

Notice of Standards Committee

Date: Tuesday, 6 October 2020 at 6.00 pm

Venue: Virtual meeting



Membership:

Vice Chairman:

Cllr S Baron

Cllr M Andrews
Cllr D Borthwick

Cllr N Brooks
Cllr A Jones

Cllr C Rigby
Cllr A M Stribley

Independent persons:

Mr P Cashmore

Mr I Sibley

Mr J Storey

All Members of the 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 view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=4429>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

28 September 2020



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(sian.ballingall@bcpcouncil.gov.uk)

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

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

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

AGENDA

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

1. Apologies

To receive any apologies for absence from Members.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

3. Election of Chairman

To elect a Chairman for the 2020/21 Municipal Year.

4. Election of Vice-Chairman

To elect a Vice-Chairman for the 2020/21 Municipal Year.

5. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

6. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a public statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

7. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the meeting held on 14 January 2020.

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8. Code of Conduct Complaints - Review

This report provides Members with an update on complaints regarding alleged breaches of the Code of Conduct against councillors received or

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concluded since 1 January 2020. A similar report was presented to the Committee in January 2020 for the period from 1 April 2019.

The Committee is responsible for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils, monitoring the operation of the Code of Conduct, and considering the outcome of commissioned independent investigations.

9. Consideration of Report in Respect of Complaint about a Councillor

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This report provides the Standards Committee with the conclusions of the investigation following complaints made about Councillor Beverley Dunlop. The investigator's report is attached at Appendix 1. The conclusion of the investigator is that Councillor Dunlop did not breach the Code of Conduct, as she was not acting in the capacity of a councillor when posting to the Facebook group which resulted in the complaint.

The Committee is asked to consider the investigator's report and accept the recommendations.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 14 January 2020 at 6.00 pm

Present:-

Cllr C R Bungey – Chairman

Cllr S Baron – Vice-Chairman

Present: Cllr M Andrews, Cllr A Jones, Cllr C Rigby, Cllr A M Stribley and
Mr I Sibley

11. Apologies

Apologies for absence were received from Councillor A Filer. Apologies were also received from Independent Persons, Mr P Cashmore and Mr J Storey.

The Monitoring Officer reported the receipt of apologies from Councillor L Lewis who was unable to attend due to a personal bereavement. Councillor G Farquhar attended to answer any questions on her behalf.

12. Declarations of Interests

There were no declarations of interest.

13. Confirmation of Minutes

The Minutes of the meeting held on 9 July 2019 were confirmed as a correct record.

14. Public Issues

Mr Conor O'Luby made the following statement.

"After a period spanning two years, and following two Ombudsman rulings, BCP Council has admitted to serious failings in the process regarding my complaint against Cllr Mike Greene. Whilst this is to be welcomed, two matters remain of great concern: 1) that no-one is to be held accountable for these failings; 2) that yet again, the new investigation has failed to address the key fact that I was misquoted a number of times. I am thus left doubting whether anything of substance has actually changed, despite promises to the contrary."

15. Consideration of report in respect of complaint about a councillor

Consideration was given to the report and conclusions of an investigation into a complaint relating to Cllr L Lewis and a copy of the appointed Independent Investigator's Report was circulated with the agenda. The Investigator had undertaken a comprehensive appraisal and assessment based upon the current legal framework and the parameters imposed by

the Code of Conduct and including interviews with the complainants and with the councillor concerned.

Cllr Farquhar, on behalf of Cllr Lewis, apologised again on her behalf for unavoidable non-attendance and highlighted that she had sincerely apologised in relation to the matter complained of.

The overall conclusion of the Investigator was that Cllr Lewis had not breached the Code of Conduct because she was not acting in the capacity of a Councillor when she took the action that resulted in the complaints.

Whilst fully accepting the conclusions in this case, consideration was given to the wider issues of how councillors made use of social media. The Chairman reminded members of the useful and informative training which had recently been provided albeit that there had been a low turnout from councillors. The training underlined the importance for councillors of thinking very carefully about the way in which they use social media and the implications of their social media activity. It was suggested that the training session should be repeated on the day of the next Council meeting, immediately before the meeting, and that the Standards Committee should very strongly recommend that all councillors attended.

RESOLVED

(a) That the recommendations of the Independent Investigator into the complaints against Cllr L Lewis and the conclusion that she was not acting in her capacity as a Councillor when she took the action that resulted in the complaints, be accepted and that no further action be taken;

(b) That the previously organised training session on the use by councillors of social media be repeated at a time immediately before a Council meeting and that all Councillors who did not attend on a previous occasion be strongly recommended by the Standards Committee to attend.

Voting: Unanimous

16. Code of Conduct Complaints – Review

The Committee received an update on complaints received regarding alleged breaches of the Code of Conduct against councillors since 1 April 2019. The schedule of items included cases that were closed and those where investigations were pending or on-going. Assurances were provided that complaints were dealt with properly and in accordance with set timelines and processes.

The Committee was reminded of its responsibility for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils and for monitoring the operation of the Code of Conduct.

It was reported that the exercise of identifying training needs had been undertaken and resulted in the identification of themes which had been addressed through provision of both targeted and generalised training. A full report of training undertaken during the period and levels of attendance would be reported to the next meeting of the Committee.

RESOLVED

That the outcome of concluded complaints and the progress of those still ongoing be noted.

Voting: Unanimous

17. Declarations of Interest - Guidance Flowchart

In recognition of its responsibility for ethical governance and promoting high standards of conduct, the Committee received a report setting out guidance to assist councillors in determining whether they have a declarable interest in a particular matter and whether their participation at a meeting would be appropriate. It was explained that the matter had been deferred at the previous meeting of the committee to allow the flowchart to be redrafted in consultation with the members of the Committee.

The report sought approval of the revised guidance flowchart and the intention was that the flowchart would be attached to the agenda for all meetings to ensure that councillors were always fully aware of the obligations placed upon them. The Committee welcomed and fully supported this approach.

RESOLVED

That the declaration of interest guidance flowchart be approved and included on all meeting agenda front sheets to serve as a reminder and guidance for councillors and that, in order to point councillors to the flowchart, the wording of the standard agenda item be such as to specifically invite councillors to make any declarations in accordance with and with reference to the flowchart.

The meeting ended at 6.35 pm

CHAIRMAN

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STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	6 October 2020
Status	Public Report
Executive summary	<p>This report provides Members with an update on complaints regarding alleged breaches of the Code of Conduct against councillors received or concluded since 1 January 2020. A similar report was presented to the Committee in January 2020 for the period from 1 April 2019.</p> <p>The Committee is responsible for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils, monitoring the operation of the Code of Conduct, and considering the outcome of commissioned independent investigations.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the outcome of concluded complaints and the progress of those still outstanding be noted.</p>
Reason for recommendations	<p>This is an opportunity for Members of the Committee to be appraised of details of completed complaints and any outstanding complaints of alleged breaches against the Code of Conduct. This is in accordance with the functions of the Committee and its duty to discharge functions in relation to the promotion and maintenance of high standards of conduct within the Council and amongst Town and Parish Councils within the area.</p>
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services)
Wards	Council-wide
Classification	For Decision

Background

1. The purpose of this report is to provide a summary and update of completed and ongoing complaints received regarding alleged breaches of the Code of Conduct under the Localism Act 2011 since 1 January 2020 against BCP Councillors.
2. A similar report was presented to the previous meeting of the committee and will form a regular item at future meetings.

