



Standards and General Purposes Committee agenda

Date: Thursday 17 November 2022

Time: 6.00 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

T Broom (Chairman), B Chapple OBE (Vice-Chairman), M Baldwin, R Carington, S Chhokar, P Gomm, T Green, S Lambert, R Matthews, H Mordue, C Oliver, L Smith BEM, M Smith and D Thompson

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Agenda Item	Page No
1 Apologies	
2 Minutes To approve as a correct record the Minutes of the meeting held on 14 July 2022, copy attached.	3 - 10
3 Declarations of Interest	

Members to declare any interests.

- | | | |
|-----------|---|------------------|
| 4 | Buckinghamshire Electoral Review
To consider the attached report.

Contact Officer: Nick Graham, Service Director, Legal and Democratic/
Glenn Watson, Principal Governance Officer. | To Follow |
| 5 | 2023 Review of Parliamentary Constituencies
To consider the attached report.

Contact Officer: Mat Bloxham Electoral Services Manager | 11 - 14 |
| 6 | Member Code of Conduct Complaints - Quarterly Review
To consider the attached report.

Contact Officer: Nick Graham, Service Director, Legal and Democratic/
Glenn Watson, Principal Governance Officer. | 15 - 24 |
| 7 | Local Government and Social Care Ombudsman - Annual Review Report
To consider the attached report.

Contact officer: Jennifer Griffin Head of Information Management | 25 - 36 |
| 8 | Constitution Working Group
To consider the verbal report.

Contact Officer: Nick Graham, Service Director, Legal and Democratic. | |
| 9 | Work Programme
To consider the attached Work Programme. | 37 - 38 |
| 10 | Date of Next Meeting
13 April 2023 at 2pm | |

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For further information please contact: Clare Gray - democracy@buckinghamshire.gov.uk on , email democracy@buckinghamshire.gov.uk.



Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 14 July 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2.00 pm and concluding at 3.13 pm.

Members present

T Broom, M Baldwin, B Chapple OBE, S Chhokar, P Gomm, T Green, R Matthews, H Mordue, L Smith BEM, M Smith and D Thompson

Apologies

R Carington and S Lambert

Agenda Item

1 Appointment of Vice-Chairman

The Chairman appointed Councillor Bill Chapple OBE as his Vice Chairman of the Standards and General Purposes Committee for the ensuing year.

2 Apologies

Apologies were received from Councillors R Carington and S Lambert.

3 Minutes

RESOLVED –

That the Minutes of the meetings held on 14 April 2022 and 18 May 2022 be approved as correct records.

4 Declarations of Interest

There were none.

5 Compliments and Complaints Report 2021-22

The Committee received an annual report on compliments and complaints for Buckinghamshire Council for the period 1 April 2021 to 31 March 2022. The Local Government and Social Care Ombudsman's annual review letter would likely be issued to authorities in July for 2021/22. For this reason, there was no ombudsman case information in this report. An update on this area will be issued later in the year.

It was explained that the Council operated 3 complaints systems. 2 related to

statutory responsibilities for Adults Social Care and Children's Social Care complaints, with all other complaints recorded separately. Data from all 3 sources had been combined into the annual report.

912 compliments had been received during 2021/22, which was less than the 1,029 received in 2020/21. The majority of compliments were thanking officers for their contributions to individual situations, particularly in areas like social care and SEND. Compliments were shared with services so that they could be passed on to individuals.

1,988 complaints had been managed through the corporate complaints process during 2021/22 (2,099 in 2020/21). The highest number of complaints were received for the Southern Waste and Recycling team (859), Transport for Buckinghamshire (219), SEND (129), Planning and Development Management (173), and Revenue and Benefits (135).

The Corporate Complaints Policy stated that the Council would attempt to respond to complaints within 20 working days. Where a complaint took longer than 20 working days to answer the Complaints and Improvements Team would write to the complainant and explain that there was a delay. The average response time for Stage 1 Corporate Complaints for 2021/22 had been 21 working days.

Stage 2 of the corporate complaints process involved an in-depth review of the stage 1 response carried out by Stage 2 officers who worked within the Complaints and Improvements Team. 186 Stage 2 complaints had been considered which represented an escalation rate of 9.35% from stage 1 complaints. This compares to 172 stage 2 complaints received during 2020/21. The average response times for Stage 2 Corporate Complaints for 2021/22 was 42 working days.

The Adults Social Care (ASC) statutory complaints process was a one stage process that encouraged local resolution to resolve issues within 48 hours. The complaints process usually began once the Concern Stage had been exhausted. The pre-complaint stage (called the Concern Stage) allowed the Service 48 hours to informally resolve issues with the complainant. 105 concerns had been raised this year compared with 75 for the previous year. The average response times for the concerns received was 2 days.

49 ASC statutory complaints had been received during the year that was slightly more than the 44 dealt with in 2020/21. Whilst the statutory timescale allowed up to six months to issue a final response to the complaint, the Council had set a local standard of 28 calendar days during which time most complaints were expected to be resolved. The average response time for 2021/22 had been 28 days which was met in spite of additional pressures that the service dealt with including the impact of the pandemic.

The Children's Statutory Complaints process had 3 stages. Stage 1 was the local resolution stage and involved the service responding in writing to the complaint.

Stage 2 was an independent investigation of the complaint that was carried out externally. The resulting report fed into the formal response that was completed by the relevant Service Director. Stage 3 was an independent review panel.

