

Shadow Authority

Notice of Shadow Standards Committee

Date: Friday, 29 March 2019 at 12.00 pm

Venue: HMS Phoebe Committee Room, Town Hall, Bourne Avenue,
Bournemouth, BH2 6DY

Membership:

Chairman:

Cllr B Dunlop

Vice Chairman:

Cllr M Iyengar

Cllr S Bartlett

Cllr R Chapman

Cllr A Garner-Watts

All Members of the Shadow Standards Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

If you would like any further information on the items to be considered at the meeting please contact: Bob Hanton (01202 633031) or email bob.hanton@bournemouth.gov.uk

Press enquiries should be directed to Georgia Turner: Tel: 01202 454668 or email press.office@bournemouth.gov.uk

This Notice of Meeting and all the papers mentioned within it are available at moderngov.bcpshadowauthority.com

GRAHAM FARRANT
CHIEF EXECUTIVE

21 March 2019



Available online and
on the Mod.gov app



AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Members.

2. Declarations of Interests

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests. Declarations received will be reported at the meeting.

3. Terms of Reference

The Committee is asked to note its terms of reference, circulated at **3**.

3 - 4

4. Exclusion of Press and Public

To consider the following resolution in order for the Standards Committee to consider the non-public item on the agenda.

“That under Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 in Part 1 of Schedule 12 A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.”

5. Shadow Authority Member Complaint

See report circulated at **5**.

5 - 44

6. Any other business - of which notice has been received before the meeting and by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the items should be considered as a matter of urgency.

Description of exempt information

Paragraph 1 – Information relating to any individual.

Paragraph 2 – Information which is likely to reveal the identity of an individual.

BCP Shadow Authority Constitution

Article 10 - Arrangements for promoting good standards of behaviour

1 Adoption of a code of conduct for Shadow Councillors

1.1 The Shadow Authority has adopted the Code of Conduct for Shadow Councillors set out in Part 5.

2 Application of the Code of Conduct

2.1 The Code of Conduct will apply to all Shadow Councillors when they are acting as a member of the Shadow Authority or hold themselves out as doing so.

3 Alleged breaches of the Code of Conduct

3.1 Any allegations that a Shadow Councillor has breached the Code of Conduct are to be reported to the Interim/Appointed Monitoring Officer who, after consulting the Independent Person, will refer the allegation to the Standards Committee for assessment and determination if s/he is satisfied that:

- (a) the allegation is about a Shadow Councillor;
- (b) the Shadow Councillor was a member of the Shadow Authority at the time when the matters that led to the allegation occurred;
- (c) the Shadow Councillor was a member of the Shadow Authority at the time of the allegation;
- (d) the Shadow Councillor is still a member of the Shadow Authority; and
- (e) the matters that led to the allegation would, if proven, be capable of breaching the Shadow Authority's Code of Conduct.

3.2 If the allegation fails to meet any of the criteria in paragraph 3.1 above, the Interim/Appointed Monitoring Officer will not take any further action other than to advise the person who made the allegation.

3.3 Before referring the allegation to the Standards Committee, the Interim/Appointed Monitoring Officer will notify the member against who the allegation has been made of the allegation and invite the Shadow Councillor to provide a response.

3.4 In making its assessment and determination the Standards Committee will consider the information provided by the person making the allegation and any representations received from the Shadow Councillor. If further information is required the Standards Committee may request it. There is a presumption that allegations will be dealt with “on the papers” and without the need for a formal investigation.

3.5 The Standards Committee may:

(a) reject the allegation;

(b) take no further action;

(c) require the Shadow Councillor to make a public apology; or

(d) censure the Shadow Councillor.

3.6 The Standards Committee will give reasons for its decision.

3.7 For the purposes of this Article, references to “the Independent Person” are to a person chosen by the Interim/Appointed Monitoring Officer from among all of the Independent Persons appointed by each of the Bournemouth, Christchurch and Poole Councils under section 28(7) of the Localism Act 2011 as part of their arrangements under which decisions on allegations are made.

BCP Shadow Authority

PART 5 - CODE OF CONDUCT AND MEMBER/OFFICER PROTOCOL

Code of Conduct for Shadow Councillors

The Code of Conduct, as set out below, was adopted by the Shadow Authority with effect from June 2018.

1 Introduction

1.1 The Shadow Authority has a duty to promote and maintain high standards of conduct by its councillors. This Code of Conduct sets out the conduct that is expected of councillors when carrying out Shadow Authority business or representing the Shadow Authority.

1.2 The Code of Conduct is to be interpreted in a way that is consistent with the following principles:

Selflessness

Councillors should act solely in terms of the public interest.

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. Honest Councillors should be truthful. Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2 General obligations

2.1. A Shadow Councillor must

(a) comply with this Code of Conduct and any other of the Shadow Authority's policies, protocols and other procedures relating to the conduct of councillors

(b) treat others with respect

(c) when using or authorising the use by others of the Shadow Authority resources act in accordance with the Shadow Authority's reasonable requirements.

(d) take into account any relevant advice provided by the Interim/Appointed Chief Finance Officer; or Interim/Appointed Monitoring Officer, when reaching decisions on any matter

(e) inform the Interim/Appointed Monitoring Officer of the receipt of any gifts and hospitality that they estimate has a value of more than £50 and the name of person providing the gift or hospitality

2.2 A Shadow Councillor must not –

(a) do anything which may cause the Shadow Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be –

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Shadow Authority.

(e) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) they have the consent of a person authorised to give it;

(ii) they are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the Shadow Authority's reasonable requirements;

(f) prevent another person from gaining access to information to which that person is entitled by law; or

(g) behave in a way which could reasonably be regarded as bringing their office or the Shadow Authority into disrepute;

(h) use or attempt to use their position improperly to confer on or secure for them or any other person, an advantage or disadvantage; or

(i) use the Shadow Authority's resources improperly for political purposes (including party political purposes).

3. Interests

3.1 A Shadow Councillor must register any disclosable pecuniary interest (see Appendix A) that they or their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests.

3.3 A Shadow Councillor must register any disclosable pecuniary interests and local interests with the Monitoring Officer within 28 days of:

(a) being elected or appointed to office;

(b) this Code of Conduct being adopted;

(c) declaring an unregistered interest at a meeting of the Shadow Authority; and

(d) becoming aware of any new interests or changes in those interests

3.4 A Shadow Councillor who is aware or ought reasonably to be aware that they have a disclosable pecuniary interest or a local interest in any business of the Shadow Authority who attends a meeting of the Shadow Authority at which that business is discussed, must disclose to the meeting the existence and nature of the interest at the beginning of the meeting or when it becomes apparent that they have such an interest. Where information

about an interest has been agreed with the Monitoring Officer to be sensitive, the Shadow Councillor need only declare the existence of the interest.

3.5 A Shadow Councillor who has a disclosable pecuniary interest in any business of the Shadow Authority must not take part in the consideration of that business and must withdraw from the room where the meeting is being held unless they have been granted a dispensation by the Interim/Appointed Monitoring Officer

4. Monitoring and review

4.1. This Code will be kept under review by the Shadow Authority.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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