

Notice of Standards Committee

Date: Tuesday, 5 October 2021 at 6.00 pm

Venue: Committee Suite, Civic Centre, Poole BH15 2RU



Membership:

Chairman:

Cllr D Butt

Vice Chairman:

Vacant

Cllr M Andrews
Cllr D Borthwick

Cllr A Jones
Cllr V Ricketts

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=4853>

If you would like any further information on the items to be considered at the meeting please contact: on 01202 096660 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 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

27 September 2021



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 directly 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 must leave
the room
during the
debate unless
you hold a
dispensation

Other Registerable
Interest

Yes

Declare the
nature of the
interest

You may speak
on the matter
ONLY if
members of the
public are also
allowed to
speak at the
meeting

Otherwise, do
NOT speak or
vote on the
matter and
leave the room
during the
debate unless
you hold a
dispensation

No

Does the matter **directly** relate to your
financial interest or well-being or those
of a relative or close associate?

Yes

You must disclose the interest.

Does the matter affect your financial
interest or well-being:
(a) to a greater extent than it affects the
financial interests of the majority of
inhabitants of the ward affected by
the decision and;
(b) a reasonable member of the public
knowing all the facts would believe
that it would affect your view of the
wider public interest

Yes

You may speak on the matter ONLY
if members of the public are also
allowed to speak at the meeting

Otherwise, do NOT speak or vote on
the matter and leave the room during
the debate unless you hold a
dispensation

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
(susan.zeiss@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.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Election of Vice-Chairman**

Members are advised that Councillor Brooks, Vice-Chairman, has resigned from the Committee and it will therefore be necessary to elect a Vice-Chairman for the remainder of the 2021/22 Municipal Year.

4. **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.

5. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Meeting held on 13 July 2021.

5 - 8

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 public questions 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. Local Government Association - Revision to Model Code of Conduct for Councillors	9 - 28
<p>The Local Government Association has published a revised update to the New Model Code of Conduct for Councillors which was approved by full Council in June 2021.</p> <p>The Standards Committee is responsible for monitoring the Code of Conduct and for making recommendations to Full Council on any changes to the Code.</p> <p>The Committee is asked to consider the changes identified in the appendix to this report and asked to recommend the changes to full Council for adoption.</p>	
8. Code of Conduct Complaints - Review	29 - 38
<p>This report provides Members with an update on complaints regarding alleged breaches of the Code of Conduct against councillors received or concluded since the last meeting in July 2021.</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> <p>The report also brings to the attention of Standards Committee, a number of complaints made under the Code of Conduct for Councillors as set out in Part 6 of the BCP Council Constitution. In line with the provisions of Part 6 Appendix C of the Constitution, the Chair, in consultation with the members of the Committee, the Independent Persons and the Monitoring Officer has followed an informal resolution process for each of these complaints. This has not resulted in the successful conclusion of the complaints. This report asks the Committee to consider the next steps including a potential report to Council about the role and status of Standards at BCP Council.</p>	

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 13 July 2021 at 6.00 pm

Present:-

Cllr S Baron – Chairman (for Agenda Items 1-3 only)

Cllr N Brooks – Vice-Chairman

Present: Cllr M Andrews, Cllr D Borthwick, Cllr D Butt, Cllr A Jones,
Cllr V Ricketts, and Cllr J Kelly

Independent Members: Mr P Cashmore and Mr J Storey

1. Apologies

Apologies were received from Councillor Stribley and Ian Sibley.

2. Substitute Members

Councillor Kelly substituted for Councillor Stribley.

3. Election of Chairman

Councillors D Butt and Ricketts were both separately Proposed and Seconded to be elected as Chairman and following a secret ballot it was

RESOLVED that Councillor Butt be elected as Chairman of the Standards Committee for the Municipal year 2021/22.

4. Election of Vice-Chairman

Councillors Brooks and Ricketts were both separately Proposed and Seconded to be elected as Vice-Chairman and following a secret ballot it was

RESOLVED that Councillor Brooks be elected as Vice-Chairman of the Standards Committee for the Municipal year 2021/22.