46 (28) cases received at stage 1 of the process, 13 (7) of which escalated to a stage 2 and in turn 3(1) escalated to a stage 3. The previous year's figures were shown in brackets. Stage 1 of the Children's Statutory Complaints Process had a target of 10 working days, but this can be extended to 20 working days in certain circumstances; usually where the complaint was complex. The average response time for responding to a stage 1 complaint for 2021/22 was 20 working days.

Members were informed that more in-depth reporting would be prepared for individual Directorates and shared with Corporate Directors. An Officer task and finish group had been established to look at how good practice could be embedded in all Directorates with advice and support to staff on ensuring timely and effective early interventions and a personal approach as part an improvement of the Council's responsiveness to those who raise concerns. Directorates had provided a number of examples of good practice in dealing with concerns and complaints at an early stage before they become formal corporate complaints.

Members considered the report and commented:

- That the Ombudsman's report and the number of complaints escalated would provide a good measure of how well the complaints process was working.
- That it was often difficult to contact some services, e.g. highways, missed waste collection, which could mean that customers abandoned calls and there not being an opportunity to capture all complaints. The Council was procuring software to capture missed calls information (other than the Customer Service Centres which already did this) for the future.
- That it was unfortunate that the Fix My Street system had not been working at the same time as there had been issues with missed refuse collections in the south of the Council area. Fix My Street also needed to be clearer on what action would be taken when an issue was reported.
- That people who submitted a SEND query/complaint should be responded to as soon as possible, although it was accepted that many of these were complex in nature.
- That on occasion they had to contact Officers a number of times before they were able to reach them or get a response to a query. It was felt that this could be improved.

Officers informed Members that Officers were encouraged to proactively respond to people to inform them on actions taken or how their complaints were being dealt with. Information was also provided to Corporate Directors and recommendations made to Services where it was thought that processes could be improved. Mention was also made that the Transport, Environment and Climate Change Select Committee would be undertaking an in-depth review looking at issues with waste collection in the South in September 2022, including talking to the new contractors.

Members had been recently provided information on planning surgeries where they could make an appointment to speak to an Officer from the Planning Department.

RESOLVED –

That the Buckinghamshire Council Compliments and Complaints 2021-22 report be NOTED and AGREED.

6 Member Code of Conduct Complaints - Quarterly Review and Benchmarking

The Committee received a report on Member Code of Conduct complaints that were opened and/or closed during Quarter 1 (April to June 2022). As previously requested, the updates included an indication of the source of the complaint (e.g. public, fellow councillor) and of the nature of the alleged behaviour.

The report also informed the Committee of the outcome of a recent benchmarking exercise during which the Council's arrangements were compared with those adopted by other unitary authorities and the Local Government Association's (LGA) best practice guidance. This indicated that the Council's 'Initial Assessment' stage was lacking a defined timescale, although in practice, the Council normally conformed with the 15-day timeframe recommended by the LGA.

Annex 1 to the Committee report contained information on complaints open or closed within Quarter 1 and relating to Parish and Town Councils. Annex 2 contained similar information relating to Buckinghamshire Council. Officer provided a summary of the complaints. 3 of the 4 Parish complaints had related to the same instance and while no breaches had been found and the complaints had been closed, 3 further complaints about this Parish Council/Councillor were currently in progress.

Two complaints had been raised about a Buckinghamshire Councillor during Quarter 1. Both related to the same person and the same incident. In both cases, the complainant had been a fellow Member of the Council. Both had been closed at the Initial Assessment stage as the context suggested that no Code principle was likely to have been breached.

Annex 3 set out the complaints that were currently open, for either tier of local government. This showed four complaints currently open. Three relate to the same council and councillor and were at Stage 3 (Investigation). The other was currently at Stage 1 to determine the facts of the case and whether any informal resolution is possible. Officer reported that another complaint had been received from within the same council about the same incident, which was also at Stage 1. This made 5 complaints currently open at the time of the meeting.

Members were informed that on Monday 4 July 2022, the Deputy Monitoring Officer had given a presentation to the local Association of Parish and Town Councils on the handling of member code of conduct complaints to acquaint parish and town councillors and their clerks on the nature of the complaints process. This had

undertaken as part of the Council's ongoing commitment to raising awareness of Code of Conduct matters among local councils.

Section 3 of the Committee report included information comparing the Buckinghamshire Council's arrangements for dealing with Code complaints against the LGA guidance and the arrangements adopted by other unitary authorities. While principal councils (i.e. not parish/town councils) were legally required to adopt arrangements for dealing with Member Code of Conduct complaints, the law did not specify the format of such arrangements and it was for each council to determine them. The Council's arrangements consisted of 4 parts as detailed at paragraph 3.4 of the Committee report.

Annex 4 set out a comparison between this Council's *Arrangements* and those proposed by the LGA and those adopted by ten other unitary councils. The only clear point of difference between the Council and the LGA guidance was that Buckinghamshire had not adopted a particular timeframe for completing the Initial Assessment (triaging). The LGA suggested 15 working days. Other authorities surveyed show a range between 10-20 working days. In practice, a review of Buckinghamshire Council cases showed that the majority were completed within 10-15 working days.

Five of the 10 unitary authorities and the LGA guidance effectively blended the Council's current Stages 1 (informal resolution) and 2 (determination whether to investigate) together. In separating these out, Buckinghamshire Council was giving transparency to the kinds of considerations involved. However, in practice this did not mean that Buckinghamshire had a lengthier process, those authorities that merged these stages either did so by means of a similar timeframe (40 days) or were open-ended as to the timeframe. Overall, the Buckinghamshire Council's timescales and processes were consistent with the best practice guidance of the LGA and included all the aspects that the LGA recommended in practice.

