

# STANDARDS COMMITTEE



Report subject	<b>Annual Report on Code of Conduct Complaints</b>
Meeting date	13 July 2021
Status	Public Report
Executive summary	<p>This report provides a summary of the complaints received and determined which were made against councillors for alleged breaches of the Code of Conduct.</p> <p>The Standards Committee has a duty to consider an annual report and to promote and maintain high standards of conduct.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>the annual report on code of conduct complaints be reviewed and any areas for further work be identified for inclusion in the work programme.</b></p>
Reason for recommendations	To formally receive the annual report and provide the committee to identify areas for further development to promote high standards of conduct amongst councillors.
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Richard Jones, Head of Democratic Services Susan Zeiss, Director of Law and Governance and Monitoring Officer
Wards	Not applicable
Classification	For Decision

## Background

1. The monitoring officer is responsible for dealing with allegations that councillors have failed to comply with the members' code of conduct in accordance with the arrangements adopted by the Council.
2. BCP Council, and all parish and town councils within the boundary of BCP Council, have a statutory duty in the Localism Act 2011 to 'promote and maintain high standards of conduct by members and co-opted members of the authority'.
3. The Standards Committee is responsible for conducting an annual review of the complaints received. Due to the impact of the pandemic, it was not possible to bring a report last year and this report therefore covers the two-year period for 2019/2020 and 2020/21.

## Code of Conduct

4. In accordance with the provisions the Localism Act 2011 the council has an adopted a code of conduct. A new code was adopted at the Council meeting in June 2021, this report considers the code in place for the periods in question.

## Independent Persons

5. The Act also requires that the council appoint "at least one independent person" whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct. Their view may also be sought in dealing with allegations which have not been investigated and they may be asked to provide support to subject members who are the subject of an allegation. The council has three independent persons, Paul Cashmore, Ian Sibley and Jonathan Storey. The monitoring officer is grateful for the time and commitment these independent members have given.

## Arrangements

6. A revised standards procedure was approved by the council on 23 March 2021 permitting the Monitoring Officer to enter into early preliminary and informal dialogue with the parties concerned with a view to providing early mediation and resolution. Although approved during the period to which this report relates, any changes were not introduced for sufficient time to impact any of those complaints referred to in this report, but it is likely that this change will have an impact in 2021/22.

## Register of interests

7. The council maintains a register of interests for councillors of BCP Council and these are published on the Council's web site. A reminder is sent to all councillors each month to request that entries are checked for accuracy and for updates to be registered.

## Standards complaints

8. This report covers the two-year periods from 1 April to 31 March for 2019/20 and 2020/21. Complaints are classified to fall within each respective year using the concluded date to ensure that all complaints are captured. Complaints concluded after 1 April 2021 or still pending a decision will be reported next year.

<b>Total number of complaints for period</b>	2019/20	2020/21
Number of BCP complaints	17	19
Number of Parish and Town Council complaints	1	2

9. The complaints against parish and town councillors were all dismissed with no breach of the code identified. Due to the low number of parish related complaints further analysis has not been undertaken at this level.
10. The following analysis and data tables are therefore based on the complaints made against BCP Councillors for 2019/20 and 2020/21 respectively.
11. Following an apparent increase in the number of complaints made by fellow councillors, complaints received against BCP councillors are now categorised by type of complainant (e.g., public, councillor and officer). The table below shows the breakdown by type. It should be noted that there are a further 5 complaints submitted by councillors which are still pending or which have been concluded in 2021/22.

<b>Complainant Type</b>	2019/20	2020/21
Public	14	16
Councillor	1	3
Officer	2	0

12. Officers have further analysed complaints to identify the behavioural source of the complaints, the alleged breach criteria and the final outcome. The tables below provide a breakdown of these categories.

