

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	17 January 2023
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 July 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>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the outcome of concluded complaints and the progress of those still outstanding be noted.</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
Report Authors	Ingrid Brown (Head of Legal Services) Richard Jones (Head of Democratic Services)
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 9 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 assessment by the Monitoring Officer, who may, if appropriate:
 - (a) reject the complaint on the grounds that it falls outside the scope of a valid Code of Conduct complaint;
 - (b) determine that there is no breach of the Code and no further action should be taken; or
 - (c) where considered appropriate, enter into an early preliminary and informal dialogue with the complainant and the Councillor complained of, and agree a speedy informal resolution of the complaint
 - (d) refer the complaint to the Chair of Standards Committee for consideration...
5. Where complaints proceed to the Chair of the Standards Committee (in consultation with councillors of the Standards Committee, the Independent Persons and the Monitoring Officer (or their Deputy)), the Chair may 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.
6. The table contained in this report provides information about of the nature of the complaint, the assessment of the Monitoring Officer (where appropriate), the decision of the Chair (following consultation), any informal resolutions determined by Chair (where applicable), and the status of the complaint at the date of the report
7. 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 the subject councillors and the complainant, unless specific direction to the contrary has been expressed.
8. There have been a large number of complaints in recent months and capacity issues have meant that there has been some delay in progressing some of these. This has now been addressed and regular scheduled consultation meetings have been set up to enable the Chair to consult as required in the Constitution.

9. Table 1

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 	Following consideration of the complaint at the last meeting where the complaint was upheld (in part), the subject councillor has complied with all required actions.	Closed
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 	Following consideration of the complaint at the last meeting where the complaint was upheld (in part), the subject councillor has complied with all required actions.	Closed
BCP-095	<ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Monitoring Officer completed an initial assessment and determined that there was insufficient evidence supplied to support allegations and that there was therefore no case to answer.	Closed
BCP-097	<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 improperly to confer on or secure an advantage or 	The complaint has been initially assessed by the Monitoring Officer and is to be referred to the Chair for consideration on 16 th January 2023 A response from the Subject Councillor has been requested.	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	disadvantage for him or herself or anyone else		
BCP-098	<ul style="list-style-type: none"> • 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 or disadvantage for him or herself or anyone else • Using or authorising the use of the Councils resources not in accordance with the Councils requirements • Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer • Failing to declare the existence and nature of a personal interest • In respect of a prejudicial interest, failing to withdraw from the room or chamber; exercising executive functions; or seeking to improperly influence a decision 	Complaint reviewed by the Chair following consultation. Dismissed on the grounds that there was insufficient information submitted to demonstrate a prima facie breach of the code	Closed
BCP-099	<ul style="list-style-type: none"> • Unlawfully disclosed confidential 	The complaint was considered by the	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<p>information or information believed to be of a confidential nature</p> <ul style="list-style-type: none"> • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity • Using or authorising the use of the Councils resources not in accordance with the Councils requirements • Using or authorising the use of the Councils resources improperly for political purposes • Failing to have regard to the Council's Code of Publicity 	<p>Monitoring Officer who concluded that there was no breach in relation to GDPR since the information belonged to a different Data Controller. The Monitoring Officer upheld the complaint in relation to the improper use of Council resources and an apology was offered by the subject councillor.</p>	
BCP-100	<ul style="list-style-type: none"> • Specific criteria not identified but relates to actions with a committee meeting 	<p>Complaint reviewed by the Chair following consultation. Dismissed on the grounds that there was insufficient information submitted to demonstrate a prima facie breach of the code.</p>	Closed
BCP-101	<ul style="list-style-type: none"> • Failing to treat others with respect 	<p>Monitoring Officer conducted an initial assessment and dismissed complaint. Subject of complaints relates to historic allegations.</p>	Closed
BCP-102	<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>Monitoring Officer conducted an initial assessment and dismissed complaint. Subject of complaints relates to historic allegations.</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<ul style="list-style-type: none"> • 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 		
BCP-103	<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 • 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 • Failing to declare the existence and nature of a personal interest • 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>Monitoring Officer conducted an initial assessment and dismissed complaint.</p> <p>Subject of complaints relates to historic allegations.</p>	Closed
BCP-104	<ul style="list-style-type: none"> • Failing to treat others with respect • Compromising or attempting to compromise the 	<p>The complaint has been initially assessed by the Monitoring Officer and was referred referred to the Chair for consideration in</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
	<p>impartiality of those who work for or on behalf of the Council</p> <ul style="list-style-type: none"> Failing to have regard to the Councils Code of Publicity 	<p>consultation on the 4th January 2023.</p> <p>This complaint was not upheld on the basis that the subject councillor's actions was part of the normal cut and thrust of politics.</p>	
BCP-105	<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 has been initially assessed by the Monitoring Officer and has been considered by the Chair in consultation.</p> <p>The Chair has requested further information from the Subject Councillor before this matter can be concluded. from the subject Councillor before this can be concluded</p>	Pending
BCP-106	<ul style="list-style-type: none"> 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 ailing to declare the existence and nature of a personal interest 	<p>Complaint initially assessed by the Monitoring Officer and considered by the Chair in consultation. Complaint not upheld for the reasons that the subject councillor was acting in accordance with the provisions of the constitution.</p>	Closed
BCP-107	<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 was initially assessed by the Monitoring Officer and referred to the Chair for consideration in consultation.</p> <p>Complaint not upheld for the reasons that the subject councillor was expressing</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
		an honestly held and valid view.	
BCP-108	<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>The complaint has been initially assessed by the Monitoring Officer and was Chair for consideration in consultation on 4th January 2023.</p> <p>Complaint upheld and Subject Councillor to be asked to apologise.</p> <p>The decision of the Chair has been communicated to the Subject Councillor and a response awaited.</p>	Pending
BCP-109	<ul style="list-style-type: none"> Failing to treat others with respect; Causing the Council to breach equality laws 	<p>The complaint was initially assessed by the Monitoring Officer and referred to the Chair for consideration in consultation.</p> <p>Complaint upheld and resolution sought by way of an apology. .</p>	Closed.
TPC-007	<ul style="list-style-type: none"> Failing to behave in a way that a reasonable person would regard as respectful Acting in a way which a reasonable person would regard as bullying or intimidatory 	<p>Complaint reviewed by the Chair following consultation panel.</p> <p>Complaint upheld and informal resolution sought by way of an apology. In addition it was recommended that training be arranged.</p> <p>Awaiting copy of letter from subject member.</p>	Pending
BCP-110	<ul style="list-style-type: none"> Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Complaint was initially assessed by the Monitoring officer and referred to the Chair for consideration in consultation.</p> <p>The Chair has determined that this complaint should be reported to Standards Committee on 17 January 2023 for a decision.</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
BCP-111	General complaint	Complaint initially assessed by the Monitoring Officer and determined to fall outside the scope of Code of Conduct as no particular Subject Councillor was identified	Closed
BCP-112	<ul style="list-style-type: none"> • Failing to treat others with respect • Failing to have regard to the Council's Code of Publicity. 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered again at a further meeting with the Chain in consultation.	Pending
BCP-113	<ul style="list-style-type: none"> • Failing to treat others with respect • Intimidating of attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered again at a further meeting with the Chain in consultation.	Pending
BCP-114	<ul style="list-style-type: none"> • Failing to treat others with respect • Intimidating of attempting to intimidate • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered again at a further meeting with the Chain in consultation.	Pending
BCP-115	<ul style="list-style-type: none"> • Failing to have regard to the 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	<p>Council's Code of Publicity.</p> <ul style="list-style-type: none"> Failing to declare the existence and nature of a personal interest 	again at a further meeting with the Chain in consultation.	
BCP-116	<ul style="list-style-type: none"> Failing to have regard to the Council's Code of Publicity 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered again at a further meeting with the Chain in consultation.	Pending
BCP-117	<ul style="list-style-type: none"> Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered again at a further meeting with the Chain in consultation.	Pending
BCP-118	<ul style="list-style-type: none"> Failing to treat others with respect Intimidating or attempting to intimidate Failing to have regard to the Council's Code of Publicity. 	Complaint reviewed by Monitoring Officer and by Chair following consultation. Complaint to be considered again at a further meeting with the Chain in consultation.	Pending
BCP-119	<ul style="list-style-type: none"> Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	The complaint was assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on 16 th January 2023. Subject Councillors views have been sought.	Pending
BCP-120	<ul style="list-style-type: none"> Bringing the office of Councillor or the Council into disrepute while 	Monitoring Officer undertook an initial assessment and determined that that matter complained	Closed.