Members considered the report and commented:

- That they believed the Council should set a target (perhaps 15 days in line with LGA Guidance) for completing the initial Assessment (triaging).
- That the information reported showed the importance of training on the Code for all Members, although the Council couldn't compel Parishes to do so.
- That, if possible, it would be helpful for the Committee to have information on the number of Parishes for which multiple complaints were received, although it might not be possible to publicly identify specific Councils. Members would be appreciative of whatever information Officers could provide although it was also felt by some that the Council currently struck a good balance in mentioning Parishes when reporting information to the Committee.

Members were informed that the subject of complaints were not usually notified of the complaint at the initial assessment stage. An explanation was provided on why

some of the complaints at Annex 3 had not been finalised within 6 months.

RESOLVED –

- (1) That the Member Code of Conduct complaints report for Quarter 1 (April to June 2022) as at Annexes 1-2 be NOTED.**
- (2) That the current open Member Code of Conduct complaints (Annex 3) be NOTED.**
- (3) That the benchmarking information which had reviewed the Council’s Member Code of Conduct complaints arrangements against comparative unitary authorities and the LGA’s best practice guidance be NOTED.**

7 Electoral Review Working Group - Update report on current position

In April 2022, Council had approved a submission to the Local Government Boundary Commission for England (LGBCE) on the second stage of the electoral review of Buckinghamshire Council. This related to a proposed pattern of 50 wards based on two Member representation and achieving 98 Councillors overall.

The Council had been aware when making the submission that certain aspects of the proposal would potentially be the subject of future dialogue with the Commission and was also mindful that in some instances its own proposals needed revising to come within the acceptable threshold for electoral equality: that is, to bring the electorate figure (per councillor) within +/-10% of the Commission’s average. It was also envisaged that some areas might benefit from adjustment to achieve better community identity.

It had been agreed that the Electoral Review Working Group would review any options for change and recommend proposals to this Committee. The Working Group had met on a number of occasions over the past months and had now agreed 3 proposed changes for consideration, as follows:

- A. Booker, Cressex and Castlefield and West Wycombe Wards:** to revise the Council’s submission by including the portion around Spearing Road and Grenfell Avenue (part of polling district Oakridge and Castlefield No. 2) back into Booker, Cressex and Castlefield ward; and revising the boundary in the Booker part of the ward. The changes were reflected in the map at **Annex 2** to the supplementary agenda. Electoral equality would be as follows:

Proposal variance	Ward	Ward Members
-7%	West Wycombe (8,417 electors)	2
4%	Booker, Cressex & Castlefield (9,378 electors)	2

- B. Farnham, Burnham Beeches and Stoke Poges:** to create three one member wards, better to reflect the community identity, particularly around Farnham. This would also involve the inclusion of a small portion of the

Fulmer area within Stoke Poges, to enhance electoral equality. Under the Council's current submission, Farnham Common and Burnham Beeches would otherwise come together as a two-member ward. The changes were reflected in **Annex 3** to the supplementary agenda. Electoral equality would be as follows:

Proposal variance	Ward	Ward Members
-8%	Burnham Beeches (4,174 electors)	1
9%	Farnham (4,937 electors)	1
-9%	Stoke Poges (4,123 electors)	1
-2%	Denham & Wexham (8,833 electors)	2

- C. Aston Clinton & Weston Turville; Bierton and Wing:** to revise the Council's submission by bringing the Coppice Way polling district into Aylesbury North ward (from the proposed Bierton and Wing Ward). Creating a more coherent Aylesbury North ward is then further enhanced by the inclusion of the Oldham's Meadow polling district into Aylesbury North, from Watermead & Buckingham Park ward. The changes were reflected in **Annex 4** of the supplementary report. Electoral equality would be as follows:

Submission variance	Proposal variance	Ward	Ward Members
18%	6%	Aston Clinton & Weston Turville (9,621 electors)	2
-5%	7%	Aylesbury East (9,652 electors)	2
-6%	9%	Aylesbury North (9,822 electors)	2
14%	3%	Bierton & Wing (9,346 electors)	2
2%	-6%	Watermead & Buckingham Park (4,267 electors)	1
7%	7%	Wendover, Halton & Stoke Mandeville (9,647 electors)	2

The Committee was informed that the recommendations would only marginally depart from the Council's submission and still meet the 98 Councillor target set by the Commission. It would create two additional single member wards (Farnham and Burnham Beeches) out of the Farnham Common & Burnham Beeches ward. The Working Group also believed that community identity would best be served by this change.

If any of the recommendations for changes were accepted and communicated to the LGBC then they would consider them either before they issued their own proposal or as part of the next phase of the process.

Members were informed that the Commission had published a revised timeframe for the remainder of the electoral review, as detailed in the Committee report. The consultation on their own proposal was expected to begin on 2 August 2022 and run until 10 October 2022. If the Commission's proposal was substantially different from the Council's, then this Committee would need to consider whether to make any recommendations to Council on any proposed response to the Commission. Currently, Council was scheduled to meet on 21 September. A special meeting of the Committee would be needed, in any event, during the Commission's consultation period to consider the Council's response to it.

The Chairman thanked Members of the Committee for their work as part of the Electoral Review Working Group, and Officers for all their hard work in supporting Members, the Working Group and the Committee.

RESOLVED –

- (1) That the 3 proposed changes recommended by the Electoral Review Working Group be AGREED.**
- (2) That the Service Director for Legal and Democratic Services be asked to communicate these additional options for change to the Local Government Boundary Commission for England.**
- (3) That the Commission's published timeframe for the next consultation phase, as set out in paragraph 3.2 of the Committee report, be NOTED.**

8 Work Programme

RESOLVED –

That the proposed Work Programme as submitted to the meeting be noted.

