

STANDARDS COMMITTEE



Report subject	Annual Report on Code of Conduct Complaints
Meeting date	16 January 2024
Status	Public Report
Executive summary	<p>This report provides a summary of the complaints received and determined which were made against councillors for alleged breaches of the Code of Conduct.</p> <p>The Standards Committee has a duty to consider an annual report and to promote and maintain high standards of conduct.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the annual report on code of conduct complaints be reviewed and any areas for further work be identified for inclusion in the work programme.</p>
Reason for recommendations	To formally receive the annual report and allow the committee to identify areas for further development to promote high standards of conduct amongst councillors.
Portfolio Holder(s):	Not applicable
Corporate Director	Ian O'Donnell, Corporate Director for Resources
Report Authors	Richard Jones, Head of Democratic Services Janie Berry, Director of Law and Governance and Monitoring Officer
Wards	Not applicable
Classification	For Decision

Background

1. 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.
2. BCP Council, and all parish and town councils within the boundary of BCP Council, have 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'.
3. The Standards Committee is responsible for conducting an annual review of the complaints received.

Code of Conduct

4. In accordance with the provisions the Localism Act 2011 the council has an adopted a code of conduct. The code was most recently updated by the Council in November 2021.

Independent Persons

5. The Act also requires that the council appoint "at least one independent person" whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct. Their view may also be sought in dealing with allegations which have not been investigated and they may be asked to provide support to subject members who are the subject of an allegation.
6. The council has three independent persons, Paul Cashmore, Ian Sibley and Jonathan Storey. The monitoring officer is grateful for the time and commitment these independent members have given.

Arrangements

7. A revised standards procedure was approved by the council on 23 March 2021 permitting the Monitoring Officer to enter into early preliminary and informal dialogue with the parties concerned with a view to providing early mediation and resolution.
8. The introduction of this process has assisted in resolved appropriate complaint more speedily.

Register of interests

9. The council maintains a register of interests for councillors of BCP Council and these are published on the Council's web site. A periodic reminder is sent to all councillors to request that entries are checked for accuracy and for updates to be registered.

Standards complaints

10. This report covers the four-year period from 1 April to 31 March for 2019/20 to 2022/23. Complaints are classified to fall within each respective year using the concluded date to ensure that all complaints are captured.
11. Complaints concluded after 1 April 2023 or still pending a decision will be reported as early as possible in the 2023/24 Municipal Year.

Total number of complaints for period	2019/20	2020/21	2021/22	2022/23
Number of BCP complaints	17	19	34	61
Number of Parish and Town Council complaints	1	2	1	1

12. The number of complaints dealt with in 2021/22 was almost 80% higher than 2020/21 and double that of 2019/20. Unfortunately, the number of complaints in 2022/23 was again almost 80% higher on the previous year again and 3.6 times the number of complaints handled in 2019/20. This increase in complaint handling had a significant impact upon core services in Law and Governance.
13. The complaints against parish and town councillors remained low in 2022/23 and due to the low number of parish related complaints further analysis has not been undertaken at this level.
14. The following analysis and data tables are therefore based on the complaints made against BCP Councillors for 2019/20 to 2022/23.
15. Complaints received against BCP councillors are now categorised by type of complainant (e.g., public, councillor, officer and other). The table below shows the breakdown by each of these types.

Complainant Type	2019/20	2020/21	2021/22	2022/23
Public	14	16	29	57
Councillor	1	3	5	3
Officer	2	0	0	0
Other	0	0	0	1

16. Officers have further analysed complaints to identify the behavioural source of the complaints, the alleged breach criteria and the final outcome. The tables below provide a breakdown of these categories.

Behavioural source for complaint	2019/20	2020/21	2021/22	2022/23
Spoken word	5	2	2	10
Email	0	2	4	31
Social Media	6	6	18	4
Lack of response	2	0	3	1
Other	5	9	7	15

17. For clarity, the 'other' criteria referred to in the table includes typically non-behavioural actions, for example, decisions of the council as a whole, allegation of interest conflicts, matters arising from media articles and historic matters.
18. When making a complaint, complainants are requested to indicate which obligations of the Council's Code of Conduct they consider the subject councillor has breached. Complainants are permitted to identify more than one criteria. The following table provides a summary of the respective allegations made by complainants.