<b>Behavioural source for complaint</b>	2019/20	2020/21
Spoken word	5	2
Email	0	2
Social Media	6	6
Lack of response	2	0
Other	5	9

13. For clarity, the 'other' criteria referred to in the table includes typically non-behavioural actions, for example, decisions of the council as a whole, allegation of interest conflicts, matters arising from media articles and historic matters.
14. When making a complaint, complainants are requested to indicate which obligations of the Council's Code of Conduct they consider the subject councillor has breached. Complainants are permitted to identify more than one criteria. The following table provides a summary of the respective allegations made by complainants.

<b>Alleged Code Breached</b>	2019/20	2020/21
Failing to treat others with respect	9	9
Causing the Council to breach equality laws	2	2
Bullying any person	4	2
Intimidating or attempting to intimidate	6	3
Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council	2	2
Unlawfully disclosing confidential information or information believed to be of a confidential nature	0	1
Preventing a person from getting information that the person is entitled to by law	0	0

<b>Alleged Code Breached</b>	2019/20	2020/21
Bringing the office of Councillor or the Council into disrepute while acting in an official capacity	7	10
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	3	5
Using or authorising the use of the Councils resources not in accordance with the Councils requirements	0	0
Using or authorising the use of the Councils resources improperly for political purposes	1	0
Failing to have regard to the Councils Code of Publicity	2	2
Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer	0	0
Failing to declare the existence and nature of a personal interest	1	3
In respect of a prejudicial interest, failing to withdraw from the room or chamber; exercising executive functions; or seeking to improperly influence a decision	1	2
Failing, within 28 days, to register any new or changes to a personal interest in the register of Members interests	1	0

15. Finally, the following table provides details of the outcome of the complaints.

<b>Complaint Outcome</b>	2019/20	2020/21
Outside Jurisdiction	1	1
Dismissed - No Breach of Code	9	16
Potential Breach - Informal Resolution	3	1
Independent Investigation - No Breach	4	1
Independent Investigation - Breach	0	0

16. Whilst, the vast majority of complaints have resulted in no breach of the code being identified and the complaint being dismissed, any complaint received is the result of a perceived dissatisfaction by the complainant and has the potential to damage the reputation of the Council. Administering the complaints process is also a high resource activity and as a consequence every effort should be made to reduce complaints arising in the first instance. All councillors should be encouraged to play an active role and take responsibility for promoting and maintaining high standards of conduct.
17. On analysis of all complaints received, approximately 50% relate to a lack of respect which includes behaviour at meetings, email correspondence and social media. Of those complaints where a potential breach was found, the subject member was requested to apologise, attend additional training or provide an alternative appropriate remedy. Additional training sessions have been offered to all councillors on the Code of Conduct and the use of social media, however, it is recognised that further training is required.
18. A new code has recently been adopted by the council and recommended to all town and parish councils. Training on the new code is to be scheduled shortly.

## **Conclusion**

19. This report provides information about the council's performance in relation to the code of conduct and the administration of complaints. The data in this report provides a baseline for future annual reports.

## **Summary of financial implications**

20. There are no financial implications arising directly from this report.

## **Summary of legal implications**

21. The annual review report evidences that the council complies with the duties required under the Localism Act 2011.

## **Summary of human resources implications**

22. There are no human resource implications arising from this report.

## **Summary of sustainability impact**

23. There are no sustainability impact implications arising from this report.

## **Summary of public health implications**

24. There are no public health implications arising from this report.

## **Summary of equality implications**

25. This report provides statistical for complaints processed in accordance with agreed policy and procedures. Consequently, there are no equality implications arising from this report.

## **Summary of risk assessment**

26. As mentioned previously, any complaint is the result of the complainant being dissatisfied with the actions or behaviours of councillors, which in turn can damage the reputation of the council. Whilst some complaints may be unavoidable, all councillors have a responsibility and duty to promote high standards of conduct. Every effort should be made to raise the awareness of all councillors by the committee.

## **Background papers**

Records of complaints received by the Council between 1 April 2019 and 31 March 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.