9 Date of Next Meeting

The next meeting would be held at 2pm on Thursday 20 October 2022.



Report to Standards and General Purposes Committee

Date:	17 November 2022
Title:	2023 Review of Parliamentary Constituencies
Relevant councillor(s):	all councillors
Author and/or contact officer:	Mat Bloxham (Electoral Services Manager)
Ward(s) affected:	all wards
Recommendations:	To note the final proposals for the 2023 review of Parliamentary Constituencies from the Boundary Commission for England (BCE)
Reason for decision:	To highlight the BCE's final consultation on proposed changes to the parliamentary constituencies for 2023

1. Content of report

- 1.1 The independent Boundary Commission for England (BCE) are redrawing the map of Parliamentary constituency boundaries. This follows a request from Parliament to review constituencies in England to ensure that there is a more even distribution of electors across them. Due to population changes since the last review, the number of electors in some constituencies is much higher than in others. The 2023 Boundary Review, which was launched in January 2021, aims to make the number of electors in each constituency more equal, thus ensuring individual votes are of broadly equal weight. In making these required changes, the number of constituencies in England must increase from 533 to 543.

- 1.2 The BCE published their initial proposals for the new Parliamentary constituency boundaries in England on 8 June 2021. A [report](#) summarising the initial proposals was considered by the Committee at its meeting on 7 July 2021. A response was submitted on behalf of the Council to the BCE. The BCE have carried out further consultation and received 45,000 responses.
- 1.3 The BCE published its final proposals on 8 November 2022 and is currently seeking comments on these. This is the last opportunity for comments on the proposals to be sent to the BCE. The deadline to respond is 5 December 2022.
- 1.4 The differences between the initial and final proposals for the Buckinghamshire Council area are summarised below:

Proposed Constituency Name (Final proposals)	Initially Proposed Constituency Name	Final Electorate (change)	Change from Initial proposals
Aylesbury	(no change)	75,636	(no change)
Beaconsfield	Marlow and South Buckinghamshire	73,238 (+2,926)	The current Beaconsfield ward moves from Chesham & Amersham constituency to Beaconsfield constituency (previously called Marlow and South Buckinghamshire in the initial proposals). Part of the current Gerrards Cross ward (Eastern side) moves from Beaconsfield Constituency to Chesham & Amersham Constituency.
Buckingham & Bletchley	(no change)	73,644	(no change)
Chesham & Amersham	(no change)	73,232 (-2,926)	See above for change to Beaconsfield.
Mid Buckinghamshire	Princes Risborough	72,240	Constituency name changed from Princes Risborough to Mid Buckinghamshire.
Wycombe	High Wycombe	71,769	Constituency name changed from High Wycombe to Wycombe.

1.5 As noted during consideration of the initial proposals, where the BCE refer to Buckinghamshire they mean the unitary authorities of Buckinghamshire and Milton Keynes. The BCE is still proposing 8 constituencies in total in Buckinghamshire with “Milton Keynes” and “Newport Pagnell” entirely within the Milton Keynes unitary authority area. The 6 proposed constituencies in the table above are entirely within the Buckinghamshire unitary authority area, except the proposed “Buckingham and Bletchley” constituency which includes parts of the Buckinghamshire and Milton Keynes unitary authority areas.

2. Other options considered

2.1 The Committee are asked to note the BCE’s final consultation and consider any response they wish to submit before 5 December 2022 deadline.

3. Legal and financial implications

3.1 There are no direct legal or financial implications to the Council arising from this report.

4. Corporate implications

4.1 The (Acting) Returning Officer is required to deliver parliamentary elections and any changes to constituencies will be implemented by the Electoral Service team as part of the election delivery.

5. Local councillors & community boards consultation & views

5.1 The BCE is inviting anyone to review and submit responses to the review. All councillors have been informed of the BCE’s final consultation on proposed changes to the parliamentary constituencies for 2023 via the Members’ email updates. Communications will be sent to the Council’s distribution list, which includes Town Parish Councils. To support awareness of the consultation the Council will also publish information about the BCE’s consultation on its website and social media channels.

6. Next steps and review

6.1 Following the conclusion of all this final consultation, the Commission will look at all the evidence received and produce its final report. This must be submitted to Parliament by 1 July 2023 as part of its final recommendations to Parliament. The Government must turn the recommendations of the BCE (and those of the equivalent Commissions for the other three parts of the UK) into an ‘Order in Council’ that implements the recommendations. The constituencies set out in the Order will then

be implemented for the next General Election after the date on which the legislation is approved.

- 6.2 Any Parliamentary elections held in the meantime have to be held on the basis of the existing constituencies.
- 6.3 Under the provisions of the Dissolution and Calling of Parliament Act 2022 the monarch has the power to dissolve Parliament, at the request of the Prime Minister of the day. The maximum term of a Parliament is five years from the day on which it first met. The current Parliament first met on Tuesday 17 December 2019 and will automatically dissolve on Tuesday 17 December 2024, unless it has been dissolved sooner by the King.
- 6.4 The Elections Act 2022, and associated Statutory Instruments laid in Parliament this month, mean that there will be a requirement for all electors to show photo ID at a polling station to vote for polls from May 2023. The requirement for voter ID to be provided by electors for UK Parliamentary elections takes effect from 5 October 2023. Voter ID will still apply from May 2023 for any UK Parliamentary by elections.