Analysis

3. Details of allegations/complaints in relation to the Code of Conduct are outlined in the table set out in paragraph 6 to this report.
4. The adopted arrangements for dealing with allegations of breach of the code of conduct for councillors provides for an initial filtering process by the Chairman of the Standards Committee in consultation with councillors of the Standards Committee and Monitoring Officer (or her Deputy) to decide whether:-
 - (a) There is no breach of the Code and no further action should be taken; or
 - (b) There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
 - (c) There is a potential breach of the Code and the Monitoring Officer should undertake or commission an investigation into the complaint with a view to a report then being considered by the Standards Committee.
5. The analysis provides details of the nature of the complaint, the initial filtering decision of the Chairman (following consultation), any informal resolutions agreed (where applicable), and the status of the complaint. Complaints against councillors of the predecessor councils who did not stand for re-election and therefore not investigated have not been included.
6. Certain specific detailed information regarding pending complaints has not been provided as this may be prejudicial to the conduct of the ongoing complaints process. Personal details have also not been included to protect both the identity of councillors and the complainant, unless specific direction to the contrary has been expressed.

Reference	Nature of complaint	Decision of Chairman	Status
BCP-004 BCP-008	Resident complaint against BCP Councillors alleging a breach of council protocols, compromised the impartiality of officers, brought disrepute on the council, and attempted to use their position improperly.	The matter is now resolved. A review has been carried out by the Chief Executive taking into account the evidence provided and communications from the Complainant	Closed

Reference	Nature of complaint	Decision of Chairman	Status
BCP-009 BCP-010 BCP-014	Three separate complaints against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, intimidating others, causing the council to breach equality laws, bringing the office of councillor or the council into disrepute while acting in an official capacity, and failing to have regard to the council's code of publicity. The complaint referenced social media posts made by the councillor concerned which were considered to be anti-Semitic in nature.	The Independent Review concluded that Councillor Lewis was not acting in her official capacity when she made her tweets and therefore the Code of Conduct did not apply to those actions	Closed
BCP-016	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, behaviour contrary to equality laws, bringing the office of councillor or the council into disrepute. The complaint referenced a national media article referencing social media posts made by the councillor concerned which were considered to be Islamophobic and racist in nature.	The Independent review concluded that Councillor Dunlop was not acting in her official capacity when she made her posts to the Facebook group. The Code of Conduct was therefore not applicable to those actions	Closed
BCP-017	Resident complaint against BCP Councillor alleging breach of code of conduct by inappropriate behaviour at an official event, by bringing the office/council into disrepute, using the position as councillor improperly, and intimidatory behaviour.	Potential breach of the Code and informal resolution sought by way of a letter of apology which was provided	Closed
BCP-018	Resident complaint against BCP Councillor alleging breach of the code of conduct by intimidating or attempting to intimidate any person who is, or is likely to be a complainant	Complaint reviewed and considered that there is no breach to the Code as the Councillor was not acting in their capacity as a councillor	Closed
BCP-021	Councillor complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, bullying, intimidating/attempting to intimidate and bringing the office/council into disrepute and using inappropriate language	The complaint is being considered	Pending

Reference	Nature of complaint	Decision of Chairman	Status
BCP-022	Councillor complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, bullying, intimidating/attempting to intimidate and bringing the office/council into disrepute	The complaint is being considered	Pending
BCP-023	Resident complaint against BCP Councillor alleging breach to the code of conduct by failing to treat others with respect, bullying, intimidating/attempting to intimidate and bringing the office/council into disrepute	Potential breach of the Code in part and informal resolution sought by way of an apology which was provided	Closed
BCP-024	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to act with honesty and integrity and bringing the office/council into disrepute	Complaint reviewed and dismissed. No verifiable evidence provided to demonstrate breach to the Code	Closed
BCP-025	Resident complaint against BCP Councillor alleging breach of the code of conduct by bullying, compromising/attempting to compromise the impartiality of those who work for/on behalf of the council, using/attempting to use the position as a Councillor improperly for advantage/disadvantage for him/her self	Complaint reviewed and dismissed. Insufficient evidence to demonstrate breach to the Code and the councillor voluntarily sent card and apologised for any upset caused	Closed
BCP-026	Resident complaint against BCP Councillor alleging breach of the code of conduct by intimidating/attempting to intimidate	The complaint is being considered	Pending
BCP-027	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, compromising/attempting to compromise the impartiality of those who work on behalf of the Council, unlawfully disclosing confidential information and using/attempting to use the position as Councillor improperly to secure and advantage/disadvantage	The complaint is being considered	Pending

Training and Development

7. The training programme for councillors was forced to cease upon the global pandemic, however, a suite of online training facilities has been launched for councillors. Further work will re-commence to establish other virtual training programmes over the coming months.

Summary of financial implications

8. There are no financial implications arising from this report.

Summary of legal implications

9. The Council has a legal duty to respond to complaints made against councillors of allegations of a breach of the Code of Conduct. The Council has adopted procedures for handling complaints.

Summary of human resources implications

10. There are no direct manpower implications arising from this report, however, the Committee will be aware that the handling and processing of complaints is resource intensive. A high volume of complaints could require the need for additional resources. It is therefore critical that the committee continuously seeks to promote and maintain high standards of conduct by all councillors to help limit the number of complaints.

Summary of sustainability impact

11. There are no sustainability implications arising from this report.

Summary of public health implications

12. There are no public health and wellbeing implications arising from this report.

Summary of equality implications

13. There are no equality implications arising from this report.

Summary of risk assessment

14. There are no direct risks associated with this report.

Background papers

Records of complaints received by the Council since 1 January 2020 – These records contain exempt information (Categories 1 (Information relating to any individual) and 2 (Information which is likely to reveal the identity of an individual))

Appendices

There are no appendices to this report.

