

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 03 October 2023 at 6.00 pm

Present:-

Cllr V Ricketts – Chairman

Cllr A Chapmanlaw – Vice-Chairman

Present: Cllr E Connolly, Cllr M Haines, Cllr B Nanovo, Cllr O Walters,
Mr P Cashmore (Independent Person) and Mr I Sibley (Independent
Person).

9. Apologies

There were no apologies for absence.

Councillor Armstrong was unwell and only able to attend the meeting remotely without the right to vote.

10. Substitute Members

There were no appointed substitutes.

11. Declarations of Interests

There were no declarations of interests.

12. Confirmation of Minutes

RESOLVED that, subject to it being noted that apologies for absence from the meeting had been received from Councillors Haines and Maidment, the Minutes of the meeting held on 20 June 2023 be confirmed as a correct record.

13. Public Issues

It was reported that three public questions had been received.

Public Questions from Mr Alex McKinstry

Question 1.

Complaint 97 was lodged at least 15 months ago - it was listed in the report to this committee of 5 July 2022, and a detailed account of the subject councillor's disengagement was given to this committee on 13 March 2023. Paragraphs 16-18 of tonight's report confirm, moreover, that since this complaint was upheld for a second time on 28 March, the subject councillor has been contacted five times asking if she will comply with the related sanctions (on 3 April; on 6 June, via email, phone and Teams; and again on

10 August). Just for absolute clarity, has the subject councillor replied to or acknowledged any of these recent attempts at contacting her in any way?

Response

To confirm that there has been some further recent communication in relation to this matter and further details will be provided in the event that the Committee tonight agrees a report should be drafted and presented to the next meeting of Full Council.

Question 2.

Can we have the names of the subject councillors in complaints 97, 121, 141, 142 and 146, each of which have been upheld or partially upheld? I ask this partly because I see nothing in the Constitution that disallows this; partly due to the gravity of some of the proven allegations; and partly because members have been named at these meetings before, even where no breach of the code has been established. The naming of errant councillors also corresponds with case law (*R v Broadlands District Council, ex parte Lashley*, 2001) and with Kemi Badenoch's reply to the Committee on Standards in Public Life, 2022, namely that "be[ing] criticised in public" and "held to account via the ballot box" are among the potential consequences of code of conduct breaches. If the Council is not going to name the subject councillors at this stage, can we have the reasons?

Response

I am not able to give the names of the subject Councillors as these matters were decided at the informal stage of the Code of Conducts complaints process. This stage of the process is dealt with by the Chair of Standards in consultation and it is accepted that at this stage of the process a duty of confidence is owed to the subject councillor. In the event that a complaint is referred for an independent investigation, considered and upheld by the Standards Committee at the formal stage of the process, then the subject Councillor's details are made known, unless it is considered that an exemption applies. Similarly, in the event that the Committee agrees that there should be a report to Council for non-compliance, then the subject Councillor's details will also be made known. This position is congruent with the decision referred to in the question, the decision in *R v Broadlands District Council, ex parte Lashley*.

Question 3.

Paragraph 8, meanwhile, shines some fleeting light on the recent volume and handling of complaints; but is no substitute for the detailed annual report on code of conduct complaints, which for some reason has not been produced this year. Can the Chair confirm whether production of the annual reports has been discontinued - I accept that they're not a statutory requirement - and in the absence of such a report, can we have the number of complaints against BCP councillors determined between 1 April 2022 and 31 March 2023, plus the number of complaints that were upheld or upheld in part?

Response

The production of this report has not been discontinued and its value in providing some more detailed analysis is really appreciated. This year's report is late however but will be presented to the next meeting of the Standards Committee.

14. Code of Conduct Complaints - Review

The Head of Legal 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 Committee received the regular schedule of completed and ongoing complaints against Councillors with cases shown as closed in the previous report removed from the list. It was noted that, other than three cases referred to elsewhere in the report, there were only two cases shown as pending and that, in both these two cases, further evidence was actively being sought.

The adopted arrangements for dealing with allegations of a breach of the Code of Conduct were set out. These included the arrangements for initial assessment by the Monitoring Officer and the process for determination of complaints by the Chair of the Standards Committee in consultation with Councillors of the Standards Committee and the Independent Persons.

The Committee reviewed the table of complaints setting out, in each case, the nature of the complaint and, where applicable, the Monitoring Officer's assessment, the decision of the Chair and the current status of the complaint.

RESOLVED that the Standards Committee notes the outcome of concluded complaints and the progress of those identified as pending in the report.

The report also highlighted three complaints where Councillors had not complied with a determination made by the Chair of the Standards Committee following the process of informal resolution.

The Head of Legal responded to questions about the process involved and, in particular, reassurances were provided about the way in which subject Councillors were notified of progress and made aware of the possibility of escalation of complaints. The differing circumstances in respect of each of the quoted complaints were set out within the agenda and the Committee considered each in turn. Where applicable, the subject Councillor's responses were summarised. The three complaints related to the period of the previous Council before the elections in May 2023 and the Committee was satisfied in each that sufficient time had been allowed for responses from the subject Councillors.

The Committee emphasised the importance of maintaining the credibility of the Committee's role in considering complaints by ensuring that decisions

of the Standards Committee were taken seriously and respected and adhered to by subject Councillors. This view was firmly endorsed by the two Independent Person members of the Committee who were present at the meeting.

The Committee were made aware that should they wish to receive further detail on any of the complaints in addition to the information provided in the report this could be provided in confidential (exempt) business.

Code of Conduct Complaint BCP 97

The Committee received a detailed timeline providing a summary of the response to this complaint and the process by which it had been considered by the Chair and members of the Standards Committee over a significant period of time.

After discussion and consideration it was proposed by Councillor Chapmanlaw, seconded by Councillor Walters and

RESOLVED that Complaint BCP 97 be now the subject of a full report to the Council.

Voting : Unanimous

Code of Conduct Complaint BCP 141

The Committee received a detailed timeline providing a summary of the response to this complaint and the process by which it had been considered by the Chair and members of the Standards Committee over a significant period of time.

After discussion and consideration it was proposed by Councillor Nanova, seconded by Councillor Chapmanlaw and

RESOLVED that Complaint BCP 141 be now the subject of a full report to the Council.

Voting : Unanimous

Code of Conduct Complaint BCP 146

The Committee received a detailed timeline providing a summary of the response to this complaint and the process by which it had been considered by the Chair and members of the Standards Committee over a significant period of time.

After discussion and consideration it was proposed by Councillor Ricketts, seconded by Councillor Walters and

RESOLVED that Complaint BCP 146 be now the subject of a full report to the Council.

Voting : Unanimous

The meeting ended at 6.30 pm

CHAIRMAN