

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	14 January 2020
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 since 1 April 2019.</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):	Councillor Vikki Slade (Leader of the Council)
Corporate Director	Julian Osgathorpe (Strategic Director Resources)
Report Authors	Richard Jones (Head of Democratic Services)
Wards	Council-wide
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 since 1 April 2019 against BCP Councillors.
2. This report will be presented to all future meetings of the committee and will include analysis of the nature of the complaints to identify repeating issues and help inform future training and development decisions.

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.
4. The adopted arrangements for dealing with allegations of breach of the code of conduct for councillors provides for an initial filtering process by the Chairman of the Standards Committee in consultation with councillors of the Standards Committee and Monitoring Officer (or her 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 initial filtering decision of the Chairman (following consultation), any informal resolutions agreed (where applicable), and the status of the complaint. Complaints against councillors of the predecessor councils who did not stand for re-election and therefore not investigated have not been included.
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 complaint	Decision of Chairman	Status
TPC-001	Resident complaint against Christchurch Town Councillor alleging a breach of council protocols relating to the conduct of councillors and behaving in a	Complaint reviewed and dismissed. Social media posts were made on a personal account, accessible only to	Closed

Reference	Nature of complaint	Decision of Chairman	Status
	manner which brings disrepute on the council. The complaint was in relation to the content of social media posts.	personal friends. Actions were not considered to be in their capacity as a councillor.	
BCP-002	Resident complaint against BCP Councillor alleging a breach of council protocols, failure to have regard to advice, disclosure of confidential information, compromised the impartiality of officers, brought disrepute on the council, attempted to use their position improperly, and bullied, harassed or intimidated complainant. The nature of the complaint was based upon decisions of the council and referred to press articles and social media posts (although no copies of the social media posts were provided).	Complaint reviewed and dismissed. Complainant failed to provide any tangible evidence and therefore dismissed for the following reasons: 1. Based essentially on hearsay; 2. Insufficient information submitted to demonstrate breach; 3. Complaint essentially against the actions of the council as a whole	Closed
BCP-003	Resident complaint against BCP Councillor alleging a breach of council protocols, brought disrepute on the council, attempted to use their position improperly, and behaved in a manner which was considered to be bullying, harassing intimidating others. The complaint was in relation to the content of social media posts and alleged trolling by others associated with the councillor in question.	Complaint reviewed and dismissed. Acknowledged that opinions and views of the complainant and councillor in question differ. No verifiable evidence provided to demonstrate breach of the Code. No evidence providing of trolling or that councillor was involved.	Closed
BCP-004 BCP-008	Resident complaint against BCP Councillors alleging a breach of council protocols, compromised the impartiality of officers, brought disrepute on the council, and attempted to use their position improperly.	Complaint being managed by the Chief Executive and independent review.	Pending
BCP-005	Employee complaint against BCP Councillor alleging a breach of council protocols, and behaviour that compromised the impartiality of officers. Specific reference was made to the Protocol for Councillor / Officer Relations which forms part of the Code of Conduct. The complaint related to a face-to-face meeting with the councillor concerned.	Complaint considered at filtering stage to be a potential breach of the Code and resolved by way of informal resolution by way of apology. Reminder of Protocol also provided for future reference.	Closed

Reference	Nature of complaint	Decision of Chairman	Status
BCP-006	Resident complaint against BCP Councillor alleging a breach of the code of conduct by using or attempting to use the position as a councillor to confer advantage, the use of council resources improperly for political purposes, and failing to have regard to the Councils codes. The complaint followed a face-to-face meeting with the councillor concerned.	Complaint reviewed and dismissed. Insufficient evidence available to demonstrate breach.	Closed
BCP-007	Resident complaint against BCP Councillor alleging a breach of the code of conduct by bringing the council into disrepute and behaviour considered to be bullying, harassing or intimidatory. Reference was made to social media posts.	Complaint reviewed and dismissed. Partially behaviour complained about was in a personal capacity and not as a councillor. In addition, insufficient evidence was provided.	Closed
BCP-009 BCP-010 BCP-014	Three separate complaints against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, intimidating others, causing the council to breach equality laws, bringing the office of councillor or the council into disrepute while acting in an official capacity, and failing to have regard to the council's code of publicity. The complaint referenced social media posts made by the councillor concerned which were considered to be anti-Semitic in nature.	Complaint reviewed and considered that there was a potential breach and of a nature serious enough to warrant an independent investigation. A separate report is included on this agenda for the committee to consider.	Pending
BCP-011	Employee complaint against BCP Councillor alleging a breach of council protocols and allowing their conduct to bring disrepute on the council. Specific reference was made to the Protocol for Councillor / Officer Relations which forms part of the Code of Conduct. The complaint related to comments made at a committee meeting.	Potential breach of the Code and resolved by way of informal resolution in line with remedy sought which was to remind the councillor concerned of the Protocol and a commitment to abide to it.	Closed