5. Declarations of Interests

There were no declarations of interest received on this occasion.

6. Confirmation of Minutes

RESOLVED that the Minutes of the Standards Committee held on 20 April 2021 having previously been circulated, be confirmed as accurate and signed by the Chairman.

7. Public Issues

There were no public issues to report on this occasion.

8. Code of Conduct Complaints - Review

The Head of Democratic Services presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The report provided Members with an update on complaints regarding alleged breaches of the Code of Conduct against Councillors received or concluded since the last meeting in April 2021.

The Committee was 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.

Following some discussion surrounding the report, the Chairman concluded that having listened to Members during the discussion and the large amount of complaints recorded since April 20 2021 over a 3 month period it was Proposed by the Chairman and Seconded, and:

RESOLVED that the Committee note the report and requests the Monitoring Officer to write an open letter to all Members reminding them of their duty under the Code of Conduct; regarding

1. not breaching the Code of Conduct especially around social media areas; and

2. not bringing inappropriate and ill-considered complaints to the Standards Committee.

Voting: For – unanimous.

9. Annual Report on Code of Conduct Complaints

The Head of Democratic Services presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The report provided a summary of the complaints received and determined which were made against councillors for alleged breaches of the Code of Conduct.

The Standards Committee had a duty to consider an annual report and to promote and maintain high standards of conduct.

The Committee discussed the Report including the need for Member training on the new Code of Conduct, the anticipated LGA guidance, the

five Parish and Town Councils within BCP and consequences of non-compliance of Members where complaints were upheld and sanctions imposed.

The Head of Democratic Services concluded that following discussions, the work programme needed to consider training delivery, monitoring LGA guidance and ensuring commitment from Members to adopt the Code.

RESOLVED that the annual report on code of conduct complaints be noted and those areas referred to above be included in the work programme.

Voting: For – unanimous.

The meeting ended at 7.00pm.

CHAIRMAN

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STANDARDS COMMITTEE



Report subject	Local Government Association - Revision to Model Code of Conduct for Councillors
Meeting date	5 October 2021
Status	Public Report
Executive summary	<p>The Local Government Association has published a revised update to the New Model Code of Conduct for Councillors which was approved by full Council in June 2021.</p> <p>The Standards Committee is responsible for monitoring the Code of Conduct and for making recommendations to Full Council on any changes to the Code.</p> <p>The Committee is asked to consider the changes identified in the appendix to this report and asked to recommend the changes to full Council for adoption.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> (a) the Committee recommends to Council that the proposed changes to the Local Government Association Model Councillor Code of Conduct, as set out in Appendix 1 to this report, be adopted; (b) the online guidance published by the LGA be noted; (c) the guidance flowchart published by the LGA be adopted to replace the flowchart currently published on the reverse of agenda front sheets.
Reason for recommendations	The adoption of the proposed changes to the Model Code will support councillors in maintaining high standards of conduct and provide consistency with neighbouring councils and other public bodies.

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Susan Zeiss (Service Director for Law and Governance and Monitoring Officer) Richard Jones (Head of Democratic Services)
Wards	Not applicable
Classification	For Recommendation (a) and Decision (b) and (c)

Background

- Members will recall that the Model Code of Conduct published by the Local Government Association was considered by the Committee in April 2021 and recommended for adoption by full Council in June. The Model Code as recommended was adopted and incorporated into the Constitution accordingly.

Subsequent Revision to Model Code

- Following adoption and initial implementation, it was identified by officers that the Model Code contained ambiguous references in relation to the disclosure of other registrable interests. It became apparent that the LGA had updated the model code to address a number of issues but had not drawn this to the attention of local authorities at the time.
- On 21 September, the LGA wrote to all Monitoring Officers apologising for the oversight and provided details of the changes made to the previous version. Appendix 1 to this report shows the amendments using 'track changes' facility.
- In summary, the following amendments form the core changes to the previous version.
 - to reflect the guidance relating to Other Registrable Interests (ORIs)
 - to tidy up the executive arrangements section
 - to add in missing text from Table 2
 - a number of typographical corrections.
- The Committee is asked to consider the changes highlighted in Appendix 1 and to recommend to Council the adoption of these changes.