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STANDARDS COMMITTEE



Report subject	Consideration of Report in Respect of Complaint about a Councillor
Meeting date	6 October 2020
Status	Public Report
Executive summary	<p>This report provides the Standards Committee with the conclusions of the investigation following complaints made about Councillor Beverley Dunlop. The investigator's report is attached at Appendix 1. The conclusion of the investigator is that Councillor Dunlop did not breach the Code of Conduct, as she was not acting in the capacity of a councillor when posting to the Facebook group which resulted in the complaint.</p> <p>The Committee is asked to consider the investigator's report and accept the recommendations.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the findings and recommendations of the independent investigator be accepted.</p>
Reason for recommendations	<p>The investigation was conducted by an independent experienced investigator who undertook interviews with the complainant and the councillor concerned before reaching his conclusions. The conclusions are based upon the current legal framework which sets out the parameters within which councillors are subject to a Code of Conduct.</p>

Portfolio Holder(s):	Not applicable
Corporate Director	Chief Executive
Report Authors	Richard Jones, Head of Democratic Services Sian Ballingall, Interim Director for Law and Governance and Monitoring Officer
Wards	Not applicable
Classification	For Decision

Background

1. In November 2019 the Council received a complaint from a member of the public concerning a number of Facebook posts made by Councillor Beverley Dunlop. The complaint was logged and dealt with pursuant to the Council's arrangements for managing complaints about elected councillors.
2. This process involved the initial assessment of the complaint by the Chairman of the Standards Committee in consultation with the other members of the Committee and the three Independent Persons appointed by the Council.
3. The initial assessment by the Chairman was that the complaint was of a nature requiring an investigation.
4. The Monitoring Officer, at that time, appointed Mr Tim Darsley to undertake the investigation. Mr Darsley is an experienced investigator and independent of the Council.
5. He commenced his work in May 2020 and the methodology and evidence he considered are set out within his report, attached at Appendix 1.
6. It should be noted that the investigator's report is marked as 'confidential'. The Council is publishing this report with some redactions to the original confidential report and the appended report is a public document.

Conclusions of the investigator

7. Following consideration of the evidence and the legal framework applicable to such complaints, set out within his report, Mr Darsley concluded that Councillor Dunlop was not acting in her capacity as a councillor when making the relevant Facebook posts.
8. The Standards Committee is asked to consider the report of Mr Darsley at its meeting and the recommendation of the Monitoring Officer is to accept the findings of the investigator.
9. The Committee may, notwithstanding the findings of the report, wish to consider any general advice and recommendations for councillors in regard to the use of social media. It should be noted that social media training has been provided by the Council for all councillors. Additional training was scheduled to take place in April 2020 but this had to be cancelled due to the Covid-19 Pandemic.

Summary of financial implications

10. There are no financial implications arising from the recommendation that the Committee formally accept the conclusions of the investigator in relation to these complaints.

Summary of legal implications

11. The detailed legal basis for the investigation and reasons for the findings of the investigator are set out in his report.
12. The Monitoring Officer recommends that the Committee accept the findings of the investigator. Based on the evidence the investigator has obtained; the Monitoring Officer agrees with the investigator's conclusions based upon the current legal framework and caselaw.

Summary of human resources implications

13. There are no human resources implications arising from the recommended course of action.

Summary of sustainability impact

14. There are no sustainability impacts arising from the recommendation.

Summary of public health implications

15. There are no public health impacts arising from the recommendation.

Summary of equality implications

16. The report provides the Committee with details and recommendations arising from an independent investigation. The independent contractor has to comply with the Council's Equality's Policy when conducting the investigation.

Summary of risk assessment

17. There are risks that by accepting the recommendation that the public perception will be that councillors are able to publish information on social media in their private capacity which people could find offensive, and that this is unreasonable and inappropriate. It could therefore undermine the public's confidence in the Council and its powers to deal with these matters. However, the Council has to act in accordance with the legal framework that exists, and the powers the Council has through its Standards Committee relate to conduct undertaken by councillors when acting in that capacity. Other regulatory regimes may come into play should they be appropriate where councillors are acting in their private capacity. The risk of not following the recommendation is that the Council will be acting contrary to a clear recommendation of an independent investigator who has assessed the evidence, and contrary to the legal advice received.

Background papers

None

Appendices

Appendix 1 – Report of independent investigator

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C O N F I D E N T I A L

R e p o r t o f I n v e s t i g a t i o n

F i n a l

**Report of an investigation by Tim Darsley,
appointed by the Monitoring Officer of BCP Council
into allegations concerning
Councillor Beverley Dunlop of BCP Council**

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C o n t e n t s

- 1. Introduction**
- 2. Councillor Dunlop's official details**
- 3. The relevant legislation and protocols**
- 4. The evidence gathered**
- 5. Findings of fact**
- 6. Reasoning as to whether there has been a failure to comply with the Code of Conduct**
- 7. Summary of findings**
- 8. Schedule of evidence taken into account**

Appendices:

Documents 1 to 8

1. Introduction

- 1.1 BCP Council is a unitary authority, formed in April 2019 from the former Bournemouth, Christchurch and Poole Councils. Serving a population of some 400,000, the Council comprises 76 councillors.
- 1.2 Councillor Beverley Dunlop was elected to the new Council on 2 May 2019. She serves the Moordown Ward.
- 1.3 Prior to the reorganisation, Councillor Dunlop was a member of Bournemouth Borough Council.
- 1.4 In around 2016, Councillor Dunlop participated in a Facebook group for Conservative supporters. She contributed posts to a number of discussion topics.
- 1.5 On 12 November 2019, The Guardian newspaper published an article concerning a dossier of comments made on social media by current and former Conservative councillors. The comments were said to be of an Islamophobic or racist nature.
- 1.6 The Guardian article gave a number of examples of comments from the dossier, two of which were made by Councillor Dunlop.
- 1.7 Following the publication of the Guardian article, [Redacted] submitted a complaint to BCP Council. He was concerned that Councillor Dunlop had made comments in public which were Islamophobic and asked for her conduct to be reviewed. [Redacted] complaint is shown below.

The complaint:

I write to you regarding the recent report from the Guardian newspaper published on Tuesday 12th November 2019:

<https://www.theguardian.com/politics/2019/nov/12/revealed-conservative-councillors-islamophobic-social-media>

As is clearly stated, on two occasions a member of the BCP Council made comments on a public forum which are Islamophobic and completely unacceptable. This conduct is appalling and not appropriate of an elected official, who is supposed to represent ALL members of the community.

I am Poole born and bred, and have been a regular attendee of the Redacted Islamic Centre for almost 30 years. I have worked at Redacted for over 5 years, and currently am employed at Redacted. I have spent significant amounts of time undertaking interfaith activities both in the UK and internationally to promote understanding and tolerance, and comments from council members such as those highlighted in the above report serve to stoke further tension in what is already a very difficult time to be a Muslim in the UK. Statistics throughout this year have shown that Islamophobia on the UK is on the rise (<https://www.bbc.co.uk/news/uk-47280082>), and therefore comments such as those made by Cllr Dunlop need to be taken extremely seriously.

I have spoken to many Muslim friends and family in the local area who are all shocked and appalled by the Guardian report. Tellingly, many of my non-Muslim friends and family have also reached out to me and are equally upset as to these comments being made. The very lukewarm reply I received on Twitter by BCP on the 13th November 2019 (that these were "*historical comments made by an individually elected Member which do not reflect the views of the Council as an organisation*") is an extremely neutral stance to take, and is certainly not in keeping with the magnitude of the act.

