

Notice of Standards Committee



Date: Tuesday, 16 January 2024 at 6.00 pm

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chairman:

Cllr V Ricketts

Vice Chairman:

Cllr A Chapmanlaw

Cllr S Armstrong
Cllr E Connolly

Cllr M Haines
Cllr B Nanovo

Cllr O Walters

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=5600>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services 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

8 January 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



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
(janie.berry@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 3 October 2023.

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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 3 clear working days before the meeting.

The deadline for the submission of a 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 report to the Committee in October 2023.

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.

7. Annual Report on Code of Conduct Complaints

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

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

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 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

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STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	16 January 2024
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 report to the Committee in October 2023.</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	Ian O'Donnell, Corporate Director for Resources
Report Authors	<p>Janie Berry, Director of Law and Governance and Monitoring Officer</p> <p>Richard Jones, Head of Democratic Services</p>
Wards	Not applicable
Classification	For Information

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 9 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 assessment by the Monitoring Officer, who may, if appropriate:
 - (a) reject the complaint on the grounds that it falls outside the scope of a valid Code of Conduct complaint;
 - (b) determine that there is no breach of the Code and no further action should be taken; or
 - (c) where considered appropriate, enter into an early preliminary and informal dialogue with the complainant and the Councillor complained of, and agree a speedy informal resolution of the complaint
 - (d) refer the complaint to the Chair of Standards Committee for consideration.
5. Where complaints proceed to the Chair of the Standards Committee (in consultation with councillors of the Standards Committee, the Independent Persons and the Monitoring Officer (or their Deputy)), the Chair may 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.
6. The table contained in this report provides information about of the nature of the complaint, the assessment of the Monitoring Officer (where appropriate), the decision of the Chair (following consultation), any informal resolutions determined by Chair (where applicable), and the status of the complaint at the date of the report.
7. 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 the subject councillors and the complainant, unless specific direction to the contrary has been expressed.
8. There has been some reduction in the number of complaints received in recent months. Measures that were previously put in place to ensure that complaints continue to be resolved in a timely manner have had positive results. It should be

noted that there has been a delay in progressing some complaints during the transition between appointed Monitoring Officers.

9. Table 1

Reference	Nature of allegation	Outcome / Decision	Status
BCP-097	<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 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>The complaint was initially assessed by the Monitoring Officer and was then to be referred to the Chair for consideration in consultation.</p> <p>Complainant advised. Subject Councillor to apologise in writing. Subject Councillor requested a review of the outcome. Review upheld the complaint and the subject Councillor was advised and asked if that the remedy by way of an apology now be complied with.</p> <p>Subject Councillor did not comply with sanction and report was presented to Full Council on 7 November 2023 for non-compliance.</p>	Closed
BCP 141	<ul style="list-style-type: none"> Failing to treat others with respect, Bullying, intimidating or attempting to intimidate; Unlawfully disclosing confidential information or information believed to be of a confidential nature, bringing into disrepute, 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>Complaint referred to monitoring officer and considered by the Chair in consultation.</p> <p>Complaint upheld in relation to failing to treat with respect, bullying, intimidating and bringing the office of Councillor or the Council into disrepute.</p> <p>Councillor advised but not acknowledged Chair's letter or complied with sanction. Subject Councillor did not comply with sanction and report was presented to Full Council on 7 November 2023 for non-compliance.</p>	Closed
BCP 146	<ul style="list-style-type: none"> Failing to treat others with respect Bullying 	Complaint referred to monitoring officer and considered by the Chair in	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<ul style="list-style-type: none"> Intimidating or attempting to intimidate Using or attempting to use the position as a Councillor improperly to confer advantage 	<p>consultation.</p> <p>Complaint upheld in relation to failure to treat with respect, bullying and intimidating or attempting to intimidate.</p> <p>Subject Councillor did not comply with sanction and report was presented to Full Council on 7 November 2023 for non-compliance.</p>	
BCP 152	<ul style="list-style-type: none"> Further evidence and clarification sought from complainant as the basis of the allegation was not clear 	Referred to Monitoring Officer for initial assessment. Referred back to complainant seeking further evidence and clarification	Pending
BCP-157 (New)	<ul style="list-style-type: none"> Failure to treat others with respect Compromising impartiality Prevention of access to information Using or attempting to use the position as a Councillor improperly to confer advantage Misuse of council resources Intimidation of persons involved with administration of proceedings 	Referred to Monitoring officer for initial assessment. Subject councillor requested to provide Monitoring Officer with response to complaint.	Pending
BCP-158 (New)	<ul style="list-style-type: none"> Compromising impartiality Using or attempting to use the position as a Councillor improperly to confer advantage 	Referred to Monitoring officer for initial assessment. Complaint dismissed – subject councillor not acting in capacity as a councillor and insufficient information provided to warrant investigation	Closed
BCP-159 (New – 27/12/23)	<ul style="list-style-type: none"> Failure to treat others with respect Breach of equalities Disclosure of confidential information Prevention of access to 	Referred to Monitoring officer for initial assessment.	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	information <ul style="list-style-type: none"> • Using or attempting to use the position as a Councillor improperly to confer advantage • Intimidation of persons involved with administration of proceedings 		
BCP-160 (New – 14/12/23)	<ul style="list-style-type: none"> • Failure to treat others with respect • Bringing the office of Councillor or the Council into disrepute 	Referred to Monitoring officer for initial assessment.	Pending
Town and Parish Council Complaints			
TPC-011	<ul style="list-style-type: none"> • Failure to treat with respect • Breach of equalities • Intimidating or attempting to intimidate • Unlawfully disclosing confidential information • Bringing office of Councillor or the Council into disrepute • Using Council resources not in accordance with Council's requirements • Failure to declare an interest • Failure to withdraw from room or seeking to influence a decision 	Referred to Monitoring Officer for initial assessment. Referred back to complainant seeking further evidence and clarification	Pending
TPC-012 (New – 29/12/23)	<ul style="list-style-type: none"> • Failure to register and disclose interests 	Referred to Monitoring officer for initial assessment.	Pending

