

## STANDARDS COMMITTEE



Report subject	<b>Review of Complaint</b>
Meeting date	9 July 2019
Status	Public Report
Executive summary	<p>The Local Government Ombudsman considered a Complaint dealt with by the former Bournemouth Borough Council and concluded that the Council should review the complaint and the process by which the initial consideration was undertaken.</p> <p>As the former Council no longer exists, it is for BCP Council to undertake this review and it is recommended that this review is undertaken by one of the Independent Persons in consultation with the Chairman of the Committee and that the Independent Person provides a report to the Committee following this review.</p>
Recommendations	<b>It is RECOMMENDED that a review be carried out in respect of the Complaint made by Mr O'Luby, and that this review consider the way in which the Complaint was considered and make recommendations to the Committee as to any action required.</b>
Reason for recommendations	To ensure an independent review of the Complaint as requested by the LGO is undertaken.

Portfolio Holder(s):	Councillor Vikki Slade (Leader of the Council)
Corporate Director	Julian Osgathorpe (Corporate Director Resources)
Contributors	Tanya Coulter, Director, Law & Governance
Wards	Authority-wide
Classification	For Decision

## Background

1. A complaint was made by Mr O'Luby in respect of comments made by Cllr Mike Greene at a Council meeting at which Mr O'Luby asked a public question. This complaint was dealt with pursuant to the complaints process of the former Bournemouth Borough Council.
2. Following a conclusion that no further action was necessary in respect of the complaint; the complainant referred the matter to the Local Government Ombudsman (LGO). The LGO reached a view that the Chair of the Committee had not consulted fully with the other members of the Committee and asked the Council to undertake the process again.
3. This was done, and the Chair undertook the consideration of the complaint. Following the determination, the complainant referred the matter to the LGO who considered the matter again.
4. Following this consideration, the LGO was initially of the view that the process had been undertaken in accordance with the adopted process and concluded the matter. Following representations made by the complainant, the LGO agreed to consider the matter again and took into account information provided by the Complainant that one of the members of the Bournemouth Borough Council's Standards Committee was of the view that he had not been properly and fully consulted. In light of this the LGO has asked that the Council undertake a review of the process taking into account the views of all those involved.
5. In order that this can be done in a fully independent way, it is proposed that one of the Independent Persons undertakes this review of the complaint and the way in which the matter was considered and in particular whether the members of the former Bournemouth Borough Council's Standards Committee were consulted by the Chair of the Committee prior to the initial consideration stage being concluded by the Chair, in accordance with the adopted arrangements of Bournemouth Borough Council.

## Summary of financial implications

6. There are no financial implications arising from this report if the Independent Person is able to undertake the review.

## Summary of legal implications

7. The Local Government Ombudsman may make findings of maladministration should they conclude that a Council has not acted in accordance with its agreed and adopted

processes. Alternatively, it may seek a review or reconsideration of matters, to remedy any procedural errors it considers may have been made, and in this case it has the Ombudsman has requested that the Council undertake a review.

### **Summary of human resources implications**

8. There are no requirements for additional resources arising from this report.

### **Summary of environmental impact**

9. There are no specific environmental implications arising from this report.

### **Summary of public health implications**

10. There are no public health implications arising from this report.

### **Summary of equality implications**

11. It will be important for the review to be undertaken in a way which does not prevent any party previously engaged in the process from having the opportunity to provide information and assistance.

### **Summary of risk assessment**

12. The Council should ensure that the review is undertaken and reported to the Committee and the LGO to provide assurance that the ethical governance framework is constantly monitored and reviewed, and any changes or clarifications that are required to ensure good governance and decision making are made.