I am particularly keen to highlight that the quotes made by Cllr Dunlop are indeed "current" as they have just come to light, and that comments of this nature bring the council into disrepute. Religion is a protected characteristic under the Equality Act 2010, and expressing disrespectful, ignorant, and frankly hateful views such as these is wholly incompatible with a Councillor holding public office.

For the majority of people in paid employment, making inflammatory and racist comments such as those made by Cllr Dunlop would result in severe disciplinary action taken by any employer. Posting comments such as these on public social media platforms is a clear sign of a person with evident deeper-seated hateful views, and our opinion is that this councillor should be removed from her position.

I wish for this to be reviewed by the standards board at BCP, and look forward to a formal reply in due course.

Yours sincerely,
Redacted

- 1.8 Although Councillor Dunlop's comments were made when she was a member of Bournemouth Borough Council, the functions, property, rights and liabilities of the preceding councils were transferred to BCP Council on reorganisation.
- 1.9 On being notified of the complaint, Councillor Dunlop submitted an initial response on 20 November 2019 (document 1).
- 1.10 **Redacted** complaint was assessed by a panel of the BCP Standards Committee. The Panel has the discretion to dismiss a complaint if the matter being complained about happened more than 12 months before the complaint was received. However, the Panel considered that the allegations were of such a serious nature that this discretion should not be exercised. It was decided that the complaint should be referred for independent investigation.
- 1.11 The Monitoring Officer appointed me to carry out an investigation into the complaint on 22 May 2020.

2. Councillor Dunlop's official details

- 2.1 Councillor Dunlop was elected to BCP Council on 2 May 2019. She is a member of the Conservative Group.
- 2.2 She is one of two members representing the Moordown Ward.
- 2.3 Councillor Dunlop is a member of the Audit and Governance, Licensing and Planning Committees. She is also a member of the Charter Trustees of Bournemouth.
- 2.4 Councillor Dunlop had previously been a member of Bournemouth Borough Council, serving there between 2007 and 2019.
- 2.5 Councillor Dunlop had received training on the Code of Conduct in her time at Bournemouth Borough Council.

3. The relevant legislation and protocols

The Localism Act 2011

- 3.1 Section 27(1) of the Localism Act 2011 places a relevant authority under a statutory duty to 'promote and maintain high standards of conduct by members and co-opted members of the authority'.
- 3.2 Under section 27(2) of the Act, a relevant authority 'must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity'.
- 3.3 BCP Council is a relevant authority. Its Code of Conduct is published in the Council's Constitution, last updated on 16 April 2020.
- 3.4 This investigation is carried out in relation to the Council's Code of Conduct and under the provisions of the Council's arrangements for considering complaints.

The Code of Conduct of BCP Council

3.5 The following paragraphs of the Code of Conduct are relevant:

This Code of Conduct sets out the conduct that is expected of councillors and co-opted members when acting in that capacity.

General obligations

2.1 A Councillor must -

- (b) treat others with respect.

2.2 A Councillor must not -

- (a) do anything which may cause the Council to breach any of its duties under the equalities legislation.
- (g) behave in a way which could reasonably be regarded as bringing their role or the Council into disrepute.

4. The evidence gathered

Documentary and on-line evidence

4.1 I have taken account of the following information:

- An article published in the Guardian on 12 November 2019.
- Three posts made by Councillor Dunlop on a Facebook group in 2016 or later.

Oral evidence

4.2 I have taken account of oral evidence through interviews with;

- Redacted, the complainant, and
- Councillor Beverley Dunlop, the subject member.

4.3 The interviews were recorded. The written records of the interviews were sent to the interviewees for the confirmation of accuracy. The dates of sending the record, and of the confirmation that the record is accurate, are shown at the end of the record.

4.4 The records of interviews are shown at documents 6 and 7.

5. Findings of fact

- 5.1 [Redacted] complaint is that Councillor Dunlop made comments on a public forum which were Islamophobic. He believes the comments were unacceptable and not appropriate for an elected representative to make.
- 5.2 Although referring to the Guardian article, [Redacted] obtained the dossier of comments that the article was reporting on. He confirmed at interview that the dossier contains three Facebook posts of Councillor Dunlop which are the subject of his complaint.
- 5.3 The three posts concern; the burqa and banning mosques, an inquiry into Islamic rape gangs, and fundamentalists hiding in plain sight.
- 5.4 [Redacted] believes that by posting her comments, Councillor Dunlop has breached a number of the requirements of the Council's Code of Conduct.
- 5.5 Members are required to follow the Council's Code of Conduct when they are acting in their role as a councillor. This is known as their official capacity. The Code does not apply in a member's private life.
- 5.6 It is therefore necessary to establish whether Councillor Dunlop was acting as a councillor when she made her posts. In order to do this, I have set out below the undisputed facts about the matter.

Undisputed facts

- 5.7 In 2016, and until May 2019, Councillor Dunlop was a member of Bournemouth Borough Council.
- 5.8 Councillor Dunlop maintained a Facebook page titled 'Councillor Beverley Dunlop' which she used to provide updates for residents about Bournemouth Council activities.
- 5.9 She also maintained a Facebook page titled 'Beverley Dunlop'.
- 5.10 Councillor Dunlop participated in a Facebook group for supporters of the Conservative Party.
- 5.11 During 2016 or later, Councillor Dunlop contributed to various discussion topics on the Facebook group. Three of her posts to the Facebook group are the subject of [Redacted] complaint. The posts are in the name of 'Beverley Dunlop'. The exact dates of the posts are not known.

5.12 The first post reads:

The Burqa is a symbol of the subjugation of women, something that British women died in protest against a hundred years ago. In our equal and diverse society we are allowing an ideology to continue to exercise its male dominance of women. It is a blatant display of gender inequality that we turn a blind eye in the name of religious freedom. Well this is religious privilege and flies in the face of everything we do to ensure gender equality. I hate to ban anything really but I'd suggest we start with Mosques!

(document 2).

5.13 The second post reads:

How about them calling for an inquiry into Islamist rape gangs grooming underage, underprivileged white girls?

(document 3).

5.14 The third post reads:

This fundamentalists are hiding in plain sight in the Muslim community just like the IRA 'hid' in plain sight amongst Catholics. They are either too terrified to give them up or they are in support. Somebody knows who it is or somebody knows somebody who knows who it is. Muslims now have to step forward and stop this themselves. Until they are more frightened of the British government (because they and their families might get deported) than they are Isis nothing will change. The French raided Mosques and they found RPGs, AK-47s and bomb making equipment. It's now time for us to do the same.

(document 4).

5.15 On 12 November 2019, the Guardian newspaper published an article under the headline; *Revealed: Tory councillors posted Islamophobic content on social media* (document 5).

5.16 The article was reporting on a dossier of alleged Islamophobic and racist material posted on social media by twenty five sitting and former Conservative councillors. The dossier had been compiled by an anonymous Twitter user identified as @matesjacob.

