

# STANDARDS COMMITTEE



Report subject	<b>Code of Conduct Complaints - Review</b>
Meeting date	5 July 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 report to the Committee in February 2022.</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>
<b>Recommendations</b>	<p><b>It is RECOMMENDED that:</b></p> <p><b>the outcome of concluded complaints and the progress of those still outstanding be noted.</b></p>
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	<p>Richard Jones (Head of Democratic Services)</p> <p>Susan Zeiss (Service Director for Law and Governance and Monitoring Officer)</p>
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 form 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 dismiss complaints or 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 early intervention of the Monitoring Officer (where appropriate), 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"><li>• Failing to treat others with respect</li><li>• Bullying any person</li><li>• Intimidating or attempting to intimidate</li><li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li></ul>	<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.</p>	Subject of a separate report on the agenda

Reference	Nature of allegation	Outcome / Decision	Status
BCP-022	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bullying any person</li> <li>Intimidating or attempting to intimidate</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	<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.</p>	Subject of a separate report on the agenda
BCP-039	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bullying any person</li> <li>Intimidating or attempting to intimidate</li> <li>Unlawfully disclosing confidential information or information believed to be of a confidential nature</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	<p>Initial assessment completed.</p> <p>Apology requested from subject councillor but not currently complied with.</p> <p>Complaint has been referred for independent investigation.</p> <p>Report of investigation supported by committee on 15 December 2021. Position maintained.</p> <p>Apology provided by subject councillor</p>	Closed
BCP-053	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	<p>Initial assessment completed, and subsequently reviewed.</p> <p>Apology requested from subject councillor but not currently complied with.</p> <p>Reported to Committee on 15 December 2021 maintained position.</p> <p>Apology was not forthcoming and the matter was reported to full Council for non-compliance.</p>	Closed
BCP-067	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Causing the Council to breach equality laws</li> <li>Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council</li> </ul>	<p>Awaiting further information from the complaint to allow the Monitoring Officer to undertake initial assessment.</p> <p>Further information not furnished. Complaint closed.</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<ul style="list-style-type: none"> <li>• Preventing a person from getting information that the person is entitled to by law</li> <li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>• 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</li> </ul>		
BCP-073	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> <li>• Bullying any person</li> <li>• Intimidating or attempting to intimidate</li> <li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>• Using or attempting to use the position as a Councillor improperly to confer on or secure an advantage for him or anyone else</li> </ul>	Complaint reviewed by the Monitoring Officer. Complaint dismissed – No breach of the Code	Closed
BCP-075	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> </ul>	Complaint reviewed by the Chair following consultation panel. Complaint dismissed – No breach of the Code	Closed
BCP-076	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> <li>• Bullying any person</li> <li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>• Failing to have regard to the Councils Code of Publicity</li> </ul>	Complaint reviewed by the Monitoring Officer. Complaint dismissed – No breach of the Code	Closed
BCP-077	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> </ul>	Complaint reviewed by the Monitoring Officer. Complaint dismissed – No breach of the Code	Closed

<b>Reference</b>	<b>Nature of allegation</b>	<b>Outcome / Decision</b>	<b>Status</b>
BCP-078	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> </ul>	Complaint reviewed by the Monitoring Officer. Complaint dismissed – No breach of the Code	Closed
BCP-079	<ul style="list-style-type: none"> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	Complaint reviewed by the Chair following consultation panel. Complaint dismissed – No breach of the Code	Closed
BCP-080	<ul style="list-style-type: none"> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	Complaint reviewed by the Chair following consultation panel. Complaint dismissed – No breach of the Code	Closed
BCP-082	<ul style="list-style-type: none"> <li>Specific criteria not identified but alleged failure to listen to residents</li> </ul>	Complaint reviewed by the Monitoring Officer which related to ward representation. Complaint dismissed – No breach of the Code	Closed
BCP-083	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> </ul>	Complaint reviewed by the Monitoring Officer which related to ward representation. Complaint dismissed – No breach of the Code	Closed
BCP-084	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>Failing to have regard to the Councils Code of Publicity</li> </ul>	Complaint reviewed by the Chair following consultation panel. Dismissed on the grounds that there was insufficient information submitted to demonstrate a prima facie breach of the code	Closed
BCP-085	<ul style="list-style-type: none"> <li>Preventing a person from getting information that the person is entitled to by law</li> </ul>	Complaint reviewed by the Monitoring Officer which related to ward representation. Complaint dismissed – No breach of the Code	Closed
BCP-086	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Causing the Council to breach equality laws</li> </ul>	Monitoring Officer dismissed complaint. Insufficient evidence supplied to support	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<ul style="list-style-type: none"> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>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</li> <li>Failing to have regard to the Councils Code of Publicity</li> </ul>	allegations.	
BCP-087	<ul style="list-style-type: none"> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	Monitoring Officer dismissed complaint. Insufficient evidence supplied to support allegations.	Closed
BCP-089	<ul style="list-style-type: none"> <li>Specific criteria not identified but related to comments and views regarding local issues</li> </ul>	Complaint reviewed by the Monitoring Officer which related to ward representation. Complaint dismissed – No breach of the Code	Closed
BCP-091	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	Complaint reviewed by the Monitoring Officer which related to freedoms of expression. Complaint dismissed – No breach of the Code	Closed
BCP-092	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	Complaint reviewed by the Monitoring Officer which related to freedoms of expression. Complaint dismissed – No breach of the Code	Closed
BCP-093	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	Complaint reviewed by the Monitoring Officer which related to freedoms of expression. Complaint dismissed – No breach of the Code	Closed

