

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	20 April 2021
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 meeting in January 2021.</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 apprised 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) Susan Zeiss (Service Director for Law and Governance and Monitoring Officer)
Wards	Not applicable
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 October 2020 against Councillors for the Bournemouth, Christchurch and Poole area, including parish and town councils.
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. 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 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 their 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.
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 allegation	Outcome / Decision	Status
BCP-021	<ul style="list-style-type: none">• Failing to treat others with respect• Bullying any person• Intimidating or attempting to intimidate• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity	The complaint is continuing to be considered. Mediation is being sought between the parties concerned	Pending

Reference	Nature of allegation	Outcome / Decision	Status
BCP-022	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	The complaint is continuing to be considered. Mediation is being sought between the parties concerned	Pending
BCP-027	<ul style="list-style-type: none"> • Failing to treat others with respect • Compromising or attempting to compromise the impartiality of those who work on behalf of the Council • Unlawfully disclosing confidential information or information believed to be of confidential nature • Using or attempting to use the position as a Councillor improperly to confer on or secure an advantage or disadvantage 	An independent review was commissioned to examine this complaint. The report of that investigation is included as a separate item on this agenda for the committee to consider	Pending
BCP-034	<ul style="list-style-type: none"> • Failing to treat others with respect 	Potential breach of the Code and informal resolution sought by way of a letter of apology which was provided	Closed
BCP-035	<ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed and dismissed. Politically motivated and essentially against the processes and the collective decision reached by council	Closed
BCP-036	<ul style="list-style-type: none"> • Bringing the office of Councillor or Council into disrepute while acting in an official capacity 	Complaint reviewed and dismissed. Insufficient information submitted to demonstrate a breach of the code	Closed

Reference	Nature of allegation	Outcome / Decision	Status
BCP-037	<ul style="list-style-type: none"> • Disingenuous Councillors' deliberate acts of deception 	<p>Complaint reviewed and dismissed.</p> <p>Insufficient information submitted to demonstrate a breach of the code.</p> <p>Complaint essentially against the action of the council as a whole and cannot properly be directed against individual councillors.</p>	Closed
BCP-038	<ul style="list-style-type: none"> • Disingenuous Councillors' deliberate acts of deception 	<p>Complaint reviewed and dismissed.</p> <p>Insufficient information submitted to demonstrate a breach of the code.</p> <p>Complaint essentially against the action of the council as a whole and cannot properly be directed against individual councillors.</p>	Closed
BCP-039	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Unlawfully disclosing confidential information or information believed to be of a confidential nature • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Initial assessment completed.</p> <p>Latest position to be considered by the complaints panel.</p>	Pending
BCP-040	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Initial assessment completed.</p> <p>Latest position to be considered by the complaints panel.</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
BCP-041	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Complaint reviewed and dismissed.</p> <p>Insufficient information submitted to demonstrate a breach of the code.</p>	Closed
BCP-043	<ul style="list-style-type: none"> • Failing to treat others with respect 	<p>Complaint reviewed and dismissed.</p> <p>Insufficient information submitted to demonstrate a breach of the code.</p>	Closed
BCP-044	<ul style="list-style-type: none"> • 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 reviewed and dismissed.</p> <p>Insufficient information submitted to demonstrate a breach of the code.</p>	Closed
BCP-045	<ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity • Failing to declare the existence and nature of a personal interest 	<p>The complaint is being considered</p>	Pending
BCP-046	<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 	<p>The complaint is being considered</p>	Pending
BCP-047	<ul style="list-style-type: none"> • Failing to treat others with respect • Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council • Bringing the office of Councillor or the Council into disrepute while acting in 	<p>The complaint is being considered</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	an official capacity <ul style="list-style-type: none"> • Failing to have regard to the Councils Code of Publicity 		
BCP-048	<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 	The complaint is being considered	Pending
BCP-049	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council 	The complaint is being considered	Pending
BCP-050	<ul style="list-style-type: none"> • Failing to treat others with respect • Causing the Council to breach equality laws • Bullying any person • Intimidating or attempting to intimidate 	The complaint is being considered	Pending
BCP-051	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	The complaint is being considered	Pending

Reference	Nature of allegation	Outcome / Decision	Status
BCP-052	<ul style="list-style-type: none"> • Failing to treat others with respect • Intimidating or attempting to intimidate 	The complaint is being considered	Pending
BCP-053	<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 	The complaint is being considered	Pending
BCP-054	<ul style="list-style-type: none"> • Failing to treat others with respect 	The complaint is being considered	Pending
BCP-055	<ul style="list-style-type: none"> • Failing to treat others with respect • Causing the Council to breach equality laws • Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	The complaint is being considered	Pending
TCP-006	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate 	The complaint is being considered	Pending

Summary of financial implications

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

Summary of legal implications

8. 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

9. 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

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

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

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

Background papers

Records of complaints received by the Council since January 2021 – 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.