

Notice of Standards Committee



Date: Tuesday, 1 February 2022 at 6.00 pm

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

Membership:

Chairman:

Cllr D Butt

Vice Chairman:

Cllr D Borthwick

Cllr M Andrews
Cllr J J Butt

Cllr V Ricketts
Cllr A M Sibley

Cllr L Northover

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=5244>

If you would like any further information on the items to be considered at the meeting please contact: on 01202 096660 or email

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

24 January 2022

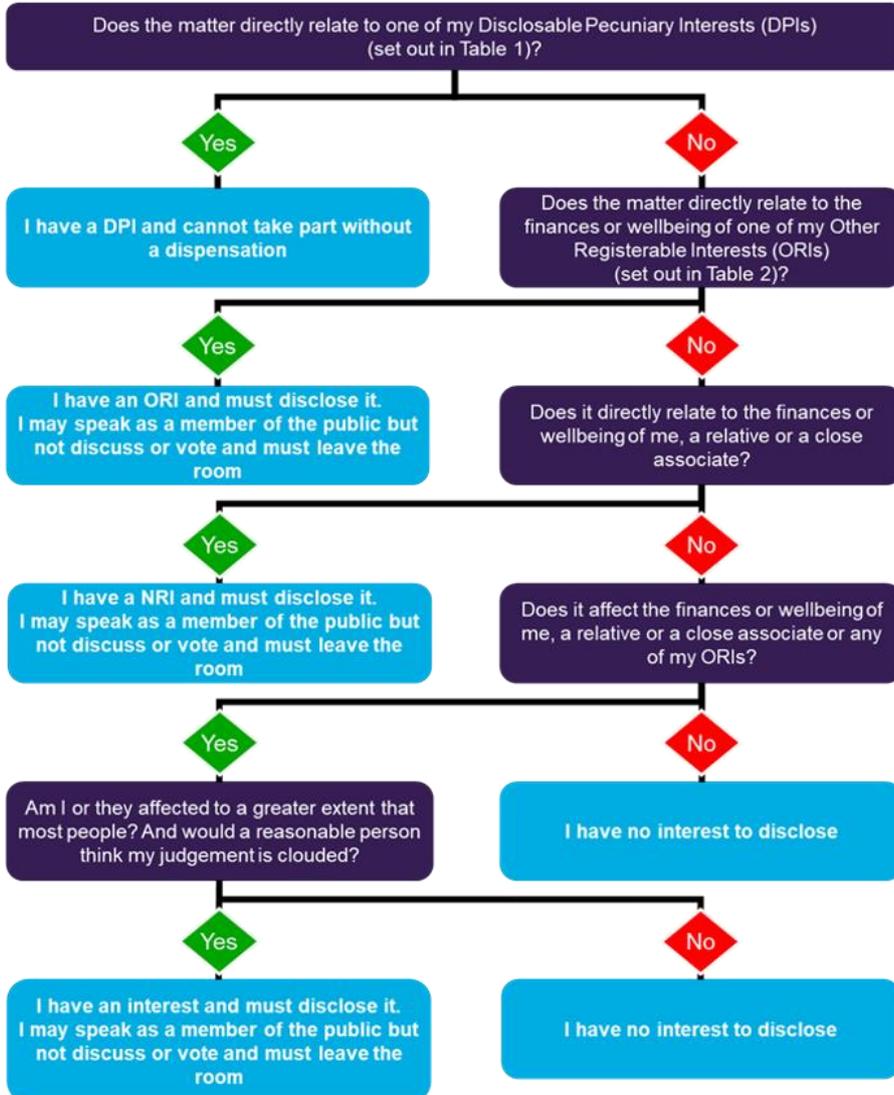


Maintaining and promoting high standards of conduct

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



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. 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.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Meeting held on 15 December 2021.

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5. 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.bcpCouncil.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.

6. 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 concluded since the last meeting in October 2021.

The Committee is responsible for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils, monitoring

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the operation of the Code of Conduct, and considering the outcome of commissioned independent investigations.

