

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	1 February 2022
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 October 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 has been presented to previous meetings of the committee and now forms a regular item at committee 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 consider, and where appropriate, 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 (MO) (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 early intervention of the Monitoring Officer (where appropriate), the initial filtering decision of the Chairman (following consultation), any informal resolutions agreed (where applicable), the outcome of any independent investigations 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 has been referred for independent investigation. A draft report has been shared with the complainant and subject Councillors, as</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
		well as the Independent Persons for their comment, before the final version is submitted for consideration by Standards Committee.	
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 has been referred for independent investigation. A draft report has been shared with the complainant and subject Councillors, as well as the Independent Persons for their comment, before the final version is submitted for consideration by Standards Committee.</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. Apology requested from subject councillor but was not complied with.</p> <p>As a consequence, the complaint was referred for independent investigation. The investigator's report was considered by the Standards Committee in December 2021 and the findings of the investigator that the subject councillor had breached the Code of Conduct on the grounds of failing to show others respect were upheld. The remedy sought was an apology to the complainant. The committee further agreed that failure to provide an appropriate apology would result in a report of non-compliance to full council.</p>	Pending
BCP-040	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to 	<p>Initial assessment completed. Apology requested from subject councillor but was not complied with.</p>	Closed

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	<p>intimidate</p> <ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>As a consequence, the complaint was referred for independent investigation. The investigator's report was considered by the Standards Committee in December 2021 and the findings of the investigator that the subject councillor had not breached the Code of Conduct was accepted and the complaint has been dismissed. No further action is required.</p>	
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 	<p>Initial assessment completed, and subsequently reviewed. Apology requested from subject councillor but was not complied with. The complaint was further reviewed by the Chair in consultation with the members of the committee, the independent persons and the Monitoring Officer on 15 December 2021. It was maintained that there was a potential breach of the Code of Conduct and the subject councillor was requested to provide an apology and attend appropriate training. It was further agreed that failure to comply with the provide an appropriate apology would result in a report of non-compliance to full council. At the time of writing this report, an apology was not forthcoming and as a consequence a report of non-compliance will be submitted to full council.</p>	Pending
BCP-067	<ul style="list-style-type: none"> • Failing to treat others with respect • Causing the Council to 	Awaiting further information from the complaint to allow the Monitoring Officer to	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	breach equality laws <ul style="list-style-type: none"> • Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council • 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 • 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 	undertake initial assessment. Expected end of January 2022	
BCP-068	<ul style="list-style-type: none"> • Failing to treat others with respect 	The complaint was initially reviewed by the Monitoring Officer. Following evaluation of the evidence, it was determined that no breach had occurred and no further action should be taken.	Closed
BCP-070	<ul style="list-style-type: none"> • Failing to treat others with respect • Intimidating or attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed and dismissed. It was not considered that the behaviour had breached the Code of Conduct.	Closed
BCP-071	<ul style="list-style-type: none"> • Preventing a person from getting information that the person is entitled to by law 	Complaint reviewed and informal resolution agreed by the Monitoring Officer. Information provided by the subject councillor as requested by Monitoring Officer.	Closed
BCP-072	<ul style="list-style-type: none"> • Honesty/integrity/lack of respect • Selflessness: Councillors should act solely in terms of the public interest 	The complaint was initially reviewed by the Monitoring Officer. Following evaluation of the evidence, it was determined that no breach had occurred	Closed

Reference	Nature of allegation	Outcome / Decision	Status
		and no further action should be taken.	
BCP-073	<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 • 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 	The complaint is being considered by the Monitoring Officer	Pending
BCP-075	<ul style="list-style-type: none"> • Failing to treat others with respect 	The complaint is to be referred to Chair's panel for consideration	Pending
TPC-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
TPC-007	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Intimidating or attempting to intimidate • Abuse of position 	Awaiting full response from the subject councillor	Pending

Summary of financial implications

7. There are no specific financial implications arising from this report, however, the budget associated with the activities relating to the investigation of complaints against councillors is limited. Excessive numbers of complaints and independent investigations could give rise to budget pressures for the service or the ability to provide other functions.

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. This report is reporting on the outcome of complaints made against councillors for alleged breaches of the Councillor's Code of Conduct and as a consequence there are no direct equalities implications arising from this report. The Code of Conduct includes a duty upon all councillors to promote equalities and to not discriminate unlawfully against any person. Equality implications are considered as an integral part of the complaints process.

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.