7. Background papers

- 7.1 There are no background papers for this report as all material relating to the review are already publicly available via www.bcereviews.org.uk



Report to Standards and General Purposes Committee

Date: 17 November 2022

Title: Member Code of Conduct Complaints – Quarterly Review

Relevant councillor(s):

Author and/or contact officer: Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer.

Ward(s) affected:

Recommendations:

(1) to note and comment upon the Quarter 2 report into Member Code of Conduct Complaints that were opened and then closed in that period, as at Annexes 1-2;

(2) to note and comment upon the Member Code of Conduct complaints currently open, as at Annex 3;

Reason for decision:

The Committee is responsible for Member Code of Conduct complaints both for this Council and for parish and town councils. As such, the Committee is being kept informed of recent and current complaints activity; and of the effectiveness of the Council's *Arrangements for dealing with complaints against councillors* (the 'Arrangements').

1. Executive summary

- 1.1 This report provides the Committee with a review of the Member Code of Conduct complaints that were opened and then closed during Quarter 2. This would normally be for the period July to September. As the Committee did not meet in October, the report brings the information up to date for November 2022. Similarly, the report updates the Committee on currently open complaints.
- 1.2 In both cases, the updates include an indication of the source of the complaint (e.g. public, fellow councillors) and further details of the alleged behaviour. As requested by the Committee, the report (annexes) includes information on the number of

parish councils involved; and the number of individuals who are the subject of open complaints.

2. Update on complaints closed and currently open (July to October 2022)

2.1 Annexes 1 and 2 set out the Member Code of Conduct Complaints that were opened and then closed over the period of Quarter 2 (July to September, plus October).

a) Annex 1 relates to Parish and Town Council Complaints

b) Annex 2 relates to Buckinghamshire Council Complaints

Parish/Town Councils

2.2 **Eight** complaints were received, reviewed and closed between July and October 2022. These related to councillors at four parish councils. Three complaints were made by members of the public; two were made from a person who resigned as a fellow councillor after making the complaints; and three were made by fellow councillors.

2.3 As in the previous Quarter (and last year as a whole), the most common cause of complaint was perceived disrespect by the subject councillor. No breach was found in any of these Quarter 2 cases. All but two were closed at the preliminary Initial Assessment stage of the process. Of those that proceeded to Stage 1 (Informal Resolution), an apology was given in each case and the Deputy Monitoring Officer concluded that there was no public benefit in proceeding to any further stage.

Buckinghamshire Council

2.4 No complaints were received about Buckinghamshire Councillors during July to September. However, **two** were received in October and both were closed within the same month at the Initial Assessment stage. The Code was not deemed to have been engaged in either case.

Current complaints

2.5 Annex 3 sets out the complaints which are currently open, for either tier of local government. This shows **nine** complaints are currently open. Five of these relate to the same individual/circumstance and these are being reviewed at Stage 1 (Informal Resolution). Three parish council complaints also relate to a single individual and are currently at Stage 3 with a hearing to be arranged to review them. The sole remaining complaint comes from a parish councillor about the behaviour of a Buckinghamshire Councillor.

2.6 In each of these open complaints, the theme of disrespect is prominent. In complaints 1-3 and 9 on Annex 3, there is also an element of concern from the complainant that a councillor's behaviour has impacted negatively on an employee.

It is important to note, however, that in none of these complaints has any finding been made.

Performance in applying the Council's complaints arrangements

- 2.7 At the last meeting of the Committee, members asked that the Council's Initial Assessments be concluded within a target date of 15 working days where possible. This followed a review of comparative best practice. This target has been implemented. The target has been met in 15 out of 16 instances. The target was exceeded in one case (Annex 1, Complaint 2). This was because further information was needed in order to understand the context and finalise the Initial Assessment.
- 2.8 All other stages have kept within the Council's published timelines.

3. Training for parish and town councils

- 3.1 On the 3 October, the Deputy Monitoring Officer and the Principal Governance Officer delivered an overview training event on the Member Code of Conduct to Buckingham Town Council. This was at the request of the Town Council. A further session is being arranged for Hughenden Parish Council, also at the Council's instigation.
- 3.2 These requests are considered favourably where possible. The Deputy Monitoring Officer had also previously delivered an online session, on 4 July, to parish and town councils affiliated to the Buckinghamshire and Milton Keynes Association of Parish Councils.

4. Corporate implications

- 4.1 This report is consistent with the Council's commitment to good governance. The conduct of elected members is pivotal to public trust and to sound decision making and this Committee has a key role in reviewing member ethical standards.

5. Next steps and review

- 5.1 A further update on member code of conduct complaints will be presented to the Committee at each meeting, to give a quarterly picture of complaints opened, closed, and currently in hand.

6. Background papers

- 6.1 None.

7. Your questions

If you have any questions about the matters contained in this report please get in touch with the author of this report. This can be done by telephone 01296 387380.

