

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 12 February 2025 at 6.00 pm

Present:-

Cllr V Ricketts – Chair

Cllr A Chapmanlaw – Vice-Chair

Present: Cllr P Canavan (In place of Cllr E Connolly), Cllr B Nanovo and
Cllr G Wright (In place of Cllr D Farr)

Present Cllr S Armstrong, Cllr R Pattinson-West, Mr Ian Sibley
Virtually:

25. Apologies

Apologies were received from Cllr E Connolly, Cllr D Farr and Paul Cashmore.

26. Substitute Members

Notification was received that Cllr P Canavan was substituting for Cllr E Connolly and Cllr G Wright was substituting for Cllr Farr for this meeting.

27. Declarations of Interests

There were no declarations of interest.

28. Confirmation of Minutes

The minutes of the meeting held on 21 January 2025 were confirmed as an accurate record for the Chair to sign.

29. Public Issues

Two public questions were received from Mr Alex McKinstry in relation to Agenda Item 6 – Code of conduct Complaints Review:

Question 1

This relates to the review of code of conduct complaints (Item 6 on tonight's agenda). Complaint BCP-177 was submitted by me on 4 April 2024. Having received a reply from the subject councillor, the Committee decided to ask the councillor for further information, and that information was requested on 3 June 2024. Has the councillor now provided that information, and if so, has it been forwarded to the Committee? Can I also ask whether the subject councillor has at any point sought extra time to provide this material; and if so, what timeframe were they given? (The information was requested 254 days ago.)

Response:

Whilst the Standards Committee publishes preferred timeframes for the progression of complaints there are occasions where the process does fall outside of the same. In adjudicating complaints, the Chair of the Standards Committee in consultation with Independent Persons and members of the committee consider each case on its merits and on occasions this may result in extended timeframes.

It is unfortunate that this particular complaint is taking an exceptional period of time however it is important to respect the complainant and the subject councillors right to a fair investigation and that all evidence received is carefully reviewed. We are hopeful that this complaint will be determined in the near future.

Question 2

Again regarding BCP-177: this complaint was scheduled to be dealt with two meetings ago - on 8 October 2024 - but the Committee took the view that, as there had been correspondence between the subject councillor and officers, it would be worth allowing the Committee to see that correspondence prior to making any determination. Has that correspondence been made available to the Committee so that they can potentially make a determination this evening? I ask this because the report for Item 6, paragraph 10, states: "The Committee must determine what course of action should now be taken to conclude the matters set out above." 315 days have now elapsed since this particular complaint was made.

Response:

As per question 1 we are hopeful that this complaint will be determined in the near future.

The following public statement was received from Mr Alex McKinstry in relation to Agenda Item 6 – Code of conduct Complaints Review:

"This relates to BCP-176, and the Committee may recall how the member was going to be referred to full Council for refusing to apologise for disrespectful conduct. The Item 6 report states that prior to full Council (on 3 November, to be precise), "the subject councillor provided the apology complying with the remedy". It is a fact however that the remedy imposed by this Committee was that the councillor apologise within 14 days of its determination (in other words, by 17 June 2024). The councillor's apology was not made until 139 days after that deadline, and 149 days after they told this Committee, in writing, that they would not comply with the sanction. In my view, the member should have been named at full Council for this long-standing contumacy, which breached 8.4 of the Code of Conduct plus the member's own declaration of office."

The Deputy Monitoring Officer (MO) 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 report to the Committee in October 2024. Details of allegations/complaints were set out in the table at paragraph 8. As agreed at the last meeting, where a councillor was found to have potentially breached the Code, the table included reference to the categories which were upheld.

The Chair read out a statement on behalf of Cllr T Slade who was unable to attend the meeting. Cllr Slade asked whether the Council's code of conduct should be reviewed to ensure that the councillors were subject to the same level of accountability in their personal conduct as in their role as elected members, particularly where the reputation of the Council was at risk. The Chair acknowledged the points raised. She explained that when the current national code of conduct was developed it was considered important to draw a distinction between councillors acting in their professional capacity and their right to have a personal life. Support for general principles – recent training

Members asked about the anticipated timescales for concluding those cases listed as pending. Delays were frustrating for complainants and subject councillors. The Deputy MO explained that the outcome of at least two of the investigations would be considered by Committee on 29 April 2025. A consultation meeting would be arranged to consider complaints which were at an earlier stage. The Chair advised that a review of the complaints procedure was due. This could result in a tightening of deadlines to ensure cases were concluded more quickly.

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

Voting: Unanimous

31. MHCLG Consultation: Strengthening the standards and conduct framework for local authorities in England

The Monitoring Officer (MO) 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 Committee was reminded of the context for the Ministry of Housing, Communities and Local Government (MHCLG) consultation, "Strengthening the standards and conduct framework for local authorities in England", as outlined at the previous meeting on 21 January 2025. The lack of consistency in local codes of conduct and the mechanisms for dealing with complaints was noted. Members had made some initial comments on the

consultation at the previous meeting which could be taken forward when considering this item further. The Chair confirmed that the consultation had been circulated to all councillors to respond individually. The deadline for responses was 28 February 2025.

The MO highlighted the current position in relation to town and parish councils. She confirmed that as the principal area, BCP Council in the form of the MO and the Standards Committee, were required to manage the complaints process for the town and parish councils. Depending on outcomes, the Committee may need to consider the impact of the community governance review as a future piece of work. It may also have a bearing on member's views on whether to have a single code of conduct.