5.17 The Guardian article gave examples of the posts made by some of the twenty five councillors. It provided extracts from two of the posts made by Councillor Dunlop. It accompanied these extracts with a photograph of Councillor Dunlop, captioned, *Councillor Beverley Dunlop*.

- 5.18 [Redacted] saw the article in the Guardian. He was concerned at the report and wanted to see the full wording and the context of Councillor Dunlop's posts. He obtained a copy of the dossier from @matesjacob.
- 5.19 [Redacted] submitted his complaint about the conduct of Councillor Dunlop in November 2019.

Official capacity

- 5.20 A member is acting in their official capacity when they are conducting the business of their authority. The Code of Conduct does not apply in a member's private life.
- 5.21 [Redacted] recognised that Councillor Dunlop wasn't a BCP councillor when she made her posts. She was, however, a Bournemouth councillor. He thought that when someone in a position of office said such things, it was very hard to distinguish between official and private comments.
- 5.22 Councillor Dunlop told me she had made the posts in question from her private Facebook account. The account had been titled 'Beverley Dunlop' at the time. There was no additional description of occupation or interests listed on the account. Furthermore, content on the home page of the account was not publicly accessible. Most of the material there could only be seen by Facebook friends.
- 5.23 Councillor Dunlop said that the only posts she made on that account were private. She hadn't posted anything on it about the Council or Council work. She had never identified herself as being a councillor on the account.
- 5.24 Councillor Dunlop told me that the account from which the posts were made was still current and was still her private Facebook account. She had however felt it necessary to change the title of it to [name name]. Councillor Dunlop told me the new name of her account but wished it to remain private.
- 5.25 The posts shown in the matesjacob dossier are identified as 'Beverley Dunlop' and show the same profile picture as on the current [name name] Facebook page. This is consistent with Councillor Dunlop having made the posts from what she calls her private Facebook account.
- 5.26 Councillor Dunlop's current Facebook page gives no information about her role as a councillor. There is no information about BCP Council or its activities. There are a limited number of posts from other users but no status posts from Councillor Dunlop are visible. This is consistent with what she told me about her page being restricted to Facebook friends.

6. Reasoning as to whether there has been a failure to comply with the Code of Conduct

- 6.1 From the images obtained by **Redacted** from the dossier, and from what Councillor Dunlop has told me, I am satisfied that the posts in question were made from the Facebook account titled 'Beverley Dunlop' at the time and *[name name]* now.
- 6.2 Councillor Dunlop's position is that this account is private and that her posts were made as a private individual and not as a councillor. The Code of Conduct was therefore not applicable to those actions.
- 6.3 The key test of whether Councillor Dunlop was acting in her official capacity is whether she was conducting the business of her authority.
- 6.4 The Facebook account is not identified as that of Councillor Beverley Dunlop and she does not use it to discuss or deal with Council business.
- 6.5 The posts on the Facebook group were identified only as Beverley Dunlop and any reader would have no knowledge that it had been made by a councillor.
- 6.6 The subject matters of the posts were not the business of BCP Council.
- 6.7 In these circumstances, I find that;
- Councillor Dunlop made the posts in question from her private Facebook account.
 - She made the posts to the Facebook group as a private individual and not in her official capacity.

7. Summary of Findings

7.1 In summary, I have found that;

- **Councillor Dunlop was not acting in her official capacity when she made her posts to the Facebook group. The Code of Conduct was therefore not applicable to those actions.**

7.2 The reasoning for my findings is set out in section 6 above.

7.3 **Redacted** and Councillor Dunlop were sent draft copies of this report on 17 June 2020.

7.4 **Redacted** was disappointed with the findings of the report. He questioned the dividing line between private and official capacity, saying that the comments were made by the same person. He felt that, with the widespread national and local exposure of the comments, it was inevitable that Councillor Dunlop had brought her role and the Council into disrepute. **Redacted** full response is included at document 8.

7.5 I have carefully considered this response but I have not changed my conclusion about the capacity in which Councillor Dunlop was acting.

7.6 Councillor Dunlop was satisfied with the report.

7.7 This is my final report. It will be forwarded to the Monitoring Officer who will complete the remaining stages of the Council's complaints procedure.

8. Schedule of evidence appended

Document no.	Description
1	Councillor Dunlop's initial response to the complaint dated 20 November 2019.
2	Post by Beverley Dunlop on Facebook group and contained in matesjacob dossier
3	Post by Beverley Dunlop on Facebook group and contained in matesjacob dossier
4	Post by Beverley Dunlop on Facebook group and contained in matesjacob dossier
5	Article in Guardian newspaper of 12 November 2019
6	Record of interview with Redacted
7	Record of interview with Councillor Beverley Dunlop
8	Response of Redacted to the Draft Report of Investigation

Document 1: Councillor Dunlop's initial response to the complaint, dated 20 November 2019.

The seven principles of public life apply to Councillors when acting in an official capacity. [Redacted] is (unknowingly) wrong when he refers to comments made on public platforms by a member of BCP Council and made by Cllr Dunlop. I have no social media accounts as Cllr Dunlop other than a basic page for resident updates.

My personal Facebook page isn't public, has no identifying photograph and makes no mention of my public life. It is very much a private and personal account and unless an individual was on my selected friends list it is impossible to gain access to it because of the privacy settings.

I have been a member of private political groups and had wide ranging discussions. Someone has clearly recognized my name and spent a very long time looking for 'incriminating' sentences (even those written in jest) that when removed from the surrounding discussion could be used to fuel their political agenda. The way they have achieved this is by using a Guardian journalist to 'out' me in the public domain as an Islamophobic Conservative Councillor. This is a blatant lie that I am now forced to rebut.

The fact remains, however, that even if these allegations had the slightest bit of merit those discussions from where these sentences were extracted were totally outside of my public life.

Having said that I completely understand how disappointed and upset [Redacted] would feel reading that report and I would be more than happy to meet with him on a personal level. I met [Redacted] at the Islamic Centre only recently, I am sure he would facilitate if I asked him.

Please note I am copying this response to a personal email account as I do not consider it a council matter. I am only responding as Cllr Dunlop for the purpose of formality and to comply with the standards process.

Regards

Beverley Dunlop

Document 2: Post by Beverley Dunlop on Facebook group and contained in matesjacob dossier



Beverley Dunlop The Burqa is a symbol of the subjugation of women, something that British women died in protest against a hundred years ago. In our equal and diverse society we are allowing an ideology to continue to exercise its male dominance of women. It is a blatant display of gender inequality that we turn a blind eye in the name of religious freedom. Well this is religious privilege and flies in the face of everything we do to ensure gender equality. I hate to ban anything really but I'd suggest we start with Mosques!

Like · Reply · 2y · Edited



**Document 3: Post by Beverley Dunlop on Facebook group and
contained in matesjacob dossier**



Beverley Dunlop How about them calling for an inquiry into
Islamist rape gangs grooming underage, underprivileged white
girls?