Nick Graham, Service Director of Legal and Democratic Services and Deputy Monitoring Officer

Contact officer: Glenn Watson, Principal Governance Officer

Annex 1

July to October – received but closed

Parish and Town Councils - Member Code of Conduct Complaints

Context

These complaints related to **five** different parish councils:

Parish Council A = complaint 1

Parish Council B = complaints 2, 6 and 7

Parish Council C = complaint 3

Parish Council D = complaints 4 and 5

Parish Council E = complaint 8

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
1.	06/07/22	23/08/22	Public	Stage 1 1.5 months (within target)	Disrespect by making untrue allegation about fellow councillors in a meeting	No finding needed – apology given as informal resolution
2.	13/07/22	19/08/22	Public	Initial Assessment 1 month (1 week outside target – needed to research context)	Disrespect in aggressively challenging persons who queried the councillor's attendance and actions	No evidence of undue challenge sufficient to engage the Code; reminded to accept scrutiny.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
3.	01/08/22	10/08/22	Public	Initial Assessment 7 days (within target)	Disrespect in seeming to criticise a shouted comment from the public gallery	No evidence of disrespect; free speech; no case to answer.
4.	30/08/22	15/09/22	Public (recent former colleague councillor)	Initial Assessment 2 weeks (within target)	Disclosed confidential information – correspondence between councillors	No evidence of confidentiality; no case to answer.
5.	30/08/22	15/09/22	Public (as in 4. above)	Initial Assessment 11 days (within target)	Disrespect in communications – implied threat ('angering the subject councillor was unwise').	No evidence of disrespect sufficient to engage Code; robust speech; no case to answer.
6.	31/08/22	21/09/22	Fellow councillor	Initial Assessment 15 days (within target)	Disrespect of disability; failure to declare interest about involvement with community groups.	No evidence of disrespect; no declarable interest existed; no case to answer
7.	31/08/22	21/09/22	Fellow councillor	Initial Assessment 15 days (within target)	Failure to declare interest about involvement with community groups	No declarable interest existed; no case to answer.
8.	20/09/21	21/10/22	Fellow councillor	Stage 1 1 month (within target)	Disrespect through allegation of making untrue statement	Apology given. No public interest in further stages.

Annex 2

July to October 2022 – received but closed

Buckinghamshire Council - Member Code of Conduct Complaints

The complaints were made by two separate individuals.

Complaint	Date of Complaint	Date Closed	Origin	Length/Stage Concluded	Allegation/Code Principle	Breach?
1.	02/10/22	21/10/22	Public	Initial Review 15 days	Bias in chairing a meeting.	No evidence of bias. No case to answer.
2.	10/10/22	31/10/22	Public	Initial Review 15 days	Disrespect; not showing due diligence – post on social media	No evidence of disrespect or undue diligence. No case to answer.

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Annex 3

Complaints currently open – November 2022

Member Code of Conduct Complaints

Context:

Individual A = complaints 1-3; each made by a different person (complaints 1 and 2 about the same matter)

Individual B = complaints 4-8; same complaint but each made by a different person

Individual C = complaint 9

Complaint	Date of Complaint	Tier of council	Origin	Current Stage	Allegation/Code Principle
1.	27/06/21	Parish Council	Officer	Stage 3 Investigation	Disrespect; bullying of officer
2.	24/07/21	Parish Council	Fellow councillor (at the time)	Stage 3 Investigation	Disrespect; bullying of officer
3.	28/02/22	Parish Council	Officer	Stage 3 Investigation	Disrespect; harassment of officer
4.	02/10/22	Buckinghamshire Council	Public	Stage 1	Disrespect and discriminatory behaviour; bias.
5.	05/10/22	Buckinghamshire Council	Public	Stage 1	Disrespect and discriminatory behaviour; bias.
6.	06/10/22	Buckinghamshire Council	Public	Stage 1	Disrespect and discriminatory behaviour; bias.

Complaint	Date of Complaint	Tier of council	Origin	Current Stage	Allegation/Code Principle
7.	07/10/22	Buckinghamshire Council	Public	Stage 1	Disrespect and discriminatory behaviour; bias.
8.	07/10/22	Buckinghamshire Council	Public	Stage 1	Disrespect and discriminatory behaviour; bias.
9.	21/10/22	Buckinghamshire Council	Parish Councillor	Initial Assessment	Disrespect to officer and councillors; bias.



Report to the Standards and General Purposes Committee

Date:	17 November 2022
Title:	Local Government and Social Care Ombudsman – Annual Review Report
Contact officer:	Jennifer Griffin
Ward(s) affected:	None specific
Recommendations:	The Committee are asked to note the content of the report.

1. Executive summary

- 1.1 Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Letter about each council. This relates to the complaints made to the LGSCO about the Council in the previous financial year. This report is an update for the Committee on this area of governance for the year 2020/21, reflecting on those complaints that were considered by the Ombudsman up to 31 March 2022.
- 1.2 The data and information contained in this report is regarding complaints that may have fallen in the previous two years. This is in part because of the impact of the Pandemic when the Ombudsman closed to complaints for a three month period.
- 1.3 During 2021/22 the LGSCO received 15826 complaints and enquiries. A higher number of complaints were upheld against the Council during 2021/22 than in 2020/21 (29 as opposed to 17). This is in the context of a higher number of decisions made by the Ombudsman during this year, 150 as opposed to 104 in the previous year.
- 1.4 The Council's rate of cases upheld following detailed investigation by the LGSCO is 74%. This compares with an average of 64% for similar authorities. There were 39 detailed investigations out of the 150 complaints looking at this figure gives us an overall upheld rate of 19%. It should be noted that cases where the Ombudsman has

given an upheld outcome may have already been upheld and remedied by the Council in our complaints process.

- 1.5 For the second year in a row there were no published reports for Buckinghamshire Council.
- 1.6 Buckinghamshire Council was 100% compliant with the LGSCO recommendations for remedies.
- 1.7 We have successfully completed the remedies within time for 19 of the 29 upheld complaints. 1 remedy was not completed (through no fault of the Council) but the Ombudsman is satisfied we attempted to complete the remedy.

