

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Kinson Community Centre
Meeting date	12 March 2020
Status	Public Report
Executive summary	<p>This report provides an update and is a continuation of the reports provided to Audit and Governance Committee on 25 July 2019 and 10 October 2019.</p> <p>The report summarises the current position and confirms that a third-party referral in respect of the allegations made by Kinson Community Association (KCA) has been made by the Council to Dorset Police.</p> <p>The Council has been advised by the police that any criminal investigation must take primacy over any civil or internal processes and as a result, no further action can be taken by the Council until such time as the position relating to any criminal allegations is understood and investigations concluded.</p> <p>The report asks that the committee notes the update provided and delegates authority to determine any further action following the outcome of any criminal investigation, to the Director of Communities.</p>
Recommendations	<p>It is RECOMMENDED that</p> <p>Audit & Governance Committee:</p> <ul style="list-style-type: none"> a) note the update provided; b) delegate authority to determine any further action following the outcome of any criminal investigation, to the Director of Communities.
Reason for recommendations	The allegations made by Kinson Community Association are now a matter for Dorset Police. Any criminal investigation must take primacy over any civil or internal process considered in relation to these matters.

Portfolio Holder(s):	Cllr Lewis Allison
Corporate Director	Kate Ryan, Corporate Director – Environment and Communities
Contributors	Kelly Ansell - Director of Communities
Wards	Kinson
Classification	For update and information

Background

2. A report was considered by the Audit and Governance Committee on 25 July 2019 which outlined the response to a deputation made by the Chairman of Kinson Community Association (KCA) at the last Bournemouth Borough Council (BBC) Audit & Governance Committee 16 January 2019. In addition, the report also set out the action taken to address informal and formal complaints and allegations raised by KCA, or representatives of KCA, over a period from October 2014.
3. A further report was presented to the 10 October 2019 Audit and Governance Committee in response to a request that Members be provided with the investigation reports relating to these complaints. In addition, the committee had requested that officers seek a formal response from KCA regarding both the findings of the complaint investigations and also to the Council's response to their deputations, which were all fully outlined in the report of 25 July 2019.
4. The Audit and Governance Committee on 10 October 2019 resolved to;
 - a) note the content of the independent investigator reports relating to complaints raised by KCA;
 - b) note, with deep regret, that no formal response has been provided by KCA in response to the independent investigators findings or the deputation response reported to the committee on 25 July 2019;
 - c) request that, in the future, any terms of reference that might be drafted for investigations are, wherever possible, drafted in association with and agreed between the parties;
 - d) urge the Kinson Community Association to respond urgently to the Council and that the response be distributed to Audit and Governance Committee at its meeting on 23 January 2020;
 - e) support the pursuance of mediation between the Council and Kinson Community Association
5. It was agreed that a further update report would be provided to the Audit and Governance Committee by the Director of Communities.

Update and Current Position

6. Continued efforts were made following the October Audit and Governance

Committee to secure a formal response from KCA. This was received on 13 January 2020.

7. Following the October Audit and Governance Committee the Council received correspondence from members of the community who remained concerned about the allegations made by KCA. As a result, a decision was taken to refer the matter to Dorset Police as a third-party report and this was made on 14 November 2019. The Ibex Gale independent investigation reports were released to Dorset Police in order to support this process. This action was taken in the spirit of openness and transparency and with the intention of facilitating a route for KCA to appropriately raise their concerns with the police.
8. An update was received from Dorset Police on 2 February 2020 which confirmed that following the referral from BCP Council, the local Neighbourhood team has made contact with the Chair of the Trustees at KCA. The approach is focused on establishing whether, within the concerns that have been raised with the Council, there are any criminal allegations that would require recording within the national crime recording standards (NCRS) and if so whether an investigation is necessary.
9. Direct contact has been made with KCA to confirm that Dorset Police require contact from the Trustees in order for an official complaint to be recorded. KCA have been asked to carefully consider which element(s) of the original complaint they would like to refer to the police. Upon receipt of this information, Dorset Police have advised that they will create a crime record of the allegations and refer the investigation to a specialist financial investigator to review.
10. The Council is advised that any criminal investigation should take primacy over any civil or internal procedures.
11. As a result of the advice received, the Director of Communities wrote to the Chair of Kinson Community Association on 6 February 2020 confirming that the Council would not be taking any action at this time, pending the outcome of any criminal investigation which may be forthcoming.
12. The allegations made by KCA are now a matter for the Police to investigate should evidence be forthcoming. Should the Council receive any evidence in regard to this matter, this will be referred to the Police and full co-operation will be offered in any investigation should this be forthcoming.
13. The Communities team will continue to engage with KCA as appropriate in order to ensure the safe and sustainable delivery of the centre and in order to fulfil the Council's obligations as landlord of the building.
14. Also of note in regards to this matter, the Charity Commission issued a statement on their website on 23 October 2019 to confirm that they had opened an inquiry into KCA due to concerns of mismanagement and/or conduct at the charity. This investigation was ongoing at the time of writing this report.

Summary of financial implications

15. There are no direct financial implications from this report.

Summary of human resources implications

16. There are no direct human resource implications from this report.

Summary of environmental impact

17. There are no direct environmental implications from this report.

Summary of public health implications

18. There are no direct public health implications from this report.

Summary of equality implications

19. There are no direct equalities implications from this report.

Summary of risk assessment

20. The risk implications are as set out in the report dated 25 July 2019.

Background papers

None.

Appendices

None.