Like · Reply · 1y



Document 4: Post by Beverley Dunlop on Facebook group and contained in matesjacob dossier



Beverley Dunlop This fundamentalists are hiding in plain sight in the Muslim community just like the IRA "hid" in plain sight amongst Catholics. They are either too terrified to give them up or they are in support. Somebody knows who it is or somebody knows somebody who knows who it is. Muslims now have to step forward and stop this themselves. Until they are more frightened of the British government (because they and their families might get deported) than they are Isis nothing will change. The French raided Mosques and they found RPG's, AK-47s and bomb-making equipment. It's now time for us to do the same.

Like · Reply · 2y · Edited

Document 5: Article in Guardian newspaper of 12 November 2019

Revealed: Tory councillors posted Islamophobic content on social media

Exclusive: dossier on 25 current and former councillors adds to pressure on Boris Johnson to launch independent inquiry

Simon Murphy

@murphy_simon

Tue 12 Nov 2019 18.04 GMT Last modified on Wed 13 Nov 2019 09.06 GMT

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Walsall councillor Vera Waters with Boris Johnson. She said that starvation in Africa was ‘nature’s way of depopulation’. Photograph: Facebook

Twenty-five sitting and former Conservative councillors have been exposed for posting Islamophobic and racist material on social media, according to a dossier obtained by the Guardian that intensifies the row over anti-Muslim sentiment in the party.

The disclosure that 15 current and 10 former Tory councillors have posted, shared or endorsed Islamophobic or other racist content on Facebook or Twitter will increase pressure on Boris Johnson after he [backtracked on a pledge to hold an independent inquiry into the issue](#).

Inflammatory posts recorded in the dossier, which has been sent to the party’s headquarters, include calls for mosques to be banned, claims the faith wants to “turn the world Muslim”, referring to its followers as “barbarians” and “the enemy within”.

In 2017, one councillor, who has been pictured with Johnson, endorsed a suggestion that all aid to Africa helping feed starving people should stop, allowing “mother nature take her course”. She replied: “It’s nature’s way of depopulation.”

The dossier was compiled by [@matesjacob](#), an anonymous Twitter user who campaigns against racism. After being presented with the posts by the Guardian the Conservative party suspended all those who are still members pending an investigation.

The news come days after Johnson made a U-turn on a pledge for the Conservative party to hold an independent inquiry into [Islamophobia](#), instead saying the party would have “general investigation into prejudice of all kinds”.

The cabinet minister Michael Gove had previously said the party would “absolutely” hold an “independent inquiry into Islamophobia ... before the end of the year”. It follows repeated warnings about prejudice against Muslims being perpetrated in the party’s ranks and [investigations by the Guardian](#) shedding light on Islamophobia in the Conservatives.

Among the series of instances in the dossier verified by the Guardian were posts from:



Councillor Beverley Dunlop. Photograph: Democracy.bcpccouncil.gov.uk

- Beverley Dunlop, a councillor in Bournemouth, Christchurch and Poole, who posted messages in two Facebook groups with more than 11,000 members between them. In one posted in 2016 she railed against the burqa, adding: “I hate to ban anything really but I’d suggest we start with Mosques!” In another post, she responded to a call for an inquiry into Islamophobia in the Conservative party by hitting back last year: “How about them calling for an inquiry into Islamist rape gangs grooming underage, underprivileged white girls [sic]?”

- The Walsall councillor Vera Waters who endorsed a suggestion that impoverished Africans should be left to starve, saying that famine is “nature’s way of depopulation”.
- Trevor Hales, a parish councillor in Sandiacre, near Nottingham, who complained on Twitter about Muslims in a stream of tweets last year in which he referred to them as “the enemy within”, claimed “spineless” governments had sold “us to slavery of Muslims”, and warned Sajid Javid: “How long are you going to allow this Muslim takeover.”
- Malcolm Griffiths, a councillor in Redcar and Cleveland, North Yorkshire, who is also chairman of South Tees Conservative Association, and liked Facebook comments in 2017 urging migrants to “go back to where they came from” and to “get the fuck out and go home”. In a separate post, Griffiths suggested Muslims were inbred.
- A Conservative councillor in Kettering, Paul Marks, who referred to London’s Muslim mayor, Sadiq Khan, as a “vile creature” and liked a post ranting about the politician, which claimed he “will always lobby against anybody or anything which finds itself in direct conflict with Islam”.

The post added: “No doubt he will be voted in again by the exploding Muslim hordes that now dominate London and suppress any counter votes from the more white conservative outer London boroughs.” In reply, Marks wrote: “That this vile creature was a elected mayor of London tells me all I need to know about that anti-British city.”

Marks, the Kettering Conservative Association chairman, told the Guardian he regretted liking the post, saying the use of the word “white” was “completely irrelevant”. He added: “After all, Muhammad was probably paler than I am ... I certainly don’t agree with [the use of the word] white and I don’t agree with hordes and I never wrote the post.” He said that he likes posts to draw attention to them but does not agree with everything in them.



Councillor Paul Marks. Photograph: Kettering.gov.uk

Dunlop said the messages she had posted were private.

Sayeeda Warsi, who has been calling for the party to hold an independent inquiry into Islamophobia, said she was appalled by the comments in the dossier. “These further divisive and racist comments by elected Conservative councillors are a further indication of the issue of Islamophobia in the party,” she said.

“The constant argument made by the party [is] that there isn’t the evidence, yet dossier after dossier has been presented to the party. Now this one exposes a sizeable number of sitting Conservative councillors. These individuals seek to represent the party, and if the party truly believes in rooting out racism it should start from rooting out those with racist views from the party.

“Sadly, the party has been trying to downgrade, dilute and deflect the issue of Islamophobia.”

Sajjad Karim, a former Conservative MEP who has spoken out about facing Islamophobia in the party including from a serving minister, said: “The fact that the prime minister has now backtracked on his pledge to hold an inquiry is something that further cements my view that there is no real desire or intent in the party to deal with this issue.”

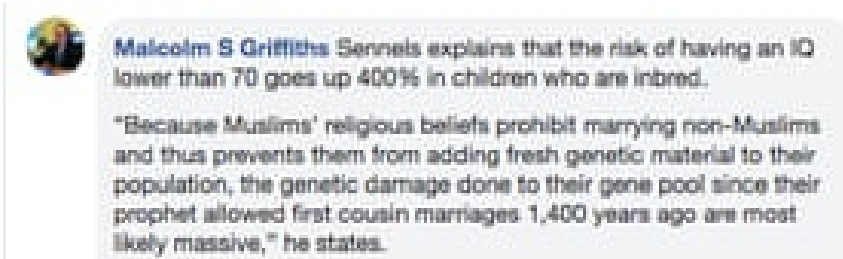
Waters, the Walsall councillor, whose Facebook profile picture shows her posing with Johnson, endorsed a suggestion that aid to Africa should stop and “mother nature” should “take her course”. In response to an article about UK aid helping fund voluntary family planning in developing countries, a woman wrote on Facebook in 2017: “I suggest ALL aid to Africa stops, ALL immigration from Africa stops – and let mother nature take her course – may seem harsh but it will never end no matter what we do.” In response, Waters liked the post, adding: “I totally agree with you. It’s nature’s way of depopulation.”