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 15 December 2021 at 6.30 pm

Present:-

Cllr D Butt – Chairman

Cllr D Borthwick – Vice-Chairman

Present: Cllr M Andrews, Cllr J J Butt, Cllr L Northover, Cllr V Ricketts and
Cllr L Williams (In place of Cllr A M Stribley)

Also in attendance: Paul Cashmore, Independent Person

18. Apologies

Apologies were received from Councillor Stribley and Paul Sibley.

19. Substitute Members

Councillor Williams substituted for Councillor Stribley.

20. Declarations of Interests

There were no declarations of interest received on this occasion.

21. Confirmation of Minutes

RESOLVED that the Minutes of the Meeting held on 5 October 2021, having previously been circulated, be taken as read and confirmed and signed by the Chairman.

22. Public Issues

No public issues had been received on this occasion.

23. Date of Next Meeting

The Chairman advised that this item would be considered next on the Agenda before potentially going in to exempt session.

The Chairman advised that the proposed date of the next meeting would be Tuesday 1 February 2022.

There was an extensive discussion over the start time of the Committee, and it was clarified that historically Standards Committee had commenced

at 6pm. The Chairman requested a later start time of 6:30pm to enable working Committee Members to have time to travel to the meeting.

A proposal for the Committee to commence at 6pm, on being put to the vote was lost and therefore a start time of 6:30pm was agreed.

24. Exclusion of Press and Public

The Monitoring Officer introduced the item and recommended that the Standards Committee go into exempt session.

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.

25. Consideration of Report in Respect of Complaint about a Councillor - BCP-039

The Independent Investigator presented their report, a copy of which had been circulated to each Member and was appended to the covering report, a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The report provided the Standards Committee with the conclusions of the investigation following a complaint made about a Councillor of BCP Council under reference BCP-039. 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. Committee Members questioned the Investigator regarding points of clarification and accuracy.

In response to a concern raised, the Committee was advised of the reasons why the Investigator did not feel it was appropriate or necessary to have a meeting with the complainant.

The Independent Investigator left the meeting whilst the Committee considered the Recommendations.

The Committee considered the Recommendations and discussed possible sanctions for non-compliance. There was some discussion over the timescales for the commencement of the 14 day period and it was felt appropriate to start it on the first working day of 2022.

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 show respect and bullying the complainant be accepted;**
- (b) the subject councillor be requested to furnish the complainant with a letter of apology;**
- (c) should the subject councillor fail to provide a suitable letter of apology referred to in (b) above within 14 days from 4 January 2022, then a report of non-compliance be presented to full council.**

Vote: For - Unanimous.

26. Consideration of Report in Respect of Complaint about a Councillor - BCP-040

The Independent Investigator presented their report, a copy of which had been circulated to each Member and was appended to the covering report, a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The report provided the Standards Committee with the conclusions of the investigation following a complaint made about a Councillor of BCP Council under reference BCP-040. The investigator's report was attached at Appendix 1. The investigator concluded that there was insufficient evidence to support the allegations.

Committee Members questioned the Investigator regarding points of clarification.

In response to a concern raised, the Committee was again advised of the reasons why the Investigator did not feel it was appropriate or necessary to have a meeting with the complainant.

The Independent Investigator left the meeting whilst the Committee considered the Recommendations.

The Committee discussed the recommendations and considered the second recommendation first, detailed below:

The Committee consider whether to instruct the investigator to further report on the complaint of "failing to treat others with respect".

Following advice of the Independent Investigator and not wishing to undermine the decisions of the previous Chairman of Standards Committee, the Committee felt it was not appropriate to instruct the

investigator to further report on the complaint of “failing to treat others with respect”.

RESOLVED that the findings and recommendations of the independent investigator be accepted.

