are both on B&NES and a Parish Council.

5.5 There is a legitimate concern (of both complainants and those complained about) that the process is both lengthy and rarely results in outcomes that are satisfactory to all concerned. Having reviewed a number of other Council's approaches, the former concern appears common but it is not felt that the process can be shortened. On the latter point, the experience of those involved is that the Code itself does not address all potential concerns but this appears to be primarily because the complaint is often about the outcome of an issue rather than the conduct of those involved.

5.6 Greater priority should be given to speeding up all the steps in the process and that will be done within the Legal Service.

6 OTHER OPTIONS CONSIDERED

6.1 None.

7 CONSULTATION

7.1 None.

8 RISK MANAGEMENT

8.1 Not applicable.

Contact person	<i>Vernon Hitchman, Monitoring Officer – 01225 395171</i>
Background papers	<i>None.</i>
Please contact the report author if you need to access this report in an alternative format	

Annex 1

Complaint No.	Date Received	Type of Council	Relevant provision of Code	Assessment	Decision reached	Date concluded
07-12	04.10.12	BANES	Disclosed personal details of a nature that the Council would not normally disclose.	Breach was an inadvertent one rather than a deliberate one.	NO FURTHER ACTION	16.11.12
08-12	July 2012 (unclear when)	BANES	Bringing Council into disrepute.	Actions pre-dated new Standards' Regime – unable to take any action.	NO FURTHER ACTION	18.08.12
09-12	03.08.12	PC	Not acting in accordance with BPC Code of Conduct.	No breach.	NO FURTHER ACTION	15.11.12
10-12	03.10.12	BANES	Failed to declare a “non--disclosable pecuniary interest”	Decision at Standards Committee 17.01.13 – Should have declared a non-discloseable pecuniary interest.	Cllr X be censured.	Full Council – March 2013
11-12	19.10.12	BANES	Behaviour of Cllr in breach of the Code.	No breach.	NO FURTHER ACTION	15.11.2
12-12	1.10.12	BANES	<ul style="list-style-type: none"> Bullying and intimidation Failing to treat others with respect and courtesy Disreputable conduct 	Investigation undertaken.	Standards Committee decision – 15.05.13 – “Cllr failed to show respect to the complainant”. Cllr to be rebuked for showing a lack of respect to the complainant; should apologise	<p>Apology received and sent to complainant.</p> <p>Training offered to Cllr.</p>

					to the Complainant and undertake training in this aspect of the Code of Conduct. Other elements of complaint no breach.	
13-12	12.11.12	BANES	Did not show dignity or respect towards the Chairperson of the council – bringing the Council into disrepute.	Breach to be remedied by apology.	Apology	Cllr X apologised to Chair at Full Council on 19.02.13
14-12	22.12.12	PC	Failure to treat with respect.	Potential breach capable of remedy by apology.	Apology	Apology made 28.05.13
01-13	18.01.13	BANES	Failure to declare interests.	No breach	NO FURTHER ACTION	
02-13	06.02.13	HBPC	Bullying and intimidation.	Mediation	Meditation undertaken	20.11.13
03-13	04.04.13	BANES	Failure to treat with respect	Informal resolution	Apology	Apology was sent 28.08.13
04-13	20.03.13	CMPC	Failure to declare interest.	No breach		29.04.13
05-13	20.03.13	CMPC	Failure to declare interest	No breach		29.04.13
06-13	22.07.13	BANES	Failure to treat with respect	No breach		14.10.13
07-13	15.05.13	PC	Failure to treat with respect	Potential breach capable of remedy by apology.	Apology	29.05.13
08-13	25.03.13	PC	Failure to treat with respect	Potential breach capable of remedy by apology.	Apology	29.05.13
09-13	11.04.13	BANES	Misuse of position	No breach.	NO FURTHER ACTION	07.11.13

10-13	11.04.13	BANES	Misuse of position	No breach.	NO FURTHER ACTION	07.11.13
11-13	18.04.13	PC	Failure to treat with respect	Mediation		See 02/13
12-13	20.05.13	BANES	Involvement in planning application – amounting to a failure to declare an interest	No breach	NO FURTHER ACTION	08.07.13
13-13	24.05.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
14-13	24.05.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
15-13	24.05.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
16-13	24.05.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
17-13	08.06.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
18-13	08.06.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
19-13	08.06.13	TC	Failure to declare prejudicial interest or other interest	No breach	NO FURTHER ACTION	15.07.13
20-13	28.06.13	PC	Prejudicial interest	No breach	NO FURTHER ACTION	15.07.13
21-13	04.10.13	PC	Bullying and failure to treat with respect		Hearing June 2014	
22-13	04.10.13	PC	Bullying and failure to treat with respect		Hearing June 2014	
23-23	09.10.13	PC	Failure to treat with respect	Not pursued		09.11.13
01-14	21.01.14	BANES	Failure to treat with respect	No breach	NO FURTHER ACTION	15.03.14
02-14	04.02.14	BANES	Failure to treat with respect			
03-14	04.02.14	PC	Failure to treat with respect	No breach	NO FURTHER ACTION	14.03.14
04-14	19.02.14	BANES	Involvement in planning	No breach	NO FURTHER	23.07.14

			application		ACTION	
05-14	19.02.14	BANES	Involvement in planning application	No breach	NO FURTHER ACTION	23.07.14
06-14	16.03.14	BANES	Involvement in planning application	No breach	NO FURTHER ACTION	08.05.14
07-14	28.04.14	PC	Bringing pc into disrepute	No breach	NO FURTHER ACTION	08.07.14
08-14	28.04.14	PC	Bringing pc into disrepute	No breach	NO FURTHER ACTION	08.07.14
09-14	27.05.14	BANES	Improper use of position	No breach	NO FURTHER ACTION	08.08.14
10-14	12.06.14	BANES	Involvement in planning application	No breach	NO FURTHER ACTION	08.07.14
11-14	09.07.14	BANES	Bringing the Council into disrepute	No breach	NO FURTHER ACTION	13.08.14
12-14	28.07.14	BANES	Bringing the Council into disrepute via social media comments	No breach	NO FURTHER ACTION	28.08.14
13-14	14.08.14	PC	Inappropriate behaviour	No breach	NO FURTHER ACTION	01.10.14
14-14	03.09.14	PC	Inappropriate behaviour	No breach	NO FURTHER ACTION	01.10.14
15-15	04.09.14	PC	Inappropriate behaviour	No breach	NO FURTHER ACTION	01.10.14
16-15	14.08.14	PC	Inappropriate behaviour	No breach	NO FURTHER ACTION	01.10.14