Griffiths, the councillor in Redcar and Cleveland, posted an article on Facebook in 2017 that claimed Muslims in Germany had started a petition to end the drinking festival, Oktoberfest, because it was “un-Islamic”. Underneath, a friend of Griffiths wrote: “They can go back to where they came from. Try going to a Muslim country and ask them to stop Muslim traditions because it offends incoming Christians How outrageous is sharia behaviour.” Griffiths liked the post.



Malcolm Griffiths. Photograph: Redcar-Cleveland.gov.uk

In another post in 2017, he quoted Nicolai Sennels, an organiser of the Danish branch of the anti-Islam group Pegida, saying: “The genetic damage done to [the Muslim] gene pool since their prophet allowed first cousin marriages 1,400 years ago is most likely massive.”



A Facebook post by Malcolm Griffiths on the ‘genetic damage’ done to Muslims. Photograph: Facebook

Among the other councillors and former councillors whose racist or Islamophobic messages were seen by the Guardian, the councillor Roger Taylor from Calderdale, West Yorkshire, questioned why prominent British Muslim columnist Yasmin Alibhai-Brown was in the UK. In response to a post about the journalist hitting back at claims she is anti-British, Taylor wrote last October: “Why is she even in the country?”

When approached for comment, Taylor said he would be binning the Guardian’s email. “We are in an election and you are raising this to deflect from the antisemites in the Labour party,” he said.

A Conservative party spokesperson said: “All those found to be party members have been suspended immediately, pending investigation. The swift action we take on not just anti-Muslim discrimination, but discrimination of any kind is testament to the seriousness with which we take such issues.

“The Conservative party will never stand by when it comes to prejudice and discrimination of any kind. That’s why we are already establishing the terms of an investigation to make sure that such instances are isolated and robust processes are in place to stamp them out as and when they occur.”

Document 6: Record of interview with [Redacted], 1 June 2020

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You told me that you were a resident of Bournemouth. You had no direct connection with BCP Council.
3. You confirmed that your complaint arose from an article in the Guardian of 12 November by Simon Murphy. The article reported on a dossier compiled by Matesjacob and referred to on this person's Twitter account. You said you had gone back to this source and downloaded the dossier. You wanted to see the context and check the exact words that had been used.
4. You confirmed that there were three posts in question. These concerned;
 - The burqa as a symbol of the subjugation of women and suggesting a ban on mosques.
 - Suggesting an inquiry into Islamist rape gangs grooming underage, underprivileged white girls.
 - Fundamentalists hiding in plain sight and Muslims having to step forward to stop this.

I confirmed that I had obtained copies of these posts.

5. We considered the three posts in turn.

The burqa and a ban on mosques

6. You felt this was a horrific thing to say. The comment could be considered with different subjects and objects. So, if it was a Muslim person blaming all white supremacist attacks on Christians and calling for all churches to be shut down, that would be similarly horrendous.
7. You knew how important for community harmony it was to engage with others. This flew directly in the face of that. It was islamophobic because it characterised all people who used a mosque in the same negative way and was threatening to shut down the places of worship of a whole faith.

An inquiry into Islamist rape gangs

8. You said that whoever these criminals committing rape were, they were not doing it in the name of Islam. Using that label was completely misleading. The crimes were done by rapists, not by people of a particular denomination.

Fundamentalists hiding in plain sight

9. This post included; *Muslims now have to step forward and stop this themselves. Until they are more frightened of the British government (because they and their families might get deported) than they are of Isis, nothing will change.*
10. You felt that was awful to say. It was saying that British people would be deported to where their grandparents had come from. Of course communities had to report terrorism or any other crimes but that applied to all communities across the board. It was a horrendous way for anyone to speak, let alone a councillor.
11. The posts were reported as being made in 2016, before Councillor Dunlop was a BCP councillor. You didn't believe this was of significance. You thought that people in that office needed to be held accountable for high standards. Pointing to the time when the posts were made was not good enough. Other people had been held responsible for historical comments made on social media and this shouldn't be an exception.
12. You hadn't been happy with the Council's initial response to you on Twitter. You had complained in November and chased the matter up in December. You thought that seven months to investigate the complaint was not satisfactory.
13. You said you didn't know if the original posts were available to the public at large. If they were made to a group, it seemed to be a large group that was easy to access.
14. We considered Councillor Dunlop's actions in relation to the Code of Conduct. You considered that the requirement to treat others with respect was relevant. Her comments did not treat Muslim people with respect.
15. The Council's duty under equalities legislation was also relevant.
16. You also felt that Councillor Dunlop's actions had brought the Council into disrepute. They had formed part of a major news story in a leading UK newspaper.

17. I asked you how you thought Councillor Dunlop was presenting herself when she made the posts. You recognised that she wasn't a BCP councillor at the time, although she was a Bournemouth councillor. You thought that when someone in a position of office made comments like that, it was very hard to distinguish between official and private comments.
18. In conclusion, you said that there was a lot of division in the country already and such inflammatory comments did not help.

Sent to witness for confirmation	4 June 2020
Agreed by witness as an accurate record	4 June 2020

Document 7: Record of interview with Councillor Beverley Dunlop
2 June 2020

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You confirmed that you had previously been a councillor with Bournemouth Borough Council. You had been first elected to that Council in 2007. This continued until you were elected to BCP Council in May 2019.
3. **Redacted** complaint arose from an article in the Guardian of 12 November 2019. The article reported on a dossier compiled by Twitter user @matesjacob. The dossier contained three Facebook posts made by you. These concerned:
 - The burqa and banning mosques.
 - An inquiry into Islamic rape gangs.
 - Fundamentalists hiding in plain sight.
4. You recognised these as your posts but pointed out that they were selected items from wider discussions.
5. You thought the posts had been made between 18 months and three years ago. You thought they had been made quite closely together.
6. You told me that the Conservative party had conducted an investigation into your posts and you had provided an explanation to that. Your response had been accepted and your suspension lifted.
7. I asked you about your Facebook account at the time the posts were made. You said the account was entitled 'Beverley Dunlop'. There was no additional description of occupation or interests. It was a private account. Furthermore, it was not publicly accessible. You would have to be a 'friend' to see your posts on it.
8. The account was still current. You believed you had been set up by the dossier and your words twisted to suit an agenda. You had therefore felt it necessary to change the name on the account to *[name name]*.¹
9. You said you deliberately did not have social media accounts that related to your position as a councillor.
10. You confirmed that, at the time, the only posts you made on and through the account were private. You hadn't posted anything about the Council or Council work. You had never identified yourself as being a councillor on social media.