Reference	Nature of complaint	Decision of Chairman	Status
BCP-012	Councillor complaint against BCP Councillor alleging breach by bringing the office/council into disrepute, using the position as councillor improperly, failing to register and declare personal interest, and failing to withdraw from a meeting. The complaint related to conduct at a specific committee meeting.	Complaint reviewed and dismissed. Disclosure and registration of interests were considered to be in order, audio recording of meeting in question showed no evidence of bias or impropriety.	Closed
BCP-013	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect. The complainant referred to an article in the Bournemouth Echo which itself referenced social media posts.	Complaint reviewed and dismissed. Press article considered to misrepresent capacity of the social media post and attribute it to a councillor. Actions were not considered to be in their capacity as a councillor.	Closed
BCP-015	Resident complaint against two councillors alleging breach of the code of conduct by failing to treat others with respect. The complainant referred to a conversation with one councillor and a lack of contact from the other.	Complaint reviewed and dismissed. Complainant failed to provide any tangible evidence and therefore dismissed for the following reasons: 1. Based essentially on hearsay; 2. Insufficient information submitted to demonstrate breach; 3. Not in the public interest or proportionate to pursue the matter further.	Closed
BCP-016	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, behaviour contrary to equality laws, bringing the office of councillor or the council into disrepute. The complaint referenced a national media article referencing social media posts made by the councillor concerned which were considered to be Islamophobic and racist in nature.	Complaint reviewed and considered that there was a potential breach and of a nature serious enough to warrant an independent investigation. Independent review currently being commissioned and will be reported to a future meeting of the Standards Committee.	Pending
BCP-017	Resident complaint against BCP Councillor alleging breach of code of conduct by inappropriate behaviour at an official event, by bringing the office/council into disrepute, using the position as councillor improperly, and	The complaint has not yet been considered.	Pending

Reference	Nature of complaint	Decision of Chairman	Status
	intimidatory behaviour.		
BCP-018	Resident complaint against BCP Councillor alleging breach of the code of conduct by intimidating or attempting to intimidate any person who is, or is likely to be a complainant	The complaint has not yet been considered.	Pending
BCP-020	<p>As referenced at the Standards Committee held on 9 July 2019, a review of the complaint submitted by Mr Conor O'Luby together with the complaints process was undertaken by an independent person of the committee following a request to do so by the Local Government and Social Care Ombudsman.</p> <p>This complaint related to the behaviour of a councillor of a predecessor council and alleged a breach of the code of conduct of that council for failing to treat others with respect, bullying behaviour, intimidating or attempting to intimidate, and bringing the office of councillor and the council into disrepute while acting in an official capacity.</p> <p>The complaint related to the conduct at a meeting of the predecessor council held on 5 December 2017 and the response to a question.</p>	<p>Complaint reviewed and dismissed.</p> <p>Although comments made by the councillor were not wholly appropriate, the context of the responses were not considered to be a breach of the code of conduct.</p> <p>A separate letter of apology was provided for time taken to resolve the complaint, and the procedural flaws with the handling and consideration of the complaint in 2017.</p>	Closed

Training and Development

7. A separate report will be presented to the next meeting with details of the training programme provided to councillors since 1 April 2019, however, it should be noted that training has been delivered as a direct result of the complaints received.
8. The Committee will be aware that a number of complaints have featured the content of social media postings, and whilst many have been dismissed, the councillors involved in considering these complaints requested that social media training be arranged and offered to all councillors as a matter of priority. Two sessions were held in September in response and was favourably received by those attending.

Summary of financial implications

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

Summary of legal implications

10. 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

11. 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

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

Summary of public health implications

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

Summary of equality implications

14. There are no equality implications arising from this report.

Summary of risk assessment

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

Background papers

Records of complaints received by the Council since 1 April 2019 – 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.