

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 05 July 2022 at 6.00 pm

Present:-

Cllr D Borthwick – Vice-Chairman

Present: Cllr N Brooks, Cllr M Andrews, Cllr A Filer, Cllr D Kelsey,
Cllr M Phipps (In place of Cllr V Ricketts) and Cllr K Wilson (In place
of Cllr L Northover)

Also in attendance: Mr I Sibley and Mr P Cashmore (virtually) (Independent Persons)

Councillor Filer opened the meeting to preside over election of Chairman.

1. Apologies

Apologies had been received from Councillors Northover and Ricketts.

2. Substitute Members

Councillor Wilson substituted for Councillor Northover and Councillor Phipps substituted for Councillor Ricketts.

3. Election of Chairman

Nominations were received and seconded for Councillor Borthwick and Councillor Andrews for Chairman. Both nominees addressed the Committee to give reasons why they should be elected Chairman. Following a secret ballot it was:

RESOLVED that Councillor Borthwick be elected as Chairman of Standards Committee for the Municipal Year 2022/23.

4. Election of Vice Chairman

Nominations were received and seconded for Councillor Kelsey and Councillor Andrews for Vice Chairman. Following a secret ballot it was:

RESOLVED that Councillor Kelsey be elected as Vice Chairman of Standards Committee for the Municipal Year 2022/23.

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 1 February 2022, having previously been circulated, be confirmed as an accurate record and signed by the Chairman.

7. Public Issues

The following public statement received from Mr Alex McKinstry in relation to the annual report on complaints against Councillors and the high number of unsuccessful complaints was read out by the Clerk.

12 out of 34 complaints against Councillors have been dismissed as not breaching the Code of Conduct. As this is a high proportion, perhaps the Committee could examine some of these ostensibly groundless complaints. Are they being assessed thoroughly, given the comment about resources in Paragraph 18 of the report? (As a resident, I'd welcome more resource in this area.) Alternatively, if certain behaviour patterns are observable even in rejected complaints - 26 complaints, for instance, speak of "failing to treat others with respect" - then perhaps the definitions of misconduct, as set out in Pages 4-9 of the Code, need revising.

8. 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 'A' 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:

- In response to a query regarding the need for updated training, the Committee was advised that training on the new code of conduct had been undertaken in late 2021 and that a full training schedule post local elections in 2023. It was also highlighted that social media training had also been provided.
- It was advised that it appeared that the number of code of conduct complaints had increased generally across local authorities and the possible reasons for this were highlighted
- The reasons why Councillors and member of the public may complain was discussed, together with the process followed once a complaint had been received including possible sanctions available
- It was noted that there had been significant changes in the membership of the Committee and the Head of Democratic Services advised he would circulate the LGA Guidance to Committee Members and arrange a training session in relation to the Committees role **ACTION**

- An Independent Person paid tribute to the Monitoring Officer for informally resolving a number of complaints, thereby reducing the number of complaints being considered by the Committee.

RESOLVED that the annual report on the code of conduct complaints be noted and the following areas be included in the work programme: training needs on social media, new training schedule for 2023, new training session for Committee Members.

9. 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 'B' 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 report to the Committee in February 2022.

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.

In response to a query, it was confirmed that all complaints received to date had been logged.

RESOLVED that the outcome of concluded complaints and the progress of those still outstanding be noted.

10. Exclusion of Press and Public

The Committee considered whether it was appropriate to exclude the public and press for the next item.

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

Voting: For - Unanimous

11. Consideration of Report in Respect of Complaints about a Councillor - BCP-021 and BCP-022

Councillor Filer left the meeting before this item was considered.

This item was considered as **exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act** and that the

public interest in withholding the information outweighs such interest in disclosing the information.

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 'C' to these Minutes in the Minute Book.

The report provided the Standards Committee with the conclusions of the investigation following two complaints made about a Councillor of BCP Council under references BCP-021 and BCP-022. The investigator's report was attached at Appendix 1. The investigator concluded that there were two grounds with sufficient evidence to uphold the complaint.

The Committee was asked to consider the Investigator's report.

The Committee, supported by the Monitoring Officer, discussed the Independent Investigators report and recommendations in detail. The Committee were keen that its resolution would bring this matter to an end with the possible remedies for non-compliance discussed and clarified.

The Independent Members provided the Committee with their views on the Investigators report.

It was Proposed and Seconded and on being put to the vote CARRIED that the following amendments be made to the recommendation, under (c) delete 'all three parties' and insert 'the subject Councillor' and at the end of that section insert 'relevant to that Member only' and under (d) delete 14 days and insert 28 days

RESOLVED that

- (a) the findings of the independent investigator that the subject councillor breached the Council's Code of Conduct on the grounds of failing to treat others with respect and bringing the office of councillor into disrepute, be accepted;**
- (b) the subject councillor be requested to furnish the complainants with a letter of apology for the use of the term 'racism' for the reasons set out in the report;**
- (c) the Council's Equality & Diversity lead Officer facilitate appropriate Equality and Diversity training for the subject Councillor with such training focussing on the issues that were unique and prevalent to matters at the time on the conditions set out in paragraph 1.12 of the investigator's report relevant to that Member only;**
- (d) should the subject councillor fail to provide a suitable letter of apology referred to in (b) and complete the training referred to in (c) above within 28 days of the date of receiving written notification, then a report of non-compliance be presented to full council.**

Voting: For unanimous

The meeting ended at 7.30 pm

CHAIRMAN