

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	6 October 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 or concluded since 1 January 2020. A similar report was presented to the Committee in January 2020 for the period from 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	It is RECOMMENDED that: the outcome of concluded complaints and the progress of those still outstanding be noted.
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	Graham Farrant (Chief Executive)
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 January 2020 against BCP Councillors.
2. A similar report was presented to the previous meeting of the committee and will form a regular item at future meetings.

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
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.	The matter is now resolved. A review has been carried out by the Chief Executive taking into account the evidence provided and communications from the Complainant	Closed

Reference	Nature of complaint	Decision of Chairman	Status
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.	The Independent Review concluded that Councillor Lewis was not acting in her official capacity when she made her tweets and therefore the Code of Conduct did not apply to those actions	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.	The Independent review concluded that Councillor Dunlop was not acting in her official capacity when she made her posts to the Facebook group. The Code of Conduct was therefore not applicable to those actions	Closed
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 intimidatory behaviour.	Potential breach of the Code and informal resolution sought by way of a letter of apology which was provided	Closed
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	Complaint reviewed and considered that there is no breach to the Code as the Councillor was not acting in their capacity as a councillor	Closed
BCP-021	Councillor complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, bullying, intimidating/attempting to intimidate and bringing the office/council into disrepute and using inappropriate language	The complaint is being considered	Pending

Reference	Nature of complaint	Decision of Chairman	Status
BCP-022	Councillor complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, bullying, intimidating/attempting to intimidate and bringing the office/council into disrepute	The complaint is being considered	Pending
BCP-023	Resident complaint against BCP Councillor alleging breach to the code of conduct by failing to treat others with respect, bullying, intimidating/attempting to intimidate and bringing the office/council into disrepute	Potential breach of the Code in part and informal resolution sought by way of an apology which was provided	Closed
BCP-024	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to act with honesty and integrity and bringing the office/council into disrepute	Complaint reviewed and dismissed. No verifiable evidence provided to demonstrate breach to the Code	Closed
BCP-025	Resident complaint against BCP Councillor alleging breach of the code of conduct by bullying, compromising/attempting to compromise the impartiality of those who work for/on behalf of the council, using/attempting to use the position as a Councillor improperly for advantage/disadvantage for him/her self	Complaint reviewed and dismissed. Insufficient evidence to demonstrate breach to the Code and the councillor voluntarily sent card and apologised for any upset caused	Closed
BCP-026	Resident complaint against BCP Councillor alleging breach of the code of conduct by intimidating/attempting to intimidate	The complaint is being considered	Pending
BCP-027	Resident complaint against BCP Councillor alleging breach of the code of conduct by failing to treat others with respect, compromising/attempting to compromise the impartiality of those who work on behalf of the Council, unlawfully disclosing confidential information and using/attempting to use the position as Councillor improperly to secure and advantage/disadvantage	The complaint is being considered	Pending

Training and Development

7. The training programme for councillors was forced to cease upon the global pandemic, however, a suite of online training facilities has been launched for councillors. Further work will re-commence to establish other virtual training programmes over the coming months.

Summary of financial implications

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

Summary of legal implications

9. 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

10. 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

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

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

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

Background papers

Records of complaints received by the Council since 1 January 2020 – 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.