

STANDARDS COMMITTEE



Report subject	Code of Conduct Complaints - Review
Meeting date	28 th February 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 January 2023. There has been a high number of complaints and this report demonstrates that efforts to process these are having an impact on the numbers that are now resolved.</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
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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:-

There is no breach of the Code and no further action should be taken; or

There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or

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 continue to be a large number of complaints. The regular and scheduled consultation meetings that have been set up has meant that it has possible to resolve many of these in a timelier manner.
9. Table 1

Reference	Nature of allegation	Outcome / Decision	Status
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 disadvantage for him or herself or anyone else 	<p>The complaint was initially assessed by the Monitoring Officer and was then to be referred to the Chair for consideration in consultation.</p> <p>Complainant advised. Subject Councillor to apologise in writing.</p>	<p>Determined on 16th January. Subject Councillor and</p> <p>Still waiting confirmation from subject Councillor that has/intends to apologise.</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 was initially assessed by the Monitoring Officer and was then considered by the Chair in consultation. The decision of the Chair was communication to the subject Councillor and to the Complainant.</p>	<p>Determined.</p> <p>Waiting for confirmation from the subject Councillor that intends to comply with sanction and make a formal apology.</p>
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 was initially assessed by the Monitoring Officer and referred to the 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 was communicated to the Subject Councillor and to the Complainant.</p>	<p>Determined.</p> <p>Waiting for confirmation from the subject Councillor that intends to comply with sanction and make a formal apology to standards.</p>

Reference	Nature of allegation	Outcome / Decision	Status
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>	Closed. Apology letter received and sent.
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 considered by the Monitoring officer and then referred to the Chair for consideration in consultation. Chair determined that the complaint be upheld and that the subject Councillor should make a formal apology.</p> <p>The decision of the Chair was communicated to the Complainant and to the Subject Councillor</p>	<p>Determined.</p> <p>Waiting for confirmation from the subject Councillor that intends to comply with sanction and make a formal apology.</p>
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. 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by the Chair in consultation on the 28th February 2023</p>	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 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
	acting in an official capacity	the Chair in consultation on the 28 th February 2023	
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 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by the Chair in consultation on the 28th February 2023</p>	Pending
BCP-115	<ul style="list-style-type: none"> Failing to have regard to the Council's Code of Publicity. Failing to declare the existence and nature of a personal interest 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by the Chair in consultation on the 28th February 2023</p>	Pending
BCP-116	<ul style="list-style-type: none"> Failing to have regard to the Council's Code of Publicity 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by the Chair in consultation on the 28th February 2023</p>	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 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by</p>	Pending

Reference	Nature of allegation	Outcome / Decision	Status
		the Chair in consultation on the 28 th February 2023	
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. 	<p>Complaint reviewed by Monitoring Officer and by Chair following consultation.</p> <p>Delay in considering this matter due to legal issues. Now to be determined by the Chair in consultation on the 28th February 2023</p>	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 	<p>The complaint was assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on.</p> <p>Complaint not upheld by the Chair. Complainant and Subject Councillor advised.</p>	Closed.
BCP-121	<ul style="list-style-type: none"> Act with integrity Treat all persons fairly and with respect Breach of Nolan principles. 	<p>Referred to monitoring officer for initial assessment. Subject councillor's response to complaint sought and obtained.</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. Further clarity required from complainant before matter can progress but complainant deceased.</p>	Closed
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 	<p>The complaint was assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on.</p> <p>Complaint not upheld by the Chair. Complainant</p>	Closed.

Reference	Nature of allegation	Outcome / Decision	Status
	acting in an official capacity	and Subject Councillor advised.	
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 was assessed by the Monitoring Officer and will be referred to the Chair for consideration in consultation on. Complaint not upheld by the Chair. Complainant and Subject Councillor advised.	Closed
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 was initially assessed by the Monitoring Officer and referred to the Chair for consideration in consultation. Chair determined part of the complaint upheld	Determined Waiting for confirmation from the subject Councillor that intends to comply with sanction and make a formal apology.
BCP 127	<ul style="list-style-type: none"> Bringing the office of Councillor or the Council into disrepute while acting in an official capacity Failing to treat others with respect 	The complaint was initially assessed by the Monitoring Officer. Referred to the subject Councillor for a response and will then be referred to the Chair for consideration in consultation.	Pending
BCP 128	<ul style="list-style-type: none"> Incorrect use of call-in for a planning application 	The complaint was initially assessed by the Monitoring Officer and referred to the Chair for consideration. Chair determined complaint not upheld. Subject Councillor and Complainant advised.	Closed

Reference	Nature of allegation	Outcome / Decision	Status
BCP 128A	<ul style="list-style-type: none"> Failure to respond to emails 	Referred to monitoring officer. Informal resolution agreed. Complainant to be advised.	Pending
BCP 130	<ul style="list-style-type: none"> Failure to treat others with respect 	Referred to monitoring officer. Informal resolution agreed. Complainant to be advised.	Pending
BCP 131	<ul style="list-style-type: none"> Failure to treat others with respect Intimidating or attempting to intimidate 	<p>The complaint was initially assessed by the Monitoring Officer and referred to the Chair for consideration in consultation. Chair determined complaint upheld.</p> <p>Subject Councillor and complainant advised of outcome.</p>	<p>Determined</p> <p>Subject matter to make an apology at Full Council. Complaint then to be closed.</p>
BCP 132	<ul style="list-style-type: none"> Misuse of public funds 	The complaint was assessed by the Monitoring officer and referred to independent complaint	To be considered by formal Standards Committee
BCP 133	<ul style="list-style-type: none"> Failure to treat others with respect 	Complaint referred to monitoring officer for initial assessment	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

There are no background papers

Appendices

There are no appendices to this report.