

Report subject	Non-compliance with Standards Complaints Process Decision
Meeting date	22 February 2022
Status	Public Report
Executive summary	<p>This report advises Council of a decision by a member of BCP Council not to comply with the decision made as part of the standards committee complaints process.</p> <p>The Council and all councillors are responsible for maintaining high standards of conduct by Members of BCP Council and the Town and Parish Councils. Failure to comply with such decisions reflects poorly on the council as a whole and undermines the standards regime.</p>
Recommendations	This report is for information only.
Reason for recommendations	In order for this complaint to be drawn to a close it has been necessary to report that the subject councillor has not complied with the findings of the Standards Committee complaints process.
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	<p>Susan Zeiss (Director of Law and Governance and Monitoring Officer)</p> <p>Richard Jones (Head of Democratic Services)</p>
Wards	Not applicable
Classification	For Information

Background

1. The Council has 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' as well as those of parish and town councils within the boundary of BCP Council.
2. 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. These arrangements are published in the Constitution, Part 6 (Codes and Protocols).

3. In summary, these arrangements establish a tiered approach for the consideration of complaints as follows:-
 - a. the Monitoring Officer to undertake an initial assessment, and where appropriate resolve the complaint by way of rejection, dismissal, or seek to secure informal resolution.
 - b. referral of the complaint to the Chair of the Standards Committee to consider in consultation with the standards committee members, independent persons and the Monitoring Officer. The Chair may dismiss the complaint, conclude that a potential breach of the Code has occurred and seek an informal resolution or refer the complaint for independent investigation.

Complaint – BCP-053

4. On 30 March 2021, the Council received a complaint from a resident regarding social media postings made by Councillor Lesley Dedman (“subject councillor”) which the complainant considered offensive to the Jewish Community and failed to treat others with respect.
5. The subject councillor subsequently removed the offending social media post, sent an apology to all councillors and posted a further social media message with a smiling/grinning emoji indicating that it had been removed due to complaints.
6. The complainant considered the replacement posting made light of the matter and was therefore unsatisfactory.

Consideration of Complaint

7. The arrangements outlined in section 3 above were followed with both initial intervention by the Monitoring Officer through informal dialogue, and subsequent consideration by the Chair of the Standards Committee (in consultation with the committee members, independent persons (IP’s) and the Monitoring Officer (MO)).
8. The conclusion drawn was that the actions of the subject councillor had potentially breached the Code of Conduct by failing to treat others with respect. At that time, the remedy was an apology via the social media channel, a letter of apology to the complainant and attendance at a one-to-one training and awareness session with the Council’s Equality Officer.
9. The subject councillor rejected these findings and refused to comply with the decision, requesting that the complaint be reviewed.
10. The Chair of Standards Committee changed during this period and the complaint was therefore reviewed by the new Chair.
11. After consideration of all the evidence, the new Chair upheld the decision of former Chair and a remedy by way of written apology to the complainant and training/awareness was requested. Due to the passage of time, it was felt that the requirement of a social media apology would no longer serve a purpose and this requirement was withdrawn.
12. Again, the subject councillor rejected the decision and refused to offer an apology requesting the matter be considered.

13. The decision was reconsidered for the final time by the Chair, in consultation with the other members, IP's and MO on 15 December 2021. The decision remained the same and the subject councillor was afforded one last opportunity to provide an apology to the complainant. The subject councillor was advised that failure to comply would result in a report to full council reporting non-compliance.
14. The apology was not forthcoming, the subject councillor refusing once again to comply, and this report therefore advises Council that a member of BCP Council has failed to comply with the decision of the standards regime.

New Code of Conduct

15. The complaint in question was received and assessed against the former Code of Conduct. The Council adopted the latest Code of Conduct on 9 November 2021 which now includes a duty on all councillors to ***“comply with any sanction imposed on me following a finding that I have breached the Code of Conduct”***. Failure to comply in future will therefore also be a breach of the Code of Conduct.

Summary of financial implications

16. There are no financial implications arising from this report which is for information, however, the processing, consideration and determination of complaints made against councillors is extremely intensive and is a draw of services that could otherwise be proactive in other areas.
17. Although it is unpleasant and at times distressing to be the subject of a complaint, early recognition of one's actions and early resolution by way of an acceptable remedy should always be at the forefront of any councillor's response to a complaint.
18. Such an approach will further promote a positive view of councillors and the council in general.

Summary of legal implications

19. The Council has a legal duty to promote and maintain high standards of conduct by members and co-opted members of the authority. In addition, there is a requirement 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

20. 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 and unnecessarily drawn-out complaints could require the need for additional resources. It is therefore critical that councillors seek to promote and maintain high standards of conduct to help limit the number of complaints.

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

23. This report is for information only reporting on the outcome of a non-compliant councillor following a determination of a potential breach of the Code of Conduct. 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

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

Background papers

Records of the complaint BCP-053 – 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.