Training

- The LGA has given a commitment to providing training on the Model Code and is currently in the process of assessing the delivery methods. This could be via a mixture of e-learning, workshops or train-the-trainer.
- In the meantime, officers are working on the delivery of in-house training and awareness on the new Model Code and, at the time of agenda publication, has

provisionally scheduled three dates in November for delivery. The proposed dates are Tuesday 2 (4.00pm), Thursday 4 (6.00pm) and Friday 5 (10.00am).

Guidance for Councillors

8. The LGA has also published online guidance for Councillors on the Model Code of Conduct. The guidance is aimed to help understanding and consistency of approach towards the code. The LGA states that *“the code, together with the guidance, has been designed to protect our democratic role, encourage good conduct, and safeguard the public’s trust and confidence in the role of councillor in local government.”*
9. The Guidance can be viewed on the LGA web site at <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>
10. Finally, the guidance includes a flowchart to assist councillors declaring an interest under the Code. A copy of the flowchart is attached as Appendix 2 to this report. The Committee is asked to consider the LGA flowchart against the council’s existing flowchart, which can be seen on the reverse of all agenda frontsheets and to consider which to adopt and any required changes.

Options Appraisal

11. The Committee may consider the changes do not warrant a further recommendation to full council determine not to make any further changes to the Code of Conduct, however, previously it has been acknowledged that the adoption of the Model Code would assist councillors who represent the council on different bodies and who may also be parish/town councillors.

Summary of financial implications

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

Summary of legal implications

13. A Councillor Code of Conduct is required by Section 27 of the Localism Act 2011. The adoption of the changes proposed in the Model Code is in accordance with those provisions.

Summary of human resources implications

14. There are no human resources implications arising from this report.

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

17. There are no equality implications arising from this report. The requirement of the Code for Councillors to promote equalities and to not discriminate unlawfully against any person, remains unchanged under these proposals.

Summary of risk assessment

18. The adoption of the proposed changes to the Code of Conduct would provide clarity on a number of issues and provide clear expectations of councillors regarding their conduct.

Background papers

Published works

Appendices

Appendix 1 – Code of Conduct for Councillors showing changes proposed by the Local Government Association.

Appendix 2 – Local Government Association – Councillor Interest Flowchart

CODE OF CONDUCT FOR COUNCILLORS

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

INTRODUCTION

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

DEFINITIONS

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

PURPOSE OF THE CODE OF CONDUCT

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

GENERAL PRINCIPLES OF COUNCILLOR CONDUCT

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

GENERAL CONDUCT

1. Respect

As a councillor:

- 1.1. I treat other councillors and members of the public with respect.**
- 1.2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow

councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. BULLYING, HARASSMENT AND DISCRIMINATION

As a councillor:

- 2.1. I do not bully any person.**
- 2.2. I do not harass any person.**
- 2.3. I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor:

- 3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor:

4.1. I do not disclose information:

- (a) given to me in confidence by anyone**
- (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - (i) I have received the consent of a person authorised to give it;**
 - (ii) I am required by law to do so;**
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - (iv) the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2. I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3. I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. DISREPUTE

As a councillor:

5.1. I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary

members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. USE OF POSITION

As a councillor:

6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES

As a councillor:

7.1. I do not misuse council resources.

7.2. I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements; and**
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should

be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- 8.1. I undertake Code of Conduct training provided by my local authority.**
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE LOCAL AUTHORITY

9. Interests

As a councillor:

- 9.1. I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. GIFTS AND HOSPITALITY

As a councillor:

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office 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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

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

Openness

Holders of public office 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

Holders of public office should be truthful.

