

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	13 July 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 April 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 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) 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 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 now provides for an initial filtering process for the Monitoring Officer to mediate in appropriate cases between the parties concerned in an attempt to identify a mutually agreeable remedy. Where this is not possible, complaints then proceed to 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	<p>The complaint is continuing to be considered. Mediation was sought between the parties concerned but was not agreed.</p> <p>Complaint to be referred for independent investigation.</p>	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 	<p>The complaint is continuing to be considered. Mediation was sought between the parties concerned but was not agreed.</p> <p>Complaint to be referred for independent investigation.</p>	Pending
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>Apology requested from subject councillor but not currently complied with.</p> <p>Complaint to be referred for independent investigation.</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>Apology requested from subject councillor but not currently complied with.</p> <p>Complaint to be referred for independent investigation.</p>	Pending
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>Complaint reviewed and dismissed by Monitoring Officer.</p> <p>Insufficient evidence provided to demonstrate breach of the Code or that councillors position was conflicted.</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
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>Complaint reviewed and dismissed.</p> <p>The complaint was essentially against the collective decision reached by council.</p>	Closed
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 an official capacity • Failing to have regard to the Councils Code of Publicity 	<p>Complaint reviewed and informal resolution agreed by the Monitoring Officer.</p> <p>Statement of clarification and apology posted on social media channel.</p>	Closed
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 	<p>Complaint reviewed and informal resolution agreed by the Monitoring Officer.</p> <p>Statement of clarification and apology posted on social media channel.</p>	Closed
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 	<p>Complaint reviewed and informal resolution agreed by the Monitoring Officer.</p> <p>Statement of clarification and apology posted on social media channel.</p>	Closed
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 	<p>Complaint reviewed and informal resolution agreed by the Monitoring Officer.</p> <p>Statement of clarification and apology posted on social media channel.</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
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 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Statement of clarification and apology posted on social media channel.	Closed
BCP-052	<ul style="list-style-type: none"> • Failing to treat others with respect • Intimidating or attempting to intimidate 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Statement of clarification and apology posted on social media channel.	Closed
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 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Statement of clarification and apology posted on social media channel.	Closed

Reference	Nature of allegation	Outcome / Decision	Status
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 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Statement of clarification and apology posted on social media channel.	Closed
BCP-056	<ul style="list-style-type: none"> • No specific details but related to complaints 047-052 & 054-055 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Statement of clarification and apology posted on social media channel.	Closed
BCP-057	<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 • Using or attempting to use the position as a Councillor 	Complaint reviewed and dismissed by the Monitoring Officer. Allegations appropriately dealt with previously	Closed
BCP-058	<ul style="list-style-type: none"> • Failing to treat others with respect 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Subject councillor apologised for failure respond to issue and matter was concluded satisfactorily.	Closed
BCP-059	<ul style="list-style-type: none"> • Failing to treat others with respect • Preventing a person from getting information that the person is entitled to by law • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Subject councillor apologised for failure to provide a timely response which has now been provided.	Closed

Reference	Nature of allegation	Outcome / Decision	Status
BCP-060	<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>Complaint reviewed and informal resolution agreed by the Monitoring Officer.</p> <p>Subject councillor apologised for offense caused which was accepted by the complainant.</p>	Closed
BCP-061	<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 • 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 • Using or attempting to use the position as a Councillor improperly to confer on or secure an advantage for him or anyone else • Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer • In respect of a prejudicial interest, failing to withdraw from the room or chamber, exercising executive functions, or seeking to improperly influence a decision 	<p>The complaint is being considered by the Monitoring Officer</p>	Pending
BCP-062	<ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>The complaint is being considered by the Monitoring Officer</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
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 by the Monitoring Officer	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 the last meeting – 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.