Reference	Nature of allegation	Outcome / Decision	Status
BCP-094	<ul style="list-style-type: none"> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	<p>Complaint reviewed by the Monitoring Officer which related to freedoms of expression.</p> <p>Complaint dismissed – No breach of the Code</p>	Closed
BCP-095	<ul style="list-style-type: none"> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	The complaint is being considered by the Monitoring Officer	Pending
BCP-096	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Causing the Council to breach equality laws</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> </ul>	<p>Complaint reviewed by the Monitoring Officer which related to freedoms of expression.</p> <p>Complaint dismissed – No breach of the Code</p>	Closed
BCP-097	<ul style="list-style-type: none"> <li>Failing to treat others with respect</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>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</li> </ul>	The complaint is being considered by the Monitoring Officer	Pending
BCP-098	<ul style="list-style-type: none"> <li>Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council</li> <li>Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>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</li> <li>Using or authorising the use of the Councils resources</li> </ul>	Response received from subject councillor – to be considered by Chair at next consultation panel (to be scheduled)	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	<p>not in accordance with the Councils requirements</p> <ul style="list-style-type: none"> <li>• Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer</li> <li>• Failing to declare the existence and nature of a personal interest</li> <li>• In respect of a prejudicial interest, failing to withdraw from the room or chamber; exercising executive functions; or seeking to improperly influence a decision</li> </ul>		
BCP-099	<ul style="list-style-type: none"> <li>• Unlawfully disclosed confidential information or information believed to be of a confidential nature</li> <li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>• Using or authorising the use of the Councils resources not in accordance with the Councils requirements</li> <li>• Using or authorising the use of the Councils resources improperly for political purposes</li> <li>• Failing to have regard to the Council's Code of Publicity</li> </ul>	<p>Complaint reviewed by the Monitoring Officer.</p> <p>Final decision notice to be sent</p>	Pending
BCP-100	<ul style="list-style-type: none"> <li>• Specific criteria not identified but relates to actions with a committee meeting</li> </ul>	The complaint is being considered by the Monitoring Officer	Pending
BCP-101	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> </ul>	The complaint is being considered by the Monitoring Officer	Pending
BCP-102	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> <li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>• Using or attempting to use</li> </ul>	The complaint is being considered by the Monitoring Officer	Pending



Reference	Nature of allegation	Outcome / Decision	Status
	the position as a Councillor improperly to confer on or secure an advantage or disadvantage for him or herself or anyone else		
BCP-103	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> <li>• Preventing a person from getting information that the person is entitled to by law</li> <li>• Bringing the office of Councillor or the Council into disrepute while acting in an official capacity</li> <li>• 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</li> <li>• Failing to declare the existence and nature of a personal interest</li> <li>• In respect of a prejudicial interest, failing to withdraw from the room or chamber; exercising executive functions; or seeking to improperly influence a decision</li> </ul>	The complaint is being considered by the Monitoring Officer	Pending
TPC-006	<ul style="list-style-type: none"> <li>• Failing to treat others with respect</li> <li>• Bullying any person</li> <li>• Intimidating or attempting to intimidate</li> </ul>	Complaint reviewed by the Monitoring Officer. Complaint dismissed - No breach of the Code	Closed
TPC-007	<ul style="list-style-type: none"> <li>• Failing to behave in a way that a reasonable person would regard as respectful</li> <li>• Acting in a way which a reasonable person would regard as bullying or intimidatory</li> </ul>	Complaint reviewed by the Chair following consultation panel. Complaint upheld and informal resolution sought by way of an apology. In addition it was recommended that training be arranged.	Closed

### 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. 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.