Leadership

Holders of public office 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.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but

otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non- Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a known financial interest or well-being of a ~~friend,~~ relative or, close associate; or
- c. a financial interest or wellbeing of a body included ~~in those you need to disclose~~ under Disclosable Pecuniary Other Registrable Interests as set out in **Table 12**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to paragraph 8 above) **affects** ~~your the~~ financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. ~~Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.~~ Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being

considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Subject	Description
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

'director' includes a member of the committee of management of an industrial and provident society.

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

~~You have a personal interest in any business of your authority where it relates to or is likely to affect~~ You must register as an Other Registerable Interest:

(a) any unpaid directorships

~~(a)~~(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

~~(b)~~(c) any body

(i) exercising functions of a public nature

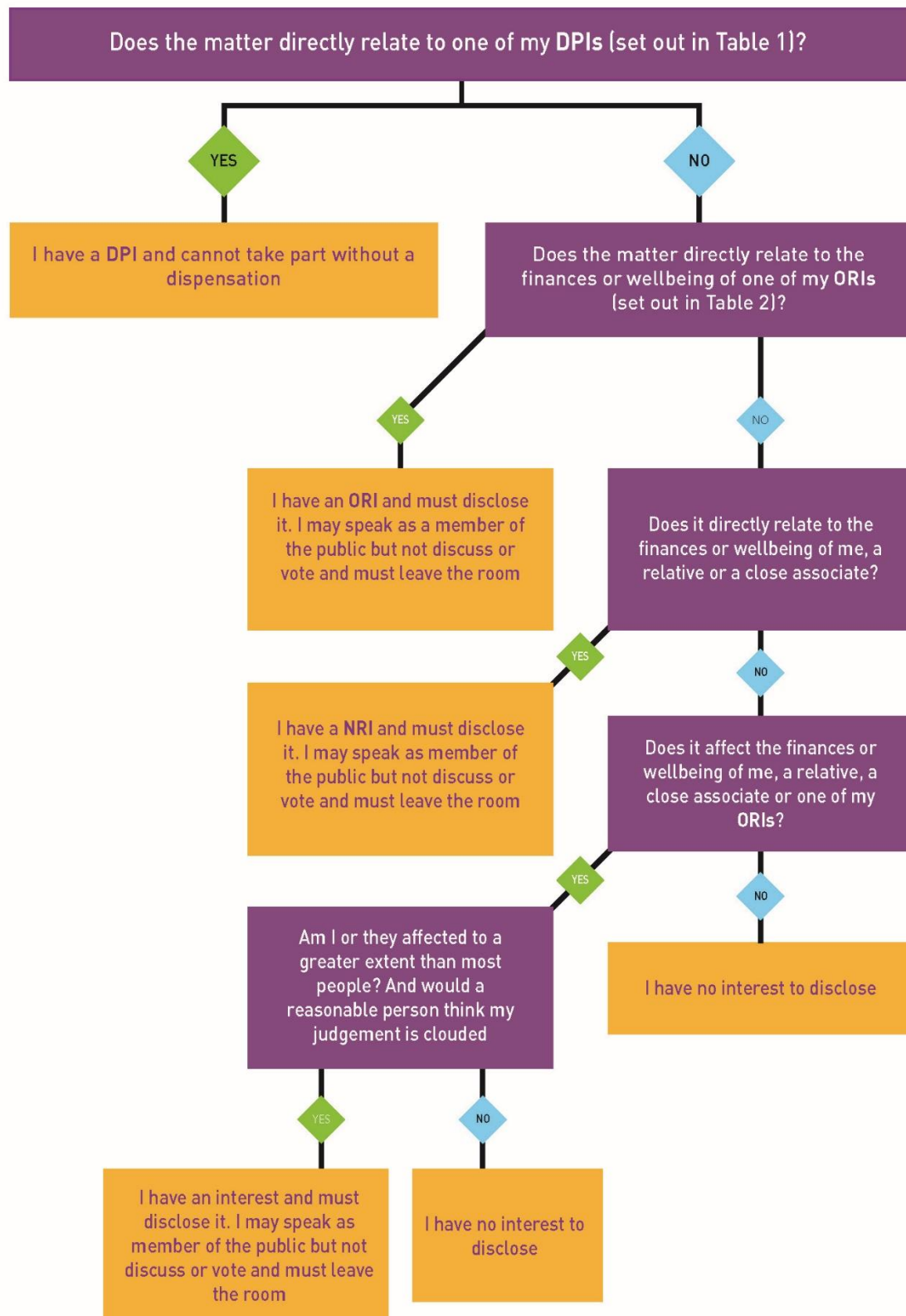
(ii) any body directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Interests Flowchart