Summary of financial implications

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

Summary of legal implications

11. 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

12. 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

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

Summary of public health implications

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

Summary of equality implications

15. This report is reporting on the outcome of complaints made against councillors for alleged breaches of the Councillor's Code of Conduct and consequently 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

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

Background papers

There are no background papers.

Appendices

There are no appendices to this report.

STANDARDS COMMITTEE



Report subject	Annual Report on Code of Conduct Complaints
Meeting date	16 January 2024
Status	Public Report
Executive summary	<p>This report provides a summary of the complaints received and determined which were made against councillors for alleged breaches of the Code of Conduct.</p> <p>The Standards Committee has a duty to consider an annual report and to promote and maintain high standards of conduct.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the annual report on code of conduct complaints be reviewed and any areas for further work be identified for inclusion in the work programme.</p>
Reason for recommendations	To formally receive the annual report and allow the committee to identify areas for further development to promote high standards of conduct amongst councillors.
Portfolio Holder(s):	Not applicable
Corporate Director	Ian O'Donnell, Corporate Director for Resources
Report Authors	<p>Richard Jones, Head of Democratic Services</p> <p>Janie Berry, Director of Law and Governance and Monitoring Officer</p>
Wards	Not applicable
Classification	For Decision

Background

1. The monitoring officer is responsible for dealing with allegations that councillors have failed to comply with the members' code of conduct in accordance with the arrangements adopted by the Council.
2. BCP Council, and all parish and town councils within the boundary of BCP Council, have a statutory duty in the Localism Act 2011 to 'promote and maintain high standards of conduct by members and co-opted members of the authority'.
3. The Standards Committee is responsible for conducting an annual review of the complaints received.

Code of Conduct

4. In accordance with the provisions the Localism Act 2011 the council has an adopted a code of conduct. The code was most recently updated by the Council in November 2021.

Independent Persons

5. The Act also requires that the council appoint "at least one independent person" whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct. Their view may also be sought in dealing with allegations which have not been investigated and they may be asked to provide support to subject members who are the subject of an allegation.
6. The council has three independent persons, Paul Cashmore, Ian Sibley and Jonathan Storey. The monitoring officer is grateful for the time and commitment these independent members have given.

Arrangements

7. A revised standards procedure was approved by the council on 23 March 2021 permitting the Monitoring Officer to enter into early preliminary and informal dialogue with the parties concerned with a view to providing early mediation and resolution.
8. The introduction of this process has assisted in resolved appropriate complaint more speedily.

Register of interests

9. The council maintains a register of interests for councillors of BCP Council and these are published on the Council's web site. A periodic reminder is sent to all councillors to request that entries are checked for accuracy and for updates to be registered.

Standards complaints

10. This report covers the four-year period from 1 April to 31 March for 2019/20 to 2022/23. Complaints are classified to fall within each respective year using the concluded date to ensure that all complaints are captured.
11. Complaints concluded after 1 April 2023 or still pending a decision will be reported as early as possible in the 2023/24 Municipal Year.

Total number of complaints for period	2019/20	2020/21	2021/22	2022/23
Number of BCP complaints	17	19	34	61
Number of Parish and Town Council complaints	1	2	1	1

12. The number of complaints dealt with in 2021/22 was almost 80% higher than 2020/21 and double that of 2019/20. Unfortunately, the number of complaints in 2022/23 was again almost 80% higher on the previous year again and 3.6 times the number of complaints handled in 2019/20. This increase in complaint handling had a significant impact upon core services in Law and Governance.
13. The complaints against parish and town councillors remained low in 2022/23 and due to the low number of parish related complaints further analysis has not been undertaken at this level.
14. The following analysis and data tables are therefore based on the complaints made against BCP Councillors for 2019/20 to 2022/23.
15. Complaints received against BCP councillors are now categorised by type of complainant (e.g., public, councillor, officer and other). The table below shows the breakdown by each of these types.