Alleged Code Breached	2019/20	2020/21	2021/22	2022/23
Failing to treat others with respect	9	9	26	25
Causing the Council to breach equality laws	2	2	3	4
Bullying any person	4	2	8	6

Alleged Code Breached	2019/20	2020/21	2021/22	2022/23
Intimidating or attempting to intimidate	6	3	9	7
Compromising or attempting to compromise the impartiality of those who work for or on behalf of the Council	2	2	5	4
Unlawfully disclosing confidential information or information believed to be of a confidential nature	0	1	0	0
Preventing a person from getting information that the person is entitled to by law	0	0	2	1
Bringing the office of Councillor or the Council into disrepute while acting in an official capacity	7	10	14	31
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	3	5	3	6
Using or authorising the use of the Councils resources not in accordance with the Councils requirements	0	0	0	1
Using or authorising the use of the Councils resources improperly for political purposes	1	0	0	1
Failing to have regard to the Councils Code of Publicity	2	2	2	9
Failing to have regard to the advice of the Monitoring Officer or Chief Finance Officer	0	0	2	1
Failing to declare the existence and nature of a personal interest	1	3	2	5
In respect of a prejudicial interest, failing to withdraw from the room or chamber; exercising executive functions; or seeking to improperly influence a decision	1	2	2	3
Failing, within 28 days, to register any new or changes to a personal interest in the register of Members interests	1	0	0	0

19. Finally, the following table provides details of the outcome of the complaints.

Complaint Outcome	2019/20	2020/21	2021/22	2022/23
Outside Jurisdiction	1	1	3	3
Dismissed - No Breach of Code	9	16	12	43
Monitoring Officer – Informal Resolution	-	-	14	2
Potential Breach - Informal Resolution	3	1	2	9
Independent Investigation - No Breach	4	1	1	0
Independent Investigation - Breach	0	0	1	2
Non-compliance – Report to Council	-	-	1	2

20. Whilst, a large proportion of complaints have resulted in no breach of the code being identified, any complaint received is the result of a perceived dissatisfaction by the complainant and has the potential to damage the reputation of the Council. Administering the complaints process is also a high resource activity and consequently every effort should be made to reduce complaints arising in the first instance. All councillors should be encouraged to play an active role and take responsibility for promoting and maintaining high standards of conduct.
21. On analysis of all complaints received, there was a notable shift from social media to email content being cited as the source of complaints with a lack of respect and bringing the office of councillor or the council into disrepute as the most common alleged breach.
22. Where a potential breach was found, the subject member was requested to apologise or provide an alternative appropriate remedy in the majority of cases. It should be noted that the Committee reported two instances of non-compliance to council in 2022/23. This procedure, which identifies the subject councillors, was introduced in an attempt to encourage compliance and to bring complaints to a close. The committee may wish to consider whether this approach is having the desired outcome.

Conclusion

23. This report provides information about the council's performance in relation to the code of conduct and the administration of complaints. The data in this report provides a useful four-year baseline for future annual reports.
24. However, the significant increase in complaints should be of concern to all councillors. If this trend continues, it is likely that additional resources will be required to administer and support the function.

Summary of financial implications

25. There are no financial implications arising directly from this report, however, the significant increase in complaint numbers is have a real impact on the ability to support other core services. If the trend continues it may be necessary to increase the establishment to administer complaints against councillors.

Summary of legal implications

26. The annual review report evidences that the council complies with the duties required under the Localism Act 2011.

Summary of human resources implications

27. There are no human resource implications arising from this report.

Summary of sustainability impact

28. There are no sustainability impact implications arising from this report.

Summary of public health implications

29. There are no public health implications arising from this report.

Summary of equality implications

30. This report provides statistical for complaints processed in accordance with agreed policy and procedures. Consequently, there are no equality implications arising from this report.

Summary of risk assessment

31. As mentioned previously, any complaint is the result of the complainant being dissatisfied with the actions or behaviours of councillors, which in turn can damage the reputation of the council. Whilst some complaints may be unavoidable, all councillors have a responsibility and duty to promote high standards of conduct. Every effort should be made to raise the awareness of all councillors by the committee.

Background papers

Records of complaints received by the Council between 1 April 2019 and 31 March 2023. 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.