The flowchart below gives a simple guide to declaring an interest under the code.



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STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	5 October 2021
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 the last meeting in July 2021.</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> <p>The report also brings to the attention of Standards Committee, a number of complaints made under the Code of Conduct for Councillors as set out in Part 6 of the BCP Council Constitution. In line with the provisions of Part 6 Appendix C of the Constitution, the Chair, in consultation with the members of the Committee, the Independent Persons and the Monitoring Officer has followed an informal resolution process for each of these complaints. This has not resulted in the successful conclusion of the complaints. This report asks the Committee to consider the next steps including a potential report to Council about the role and status of Standards at BCP Council.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) the outcome of concluded complaints and the progress of those still outstanding be noted;</p> <p>(b) the Committee determine which of the options, referred to in section 15 to this report, should be pursued in relation to the unresolved complaints identified in paragraph 13 to this report.</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</p>

	and Parish Councils within the area.
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services) Susan Zeiss (Service Director for Law and Governance and Monitoring Officer)
Wards	Not applicable
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 against Councillors for the Bournemouth, Christchurch and Poole area, including parish and town councils.
2. A similar report has been presented to previous meetings of the committee and now form a regular item at committee 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. Cases which were shown as closed in the previous report have been removed from this report.
4. The adopted arrangements for dealing with allegations of breach of the code of conduct for councillors now provides for an initial filtering process for the Monitoring Officer to mediate in appropriate cases between the parties concerned in an attempt to identify a mutually agreeable remedy. Where this is not possible, complaints then proceed to the Chairman of the Standards Committee in consultation with councillors of the Standards Committee and Monitoring Officer (or their 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 early intervention of the Monitoring Officer (where appropriate), the initial filtering decision of the Chairman (following consultation), any informal resolutions agreed (where applicable), and the status of the complaint.

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 allegation	Outcome / Decision	Status
BCP-021	<ul style="list-style-type: none"> Failing to treat others with respect Bullying any person Intimidating or attempting to intimidate Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>The complaint is continuing to be considered. Mediation was sought between the parties concerned but was not agreed.</p> <p>Complaint has been referred for independent investigation.</p>	Pending
BCP-022	<ul style="list-style-type: none"> Failing to treat others with respect Bullying any person Intimidating or attempting to intimidate Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>The complaint is continuing to be considered. Mediation was sought between the parties concerned but was not agreed.</p> <p>Complaint has been referred for independent investigation.</p>	Pending
BCP-039	<ul style="list-style-type: none"> Failing to treat others with respect Bullying any person Intimidating or attempting to intimidate Unlawfully disclosing confidential information or information believed to be of a confidential nature Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Initial assessment completed.</p> <p>Apology requested from subject councillor but not currently complied with.</p> <p>Complaint has been referred for independent investigation.</p>	Pending
BCP-040	<ul style="list-style-type: none"> Failing to treat others with respect Bullying any person Intimidating or attempting to intimidate Bringing the office of Councillor or the Council into disrepute while acting in an official 	<p>Initial assessment completed.</p> <p>Apology requested from subject councillor but not currently complied with.</p> <p>Complaint has been referred for independent investigation.</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	capacity		
BCP-053	<ul style="list-style-type: none"> • Failing to treat others with respect • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Initial assessment completed, and subsequently reviewed. Apology requested from subject councillor but not currently complied with.	Pending
BCP-061	<ul style="list-style-type: none"> • Failing to treat others with respect • Causing the Council to breach equality laws • Bullying any person • Intimidating or attempting to intimidate • Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity • Using or attempting to use the position as a Councillor improperly to confer on or secure an advantage for him or anyone else • Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer • In respect of a prejudicial interest, failing to withdraw from the room or chamber, exercising executive functions, or seeking to improperly influence a decision 	Initial assessment completed. No evidence of any new or additional information to warrant further investigation.	Closed
BCP-062	<ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed and dismissed for the following reasons: <ul style="list-style-type: none"> • Insufficient information submitted to demonstrate a prima facie breach of the code; • The matter complained about was of a nature 	Closed