Complainant Type	2019/20	2020/21	2021/22	2022/23
Public	14	16	29	57
Councillor	1	3	5	3
Officer	2	0	0	0
Other	0	0	0	1

16. Officers have further analysed complaints to identify the behavioural source of the complaints, the alleged breach criteria and the final outcome. The tables below provide a breakdown of these categories.

Behavioural source for complaint	2019/20	2020/21	2021/22	2022/23
Spoken word	5	2	2	10
Email	0	2	4	31
Social Media	6	6	18	4
Lack of response	2	0	3	1
Other	5	9	7	15

17. For clarity, the 'other' criteria referred to in the table includes typically non-behavioural actions, for example, decisions of the council as a whole, allegation of interest conflicts, matters arising from media articles and historic matters.
18. When making a complaint, complainants are requested to indicate which obligations of the Council's Code of Conduct they consider the subject councillor has breached. Complainants are permitted to identify more than one criteria. The following table provides a summary of the respective allegations made by complainants.

Alleged Code Breached	2019/20	2020/21	2021/22	2022/23
Failing to treat others with respect	9	9	26	25
Causing the Council to breach equality laws	2	2	3	4
Bullying any person	4	2	8	6

Alleged Code Breached	2019/20	2020/21	2021/22	2022/23
Intimidating or attempting to intimidate	6	3	9	7
Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council	2	2	5	4
Unlawfully disclosing confidential information or information believed to be of a confidential nature	0	1	0	0
Preventing a person from getting information that the person is entitled to by law	0	0	2	1
Bringing the office of Councillor or the Council into disrepute while acting in an official capacity	7	10	14	31
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	3	5	3	6
Using or authorising the use of the Councils resources not in accordance with the Councils requirements	0	0	0	1
Using or authorising the use of the Councils resources improperly for political purposes	1	0	0	1
Failing to have regard to the Councils Code of Publicity	2	2	2	9
Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer	0	0	2	1
Failing to declare the existence and nature of a personal interest	1	3	2	5
In respect of a prejudicial interest, failing to withdraw from the room or chamber; exercising executive functions; or seeking to improperly influence a decision	1	2	2	3
Failing, within 28 days, to register any new or changes to a personal interest in the register of Members interests	1	0	0	0

19. Finally, the following table provides details of the outcome of the complaints.

Complaint Outcome	2019/20	2020/21	2021/22	2022/23
Outside Jurisdiction	1	1	3	3
Dismissed - No Breach of Code	9	16	12	43
Monitoring Officer – Informal Resolution	-	-	14	2
Potential Breach - Informal Resolution	3	1	2	9
Independent Investigation - No Breach	4	1	1	0
Independent Investigation - Breach	0	0	1	2
Non-compliance – Report to Council	-	-	1	2

20. Whilst, a large proportion of complaints have resulted in no breach of the code being identified, any complaint received is the result of a perceived dissatisfaction by the complainant and has the potential to damage the reputation of the Council. Administering the complaints process is also a high resource activity and consequently every effort should be made to reduce complaints arising in the first instance. All councillors should be encouraged to play an active role and take responsibility for promoting and maintaining high standards of conduct.
21. On analysis of all complaints received, there was a notable shift from social media to email content being cited as the source of complaints with a lack of respect and bringing the office of councillor or the council into disrepute as the most common alleged breach.
22. Where a potential breach was found, the subject member was requested to apologise or provide an alternative appropriate remedy in the majority of cases. It should be noted that the Committee reported two instances of non-compliance to council in 2022/23. This procedure, which identifies the subject councillors, was introduced in an attempt to encourage compliance and to bring complaints to a close. The committee may wish to consider whether this approach is having the desired outcome.

Conclusion

23. This report provides information about the council's performance in relation to the code of conduct and the administration of complaints. The data in this report provides a useful four-year baseline for future annual reports.
24. However, the significant increase in complaints should be of concern to all councillors. If this trend continues, it is likely that additional resources will be required to administer and support the function.

Summary of financial implications

25. There are no financial implications arising directly from this report, however, the significant increase in complaint numbers is have a real impact on the ability to support other core services. If the trend continues it may be necessary to increase the establishment to administer complaints against councillors.

Summary of legal implications

26. The annual review report evidences that the council complies with the duties required under the Localism Act 2011.

Summary of human resources implications

27. There are no human resource implications arising from this report.

Summary of sustainability impact

28. There are no sustainability impact implications arising from this report.

Summary of public health implications

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

Summary of equality implications

30. This report provides statistical for complaints processed in accordance with agreed policy and procedures. Consequently, there are no equality implications arising from this report.

Summary of risk assessment

31. As mentioned previously, any complaint is the result of the complainant being dissatisfied with the actions or behaviours of councillors, which in turn can damage the reputation of the council. Whilst some complaints may be unavoidable, all councillors have a responsibility and duty to promote high standards of conduct. Every effort should be made to raise the awareness of all councillors by the committee.

Background papers

Records of complaints received by the Council between 1 April 2019 and 31 March 2023. 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.