Voting: For - Unanimous

The meeting ended at 7.30 pm

CHAIRMAN

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	1 February 2022
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 October 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>
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	<p>Richard Jones (Head of Democratic Services)</p> <p>Susan Zeiss (Service Director for Law and Governance and Monitoring Officer)</p>
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 forms 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 consider, and where appropriate, 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 (MO) (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), the outcome of any independent investigations 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. A draft report has been shared with the complainant and subject Councillors, as</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
		well as the Independent Persons for their comment, before the final version is submitted for consideration by Standards Committee.	
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. A draft report has been shared with the complainant and subject Councillors, as well as the Independent Persons for their comment, before the final version is submitted for consideration by Standards Committee.</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. Apology requested from subject councillor but was not complied with.</p> <p>As a consequence, the complaint was referred for independent investigation. The investigator's report was considered by the Standards Committee in December 2021 and the findings of the investigator that the subject councillor had breached the Code of Conduct on the grounds of failing to show others respect were upheld.</p> <p>The remedy sought was an apology to the complainant. The committee further agreed that failure to provide an appropriate apology would result in a report of non-compliance to full council.</p>	Pending
BCP-040	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to 	<p>Initial assessment completed. Apology requested from subject councillor but was not complied with.</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<p>intimidate</p> <ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>As a consequence, the complaint was referred for independent investigation. The investigator's report was considered by the Standards Committee in December 2021 and the findings of the investigator that the subject councillor had not breached the Code of Conduct was accepted and the complaint has been dismissed. No further action is required.</p>	
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 	<p>Initial assessment completed, and subsequently reviewed. Apology requested from subject councillor but was not complied with. The complaint was further reviewed by the Chair in consultation with the members of the committee, the independent persons and the Monitoring Officer on 15 December 2021. It was maintained that there was a potential breach of the Code of Conduct and the subject councillor was requested to provide an apology and attend appropriate training. It was further agreed that failure to comply with the provide an appropriate apology would result in a report of non-compliance to full council. At the time of writing this report, an apology was not forthcoming and as a consequence a report of non-compliance will be submitted to full council.</p>	Pending
BCP-067	<ul style="list-style-type: none"> • Failing to treat others with respect • Causing the Council to 	Awaiting further information from the complaint to allow the Monitoring Officer to	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	<p>breach equality laws</p> <ul style="list-style-type: none"> • 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 	<p>undertake initial assessment. Expected end of January 2022</p>	
BCP-068	<ul style="list-style-type: none"> • Failing to treat others with respect 	<p>The complaint was initially reviewed by the Monitoring Officer. Following evaluation of the evidence, it was determined that no breach had occurred and no further action should be taken.</p>	Closed
BCP-070	<ul style="list-style-type: none"> • Failing to treat others with respect • Intimidating or attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Complaint reviewed and dismissed. It was not considered that the behaviour had breached the Code of Conduct.</p>	Closed
BCP-071	<ul style="list-style-type: none"> • Preventing a person from getting information that the person is entitled to by law 	<p>Complaint reviewed and informal resolution agreed by the Monitoring Officer. Information provided by the subject councillor as requested by Monitoring Officer.</p>	Closed
BCP-072	<ul style="list-style-type: none"> • Honesty/integrity/lack of respect • Selflessness: Councillors should act solely in terms of the public interest 	<p>The complaint was initially reviewed by the Monitoring Officer. Following evaluation of the evidence, it was determined that no breach had occurred</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
		and no further action should be taken.	
BCP-073	<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 • 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 	The complaint is being considered by the Monitoring Officer	Pending
BCP-075	<ul style="list-style-type: none"> • Failing to treat others with respect 	The complaint is to be referred to Chair's panel for consideration	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
TPC-007	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Abuse of position 	Awaiting full response from the subject councillor	Pending

Summary of financial implications

7. There are no specific financial implications arising from this report, however, the budget associated with the activities relating to the investigation of complaints against councillors is limited. Excessive numbers of complaints and independent investigations could give rise to budget pressures for the service or the ability to provide other functions.

Summary of legal implications

8. 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

9. 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

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

Summary of public health implications

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

Summary of equality implications

12. 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

13. 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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