The Committee was asked whether it wished to submit a formal response to the consultation as a committee. Members agreed unanimously that they should take the opportunity to do so. The Monitoring Officer provided an introduction to each section of the consultation and Members proceeded to consider the questions which were applicable to them as a committee. Where there wasn't a consensus on a particular question, the majority view was taken. A copy of the questions and responses with a summary of comments made is appended to these minutes.

The Chair thanked all parties for their input into this item.

The meeting ended at 8.35 pm

CHAIR

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	Question	Response	Summary of Comments
2	Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?	YES	Support consistent approach. Better for councillors and residents and less onerous for officers if one code covering principal, town and parish councils. Should not be postcode lottery.
3	If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?	YES	Difficult when don't know what's in minimum code or what is meant by local flexibility. Should retain scope to ensure code robust. But if add too much it could weaken/become unwieldy. Noted that procedure rules are up to each council to agree.
4	Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?	YES	
5	Does your local authority currently maintain a standards committee?	YES	
6	Should all principal authorities be required to form a standards committee?	YES	
7	Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?	YES	Discretion to allow decisions to be taken by full council not supported. Impractical and potential to politicise whereas standards committee environment upholds neutrality.
8	Do you agree that the Independent Person and co-opted members should be given voting rights?	YES	Independent contributions highly valued, could add value if able to vote. Benefits of independent members on other panels and committees noted. Assurance against bias provided by rigorous recruitment process to ensure appointments of highest calibre
9	Should standards committees be chaired by the Independent Person?	OPTIONAL	Should be entitled to put themselves forward along with councillors but should be decided democratically rather than be prescribed.

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11	Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?	NOT ALL CASES	BCP currently does not publish any. Inconsistent approach across councils noted. Yes, should be published in cases where a member is found guilty of wrongdoing. No, should not publish if found not guilty. Could leave this up to each councillor to decide. Might help identify vexatious complainants?
12	Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?	YES, but with caveats	Inclined to say YES to ensure completeness and uphold council reputation. But may depend on complexity of case, length of time elapsed, costs. What if member stands again for election? May need to have a cut-off point of say 6 months - any longer may be too difficult to investigate.
17	In your view, what measures would help to ensure that people who are victims of, or witness, serious councillor misconduct feel comfortable coming forward and raising a complaint?		People need to feel the process is worthwhile, otherwise why bother. Empower councils to issue sanctions proportionate to wrongdoing. Make it known at the first point of contact that support is available. Ensure anonymity if circumstances justify. How to address the fear of repercussions (including between councillors)?
18	Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?	YES	Noted that this is for serious breaches and would prohibit the ability to act as a councillor. Recognise concerns about leaving residents without representation in some cases and where there are non-affiliated councillors. For town and parish councils suspension may have a different impact and one option could be to make recommendations to these councils for them to decide locally.
19	Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?	YES	

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20	Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?	NO	As suggested, it should be for individual councils to determine their own arrangements for managing constituents' representation during a period of councillor suspension. See also Q18 comments.
21	If the government reintroduced the power of suspension do you think there should be a maximum length of suspension?	YES	As suggested, the government should set a maximum length of suspension of 6 months. Noted that this cross references with requirements of Local Government Act 1972.
22	If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?	INFREQUENTLY	As suggested, likely to be applied only to the most egregious code of conduct breaches. Should be the last resort.
23	Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?	YES	As suggested, premises and facilities bans are an important tool in tackling serious conduct issues.
24	Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate?	YES	Note this applies to councillors sanctioned with suspension, not those under investigation.
25	Do you agree that the power to withhold members' allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?	NO	Noted that some measures already exist, for example restricted use of premises. Could use as sanctions as interim measure for repeat offenders or when fail to engage? However, this is questionable if not suspended and continuing to serve residents as a councillor.
26	Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?	NO	Goes against the principle of innocent until proven guilty and could be misused. Some investigations take more time. May need to consider other measures in cases such as bullying to ensure complainants protected.
31	Do you think councillors should be disqualified if subject to suspension more than once?	NO	Ultimately disqualification should be a matter for the electorate at the ballot box. Potential impact

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			of multiple suspensions on ability to conduct council business.
32	Is there a case for immediate disqualification for gross misconduct, for example in instances of theft or physical violence impacting the safety of other members and/or officers, provided there has been an investigation of the incident and the member has had a chance to respond before a decision is made?	YES	Provided due process has been followed. Public expectations. Noted that this applies to extreme cases. Recent example cited where Exeter Magistrates Court convicted district councillor for persistently making use of public communication network to cause annoyance/ inconvenience/ anxiety and harassment without violence. Noted that standards committee had been unable to address conduct with limited sanctions available.
33	Should members have the right to appeal a decision to suspend them?	YES	As suggested, it is right that any member issued with a sanction of suspension can appeal the decision
34	Should suspended members have to make their appeal within a set timeframe?	YES	Within 14 days. Some support for within 5 days as this only applies to giving notice of appeal not providing details but 14 days allows more time for consideration of individual circumstances.
35	Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?	NO	Could become too onerous. Need to have faith and trust in the process
36	Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?	NO	As above.
38	Do you think there is a need for an external national body to hear appeals?	UNSURE	Some feel external body would ensure independence, others that this could be a costly quango and that it is possible to dealt with internally without bias.
40	In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?	NEITHER	

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