Reference	Nature of allegation	Outcome / Decision	Status
		<p>that it would not have be in the public interest or proportionate to pursue it further;</p> <ul style="list-style-type: none"> • The conduct complained about had already been the subject of investigation or enquiry by another public body. 	
BCP-063	<ul style="list-style-type: none"> • Disclosure of information given in confidence, or information acquired which it was believed, or ought reasonably to be aware, was of a confidential nature, without authorised consent; • Using or attempting to use position improperly to confer on or secure for them or any other person, an advantage or disadvantage. 	<p>Complaint reviewed and dismissed for the following reasons:</p> <ul style="list-style-type: none"> • Insufficient information submitted to demonstrate a prima facia breach of the code; • The complaint was based essentially on hearsay evidence and not supported at the outset by detailed and verifiable supporting evidence; • The matter complained about was of a nature that it would not have be in the public interest or proportionate to pursue it further. 	Closed
BCP-064	<ul style="list-style-type: none"> • Disclosure of information given in confidence, or information acquired which it was believed, or ought reasonably to be aware, was of a confidential nature, without authorised consent; • Using or attempting to use position improperly to confer on or secure for them or any other person, an advantage or disadvantage. 	<p>Complaint reviewed and dismissed for the following reasons:</p> <ul style="list-style-type: none"> • Insufficient information submitted to demonstrate a prima facia breach of the code; • The complaint was based essentially on hearsay evidence and not supported at the outset by detailed and verifiable supporting evidence; • The matter complained 	Closed

Reference	Nature of allegation	Outcome / Decision	Status
		about was of a nature that it would not have be in the public interest or proportionate to pursue it further.	
BCP-065	<ul style="list-style-type: none"> The complaint regarded the application of a specific council policy and not the conduct of a councillor. 	Outside jurisdiction – Not a valid complaint under the code	Closed
BCP-066	<ul style="list-style-type: none"> Failing to treat others with respect 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Information provided by the subject councillor as requested by MO.	Closed
BCP-067	<ul style="list-style-type: none"> Failing to treat others with respect Causing the Council to breach equality laws Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council Preventing a person from getting information that the person is entitled to by law Bringing the office of Councillor or the Council into disrepute while acting in an official capacity Using or attempting to use the position as a Councillor improperly to confer on or secure an advantage or disadvantage for him or herself or anyone else 	Awaiting further information from the complaint to allow the Monitoring Officer to undertake initial assessment	Pending
BCP-068	<ul style="list-style-type: none"> Failing to treat others with respect 	The complaint is being considered by the Monitoring Officer	Pending
TPC-006	<ul style="list-style-type: none"> Failing to treat others with respect Bullying any person Intimidating or attempting to intimidate 	The complaint is being considered by the Monitoring Officer	Pending

Non-Compliance with Decision of Chairman

7. The Committee will note that there are a number of complaints referenced in the table above, where the subject councillors are refusing to comply with the decision of the Chair and the recommended informal remedy.
8. The BCP Council Constitution, Part 6 Appendix 6, sets out the arrangements for dealing with allegations of breach of the Code of Conduct for Councillors.
9. In compliance with the Localism Act 2011, BCP Council has a Code of Conduct, a procedure enshrined in its constitution for how complaints under the Code will be considered and an established Standards Committee to hear complaints referred to it.
10. The stages of the process provide as follows:

- (i) Upon receipt of a complaint under the Code of Conduct the Monitoring Officer (or their nominee) should, where considered appropriate, enter into an early preliminary and informal dialogue with the complainant and the Councillor complained of with a view to providing early mediation which, with agreement of both parties, can promote a speedy resolution of the complaint.