2. Purpose of the Ombudsman's Annual Letter

- 2.1 Under the Local Government Act 1974, the LGSCO has two main statutory functions.
 - To investigate complaints against councils
 - To provide advice and guidance on good administrative practice
- 2.2 The LGSCO records the following:
 1. Complaints and enquiries received by subject area
 2. Decisions made
- 2.3 These categories can be found in the Annual Review Letter, the purpose of which is to inform councils and other authorities of the number of complaints the LGSCO has dealt with regarding that authority as well as the nature of those complaints.

3. Summary of Complaints and Enquiries Received by the LGSCO

3.1

LG&SCO Category	Number of Decisions 2020/21	Number of Decisions 2021/22
Adult Care Services	12	13
Benefits & Tax	5	9
Corporate & Other Services	4	12
Education & Child Services	23	45
Environmental Services & Public Protection & Regulation	11	15
Highways & Transport	15	12
Housing	10	13
Planning & Development	24	30
Other	0	1
Total	104	150

3.2 In line with the national trend the highest numbers of complaints received by the LGSCO about the Council was for Education and Child Services.

3.3 The following table shows the complaints by outcome and by services (as defined by the LGSCO).

2021/22 Decision Classification	Outcomes for 2021/22 (2020/21 in brackets)		Services and numbers of Complaints in brackets	Comments
Upheld	29	(17)	Adult Care (3) Benefits & Tax (1) Corporate (1) Education & Children's (16) Environmental Serv Public Prot and Regulation (4) Housing (1) Planning & Development (3)	Fault found by LGO.(NB The fault may have already been previously satisfactorily remedied by the Council.)
Not Upheld	10	(9)	Adult Care (1) Corporate (1) Education & Children's (2) Housing (3) Planning & Development (3)	No fault found by LGO.
Advice given	3	(0)	Benefits & Tax (1) Education & Children's Services (1) Other (1)	No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.
Closed after initial enquiries	67	(46)	Adult Care (4) Benefits & Tax (3) Corporate (10) Education & Children's (12) Environmental Serv Public Prot and Regulation (6) Highways & Transport (11) Housing (4) Planning & Development (17)	Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons, such as that the matter falls outside of the LGO's statutory jurisdiction, or there was insufficient maladministration and/or injustice found).
Incomplete/Invalid	3	(6)	Education & Childrens (1) Highways& Transport (1) Planning & Development (1)	No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO.
Referred back for local resolution	38	(26)	Adult Care (5) Benefits & Tax (4) Education & Children's (13) Environmental Serv Public Prot and Regulation (5)	The Council is not aware of all of these cases, however we can assume that some were where the LGO told the complainant to contact

- 3.4 The highest number of upheld complaints was for Education and Children’s Services again this is in line with the national figures where the Ombudsman reports that 77% of these complaints submitted to them were upheld.
- 3.5 For 19 of the Council’s upheld complaints some sort of financial redress in either the form of a distress and inconvenience payment or redress for financial loss. It’s relevant to note here that at stage 2 of the Council’s corporate process we are now taking the Ombudsman’s lead with offering redress payments for cases when it is appropriate.
- 3.6 The number of cases closed after initial enquiries is higher this year than in previous years, 67 as opposed to 46. This is good news for the Council demonstrating that our complaints process has satisfied the LGSCO requirements and so no further action with the complaint is necessary.

4. Context

- 4.1 The table below shows the number of complaints the Council has had over the last 2 years.

	2020/21	2021/22
Corporate Complaints (Stage 1)	2099	1988
Adults Statutory Complaints	44	49
Children Statutory Complaints (Stage 1)	28	46
LGSCO Decisions	104	150

- 4.2 Benchmarking comparison table

	Satisfactory Remedy (upheld decisions)	Upheld Decisions	Population
Wiltshire	10%	21	500,024
Dorset	5%	20	378,508
Bournemouth, Christchurch and Poole	5%	22	395,331
Cornwall	5%	20	569,578
Buckinghamshire	3%	29	543,973

- 4.3 The above table compares upheld cases and the remedy rate for similar authorities also giving population for context.
- 4.4 The satisfactory remedy means cases where the Council has offered what the Ombudsman considers to be a satisfactory remedy for the complaint in the Council’s complaint process.

- 4.5 The 3% for Buckinghamshire represents 1 case. The Complaints and Improvements Team are now looking at previous Ombudsman decisions to provide a guide for remedies at stage 1 and 2 of our complaints process to help improve on this.

5. Conclusion

- 5.1 The Ombudsman's letter to the authority notes again his view that in many local authorities the complaint and improvement function has been under-resourced. He is keen to reiterate the need for an efficient service that provides the Council with value and that is valued by services and members alike.
- 5.2 The Council's complaints arrangements have been successful once again in sign-posting complainants to the next level including externally to the Ombudsman.
- 5.3 The Ombudsman notes that across the board the rate of compliance with their recommendations remains high at 99.7% nationally. However, some of these recommendations are delivered late. The Council has made improvements to our system and processes over the last 6 months to help manage this in a more efficient way and to ensure compliance with the LGSCO.

6. Communication, engagement & further consultation

- 6.1 This information has been provided to Corporate Directors.