Reference	Nature of allegation	Outcome / Decision	Status
	<p>acting in an official capacity</p> <ul style="list-style-type: none"> 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>of is historic, being more than 12 months old.</p>	
BCP-121	<ul style="list-style-type: none"> Behaviour complained of and clarity being sought on alleged breach 	<p>Monitoring Officer has initially assessed the complaint and requested further clarity from complainant</p>	Pending
BCP-122	<ul style="list-style-type: none"> Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>Referred to the Monitoring Officer for initial assessment</p>	Pending
BCP-123	<ul style="list-style-type: none"> Failing to treat others with respect Bullying any person Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	<p>The complaint assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on 16th January 2022. Subject Councillor's views have been sought.</p>	Pending
BCP-124	<ul style="list-style-type: none"> Nature of breach not clear 	<p>Monitoring Officer conducted an initial assessment and determined that there was no case to answer as the nature of the</p>	Closed

Reference	Nature of allegation	Outcome / Decision	Status
		breach had not been sufficiently set out in the complaint.	
BCP-125	<ul style="list-style-type: none"> • Failing to treat others with respect • Breaching the Council's equality laws • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	The complaint assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on 16 th January 2023 Subject Councillor's views have been sought.	Pending
BCP-126	<ul style="list-style-type: none"> • Failing to treat others with respect • Bullying any person • Bringing the office of Councillor or the Council into disrepute while acting in an official capacity 	The complaint assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on 16 th January 2023. Subject Councillor's views have been sought.	Pending

Summary of financial implications

10. There are no financial implications arising from this report.

Summary of legal implications

11. 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

12. 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

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

Summary of public health implications

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

Summary of equality implications

15. 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

16. 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.