11. You told me the posts in question had been made to an informal Conservative chat group. You didn't know how many were in the group but it was nationwide. You weren't aware that there were two groups.
12. The posts as they appeared were identified by a small circular profile picture and the words 'Beverley Dunlop'. The profile picture was the same as now, namely a picture of you, with your face obscured by your hair, holding your cat. You could not be identified by the picture.
13. You said that you had later gone back into the chat group, found the posts in question and deleted them. You had then removed yourself from the group.
14. You said you used to have a 'Councillor Beverley Dunlop' page when you were at Bournemouth Borough Council. You use to use this for basic residents' updates. You hadn't used any such page since becoming a BCP councillor.
15. We considered the three posts in turn:

The burqa and banning mosques

16. You said the discussion had been about banning the burqa. You had been arguing for gender equality and commented that the burqa was a symbol of the subjugation of women. You didn't think the burqa should be banned, however, because that would subjugate the women concerned even more. You said the final sentence, about banning mosques, was made tongue in cheek, at the tail end of a long conversation.
17. You didn't accept that your comments had been Islamophobic. You believed you were entitled to criticise a religion, whatever it be.

An inquiry into Islamist rape gangs

18. There had been a wider national discussion of this matter. You believed that not enough had been done to investigate how these crimes had been allowed to happen.
19. You hadn't been generalising about Islamic people or anyone following the Islamic faith. You had used the word Islamist, meaning an advocate or supporter of fundamentalism and militancy, because you felt the behaviour demonstrated by these men was no different from Islamist fighters.

20. You thought that the wording of that particular post was ill-judged. It might have given the impression that you were targeting Muslims, which was not the case.

Fundamentalists hiding in plain sight

21. You said that the discussion was about Islamic people being blamed for the actions of fundamentalists. You said you had lived through IRA bombings in Birmingham and you knew that communities were fearful when there were terrorists in their midst. You had been pointing out the impossible position that many Muslims found themselves in. You didn't accept that you had been advocating a particular course of action for all Muslims.
22. You told me about your meeting with [Redacted] at the Islamic Centre recently. He had contacted you a couple of days after the article in the Guardian. He said he had been dismayed at the report and he invited you to meet him at the mosque. You had gone down and talked with him.
23. You said you didn't accept the allegations in the complaint. It was easy to draw conclusions about something when you didn't know the context. You had been defending the right of Muslim women to wear the burqa and defending people who found themselves under threat. You thought the allegation of Islamophobia was not justified because you were actually doing the opposite. You recognised that the post about Islamic rape gangs sent a message that you weren't happy with.
24. Regarding the Code of Conduct, you didn't believe your comments about the burqa and fundamentalists were disrespectful because they were defending the position of Muslim people. In the comment about rape gangs, it certainly hadn't been your intention to be disrespectful to Muslim people.
25. You didn't believe you had caused the Council to breach any duties under equalities legislation because you hadn't been commenting as a councillor.
26. For the same reason, you hadn't brought the Council, or your position as a councillor, into disrepute.
27. In summary, your response to the complaint was that the posts were made as a private individual and not as a councillor. The Code of Conduct was therefore not applicable to those actions.

28. You thought the posts had been carefully selected, deliberately to misrepresent you. If the whole conversations had been shown, it would have been difficult to make the claim of Islamophobia.

¹ Councillor Dunlop disclosed the current title of her personal Facebook account to me but wishes this to remain private.

Sent to witness for confirmation	4 June 2020
Agreed by witness as an accurate record	7 June 2020

**Document 8: Response of Redacted to the Draft Report of Investigation,
22 June 2020**

Dear Tim,

Many thanks for your email dated 17th June 2020. I did receive the email on the same day, but I wanted to take a few days to read the report and to reflect on your findings. Firstly, I wanted to thank you for compiling the draft report. From the outset you have been timely, communicative, and thorough, and for that I am very grateful.

It probably won't surprise you however that I am extremely disappointed with the final decision of your draft report. Although I appreciate the steps that you have taken to reach that decision, I cannot agree with it. Your final decision that these comments were not made "*in an official capacity*" does not reverse the fact that they were made by that person. This is especially the case for general obligation 2.2 (g). I am very confused how a Counsellor being named by a both large national newspaper (The Guardian- readership of 24 million per month as per www.newsworks.org.uk) and our largest regional/local newspaper (The Daily Echo) due to inflammatory comments she made in a Facebook group with hundreds of members of the public in this group reading these comments is not:

"behaving in a way which could reasonably be regarded as bringing their role or the Council into disrepute"

Where exactly is the dividing line between a personal life and an official capacity when making inflammatory comments? The seriousness of the allegations and the very fact that the Council saw fit to launch an independent investigation surely means that this has brought the Council into disrepute. It also leads me to question what else a counsellor could do when they are not "*in an official capacity*" that would also be acceptable. Would shouting Islamophobic statements loudly on the street be acceptable if Cllr Dunlop was not there "*in an official capacity*"? The answer is clearly no, and that is the source of my frustration with the findings of your draft report.

Unfortunately, the finding of your draft report are fully consistent with the current state of affairs in the UK. Two days after you sent your draft report to me, a Conservative activist was suspended for Islamophobic remarks (<https://www.bbc.co.uk/news/uk-politics-53106605>). I would particularly like to draw your attention to the comments from the Muslim Council of Britain following this, who stated:

"The (Conservative) party must reflect and consider why it chooses to ignore widespread concerns about its institutional Islamophobia"

The incident involving Cllr Dunlop which led to your draft report sadly is yet another example of this institutional Islamophobia, and the highlights the wider difficulties that ethnic minorities face in modern-day Britain. Subject to abuse/condemnation, yet shut down in their attempts to make people accountable for their comments. My issue with the finding of your draft report is partly with the judgement you have provided, but more so with the framework which means that this behaviour is deemed acceptable (i.e. the "in an official capacity" disclaimer). It is clear that this framework for independent investigations does not allow for issues of a racial/ethnic nature to be addressed in a fair and competent manner. Most notably, I worry for the message that your draft report findings will give out to the wider community- that ultimately there is nothing wrong with making Islamophobic comments. These findings from the draft report will clearly both discredit minorities from speaking out against hateful comments in future, and also embolden others to say even more divisive and inflammatory comments in the future.

To close, I know we have not met in person but from speaking on the phone I assume that you are white and from a non-ethnic minority (please forgive me if this is incorrect). Following this investigation, I am sure that your day-to-day life will continue unaffected whatever the finding of this report, and that the findings of this report will not affect you and your life at all. Unfortunately for minorities such as myself, these findings **ARE** a big deal. These findings do impact on us as minority communities (both locally and nationally), and serve to remind us that that we are marginalised (as per the original comments made by Cllr Dunlop), that we are not supposed to speak up (as per the fact it took 7 months and much prompting from me for the council to conduct this investigation), and that there will always be loopholes and reasons to excuse the inexcusable (as per the findings of this report). Essentially, your draft report is a microcosm of the issues that minorities in the UK face, and its findings serve to perpetuate the status quo.

Many thanks for your again for your time and I await your final report once it has been compiled.

Best wishes,

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