Local Government & Social Care OMBUDSMAN

20 July 2022

By email

Mrs Shimmin
Chief Executive
Buckinghamshire Council

Dear Mrs Shimmin

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

There are a small number of cases I am due to report about authorities abolished in April 2020 and I have included separate statistics for Aylesbury Vale District Council, Buckinghamshire County Council and Wycombe District Council in this letter. There is no remaining data to report for Chiltern District Council or South Buckinghamshire District Council.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Your organisation's performance

During the year, my investigators noted that, when providing a recommended remedy, your Council requested the complainant sign paperwork to agree that the remedy was "in full and final settlement" of their complaint. We raised our concerns at the time, and I do so again here; this wording is not appropriate for remedying complaints investigated by this office and should be removed from any forms you ask complainants to sign in future.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

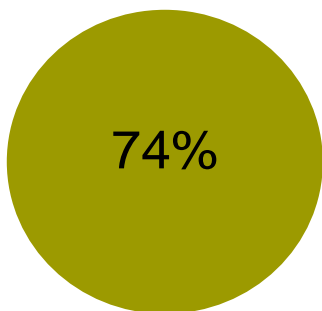
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



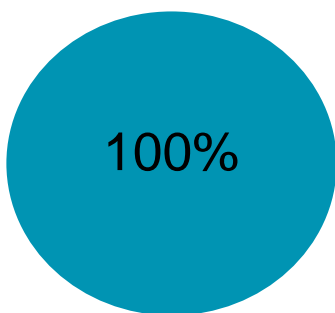
74% of complaints we investigated were upheld.

This compares to an average of **64%** in similar organisations.

29
upheld decisions

Statistics are based on a total of **39** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



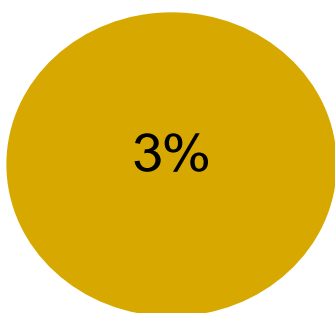
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **24** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation

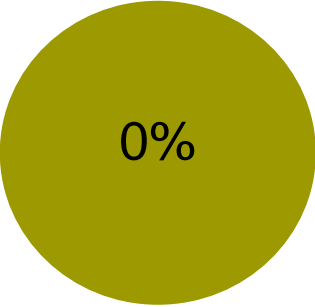


In **3%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

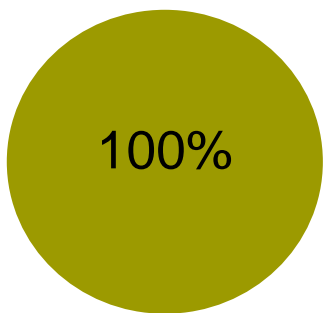
This compares to an average of **12%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **29** upheld decisions for the period between 1 April 2021 to 31 March 2022

Complaints upheld	
	<p>0% of complaints we investigated were upheld.</p> <p>This compares to an average of 51% in similar organisations.</p> <p>Statistics are based on a total of 1 investigation for the period between 1 April 2021 to 31 March 2022</p> <p>0 upheld decisions</p>
Compliance with Ombudsman recommendations	
No recommendations were due for compliance in this period	
Satisfactory remedy provided by the organisation	
The Ombudsman did not uphold any detailed investigations during this period	

Complaints upheld



100% of complaints we investigated were upheld.

This compares to an average of **71%** in similar organisations.

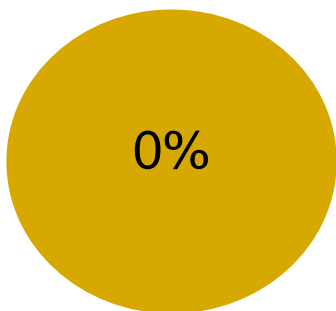
3
upheld decisions

Statistics are based on a total of **3** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the organisation



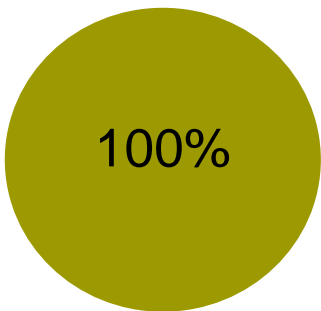
In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **8%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **3** upheld decisions for the period between 1 April 2021 to 31 March 2022

Complaints upheld



100% of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

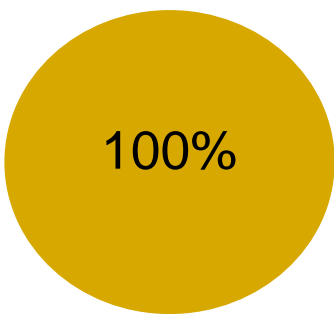
1
upheld decision

Statistics are based on a total of **1** investigation for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the organisation



In **100%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **1** upheld decision for the period between 1 April 2021 to 31 March 2022

BUCKINGHAMSHIRE COUNCIL

STANDARDS AND GENERAL

PURPOSES COMMITTEE

WORK PROGRAMME 2022/23

14 April 2022
<ul style="list-style-type: none"> • Annual Review of Code of Conduct and Complaints Procedure • Local Government Boundary Commission for England – Electoral Review of Buckinghamshire Council • Update on election petition • Constitution Working Group update • Draft Work programme for 2022/23
14 July 2022
<ul style="list-style-type: none"> • Local Government Boundary Commission for England – Electoral Review of Buckinghamshire Council • Constituency boundary proposal • Compliments and Complaints Report 2021-22 • Review of Standards Complaints process & Monitoring report • Work programme
20 October 2022 (moved to 17 November)
<ul style="list-style-type: none"> • Local Government and Social Care Ombudsman report • Local Government Boundary Commission for England – Electoral Review of Buckinghamshire Council • Standards Complaints Monitoring Report • Constituency boundary proposals • Constitution Working Group update • Work programme
8 December 2022
Not required due to November meeting
13 April 2023
<ul style="list-style-type: none"> • Annual review of code of conduct and complaints • Constitution Working Group update