Types of informal resolution following mediation might include:

- An explanation by the subject Councillor of the circumstances surrounding the complaint;
- An apology from the subject Councillor;
- Agreement from the subject Councillor to attend relevant training or to take part in a mentoring process or, where the complainant is also a Councillor, an agreement to participate in mediation involving the appropriate Political Group Leaders;
- Offering to engage in a process of mediation or conciliation between the subject Councillor and the complainant;
- Correcting an entry in a register;
- Any other action capable of resolving the complaint.

- (ii) Following which, if the complaint remains unresolved, the Chair of Standards (in consultation with the councillors of the Standards Committee, the Independent Persons and the MO) shall consider whether:

- There is no breach of the Code and no further action should be taken; or
- There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
- 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.

Referral of a complaint to independent investigation incurs additional expenditure and is therefore reserved to allegations which are considered to be of a serious nature and where the additional expenditure would be proportionate to the potential outcome.

Outstanding Complaints - Next Steps

11. Despite there being a robust Code and process for considering complaints that are brought under it, a small number of complaints between Councillors have remained unresolved for unacceptably long periods of time. This is undermining the role and standing of Standards Committee.
12. The table below shows the relevant dates and highlights the length of time since each request for an apology or to participate in mediation or training was made. It is acknowledged that there have been periods during which officers and Committee members did not actively progress some complaints, due to the pressures of work caused by the Covid-19 pandemic, but the main cause of the delays has been the time and effort required to try and reach informal resolution.
13. The independent investigator of Complaints 039 & 040 has reported that it has been difficult for her to arrange a time to speak with the councillor concerned.

No	Date Received	Decision Letter	Refusal to Comply	Independent Investigation
021	13/06/2020	10/07/2020	07/08/2020	18/08/2021
022	15/06/2020	10/07/2020	19/08/2020	18/08/2021
039	22/01/2021	16/03/2021	16/03/2021	12/07/2021
040	22/01/2021	16/03/2021	16/03/2021	12/07/2021
053	30/03/2021	09/06/2021	11/07/2021	N/A

14. The Monitoring Officer has also had sight of emails from Councillors not directly involved in any process under the Code, in which they have expressed that they have no confidence in the Standards process or that they believe it to be flawed.
15. The Committee must determine what course of action should now be taken to conclude these matters which have reached an impasse. Four of the five unresolved complaints referred to in this section of the report have been made by Councillors against other Councillors.

Options Appraisal

- Option 1: Do Nothing
- Option 2: Continue to try and resolve the complaints
- Option 3: Instruct every complaint under the Code of Conduct to independent external investigation.
- Option 4: Report the position of non-compliance to full Council

Recommendation

16. The committee is asked to consider which of the options above to proceed with regarding those complaints which have now reached an impasse.
17. Doing nothing is not recommended as this will serve to further undermine the role and position of the Standards Committee.
18. It is questionable whether any further attempts to seek agreement with the councillors concerned would be successful and referral to an independent external

investigation, for those which have not already been referred, is not considered to be proportionate or cost effective.

19. Presenting a report to full Council from the Chair of Standards Committee at the earliest opportunity, setting out the position regarding these unresolved complaints, would clearly highlight the position of non-compliance but would also allow these complaints to be drawn to a close.

Summary of financial implications

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

Summary of legal implications

21. 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

22. 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

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

Summary of public health implications

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

Summary of equality implications

25. This report is reporting on the outcome of complaints made against councillors for alleged breaches of the Councillor's Code of Conduct and as a consequence there are no direct equalities implications arising from this report. The Code of Conduct includes a duty upon all councillors to promote equalities and to not discriminate unlawfully against any person. Equality implications are considered as an integral part of the complaints process.

Summary of risk assessment

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

Background papers

Records of complaints received by the Council since the last meeting – 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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