

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 08 October 2024 at 6.00 pm

Present:-

Cllr V Ricketts – Chair

Cllr A Chapmanlaw – Vice-Chair

Present: Cllr S Armstrong, Cllr G Farquhar (In place of Cllr E Connolly),
Cllr R Maidment and Cllr B Nanovo

1. Apologies

Apologies were received from Cllr E Connolly and Cllr D Farr.

2. Substitute Members

Notification was received that Cllr G Farquhar was substituting for Cllr E Connolly for this meeting.

3. Election of Chair

The Vice-Chair took the chair to preside over this item and sought nominations for the election of Chair. A nomination was received and seconded for Cllr V Ricketts. No further nominations were received.

RESOLVED that Cllr V Ricketts be elected as Chair of the Standards Committee for the Municipal Year 2024/25.

4. Election of Vice Chair

The Chair sought nominations for the election of Vice Chair. A nomination was received and seconded for Cllr A Chapmanlaw. No further nominations were received.

RESOLVED that Cllr A Chapmanlaw be elected as Vice Chair of the Standards Committee for the Municipal Year 2024/25.

5. Declarations of Interests

There were no declarations of interest made under this item.

6. Confirmation of Minutes

The minutes of the meeting held on 16 April 2024 were confirmed as a correct record for the Chair to sign.

Voting: For – 5, Against – 0, Abstain – 1

Note: Cllr Farquhar requested that his abstention be recorded as he was a substitute member and had not been present at the April meeting.

7. Public Issues

The Committee was advised of the receipt of four public questions from Mr Alex McKinstry. Mr McKinstry was present to ask his questions and the Chair provided the responses.

Agenda Item 9 – Code of Conduct Complaints Review

Question 1.

Apropos the code of conduct complaints review: correspondence relating to one complaint has been sent to me (as complainant) marked "Private and confidential". This complaint was being dealt with at the "informal resolution" stage, and was upheld in part. Can you explain why such correspondence is being marked "Private and confidential" in relation to upheld complaints, given that there is no requirement for this in the Constitution; given the obvious conflict with Nolan Principles (i.e. openness and accountability); and given the iniquities which this can give rise to (e.g. unsuitable appointments to committees, or the spectacle of councillors transgressing in public, but apologising in private - which seems inimical to natural justice)?

Response:

The 'Private and Confidential' marker was included on the decision letter template used for many years. This issue has not previously been highlighted, however, since Mr McKinstry first raised this in response to the decision letter sent to him, this marker has been removed from all subsequent decision letters.

Question 2.

Of the complaints received in the present municipal year, I see that six have been partially upheld at informal resolution stage. A number of these contain some very alarming allegations. Complaint 180, for instance, includes allegations of bullying, misuse of Council resources, compromising the impartiality of an officer, and intimidating someone involved in an investigation. Can we be told which allegations were upheld in this particular complaint; and when the code of conduct is reviewed - as promised in the Committee's work plan - could this Committee consider *naming* subject councillors where allegations are not only proved, but particularly egregious?

Response:

Thank you for your question and the suggestion to include within the review report details of which allegations were upheld would be useful and will be included in future releases of the report. In relation to complaint BCP-180, the subject councillor was found to have breached the following obligations of the Councillor Code of Conduct, namely:

- 1.1 To treat other councillors and members of the public with respect.

- 1.2 To treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.
- 2.1 To not bully any person.
- 3.1 To not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.
- 8.3 To not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

As detailed within the Committee's work programme (agenda item 13) the Committee is seeking to review the Code of Conduct Complaints procedure and as part of this the issue as to whether or not details should be placed in the public domain will be considered.

Agenda item 14 – Consideration of reports into Complaints 160, 169 and 171

Question 1.

With regard to Complaints 160, 169 and 171, which date back 8-11 months: can we be told when the investigator was engaged in each of these complaints, and when the completed reports were received? Can we also be told how much the Council was charged for each report, and whether those sums were inclusive or exclusive of VAT? (VAT number for Weightmans LLP, if it helps at all = GB 974 82 57 69.)

Response:

The complaints referred to were referred for investigation during April 2024 following an initial review by the Chair, committee members and the independent persons. It was necessary to seek additional supporting information from some of the respective complainants. The final reports were received by the Monitoring Officer on 20 August 2024.

The total cost charged (exclusive of VAT) in respect of each complaint referred to is as follows:-

BCP-160 -	£1,949.00
BCP-169 -	£2,442.00
BCP-171 -	£1,827.50
Total	£6,218.50

Question 2.

Finally, once the Committee has considered Complaints 160, 169 and 171 this evening, almost certainly in exempt session, will the public be readmitted to the meeting and the livestream resumed, so that the Committee's findings might immediately be made public?

Response:

Yes, the Committee will return to public session to give its determination.

8. Annual Report on Code of Conduct Complaints

The Deputy Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The report provided a summary of the complaints received and determined made against councillors for alleged breaches of the Code of Conduct. The report provided a breakdown of the behaviour sources for complaints, the obligations under the Code allegedly breached and the final outcomes, including non-compliance with a Code determination. It was noted that the relatively low number of complaints for 2023/24 coincided with a large intake of new councillors following the Council elections in May 2023 and that numbers had now risen. The administration of the complaints process was highlighted as being particularly resource intensive. The report also provided an update on the independent persons whose role in the complaints process was acknowledged with gratitude.

Members commented on the process for reporting non-compliance to Full Council and it was noted that in future this would involve the names of councillors being publicly disclosed. The Monitoring Officer indicated that members may wish to consider adding to the Committee's forward plan a more detailed annual report to refer to Council alongside the annual report of the Audit and Governance Committee. It was noted that other issues raised by members could be included in the Committee's forthcoming review of the Code of Conduct complaints procedure. The Chair agreed that the complaints process was onerous for Committee Members, Independent Persons and Officers. She thanked the Monitoring Officer and Deputy Monitoring Officer for their work.

RESOLVED that having reviewed the annual report on Code of Conduct complaints and discussed areas for further work for inclusion in the work programme in accordance with the report's recommendation, the report be accepted.

Voting: Unanimous

9. Code of Conduct Complaints - Review

The Deputy Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The report provided an update on complaints regarding alleged breaches of the Code of Conduct against councillors received or concluded since the last report in April 2024. The report covered a longer period and therefore more complaints than usual, there being no meeting in July due to the pre-

election period. As much as possible the report provided 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. It was noted that the reference to the date received reference did not always equate to the date the assessment process started as there was often a need to clarify or request further details first.

The Committee was asked to consider what action to take in respect of three unresolved complaints where subject councillors had not complied with the determination of the Chair following the informal resolution process. Details of each of these complaints were set out in the report together with the options available to members. With regard to Code of Conduct Complaints 170 and 176, where subject councillors had refused to comply with the sanction imposed, the Committee agreed that the course of action recommended, to present a report to full Council highlighting non-compliance was the most appropriate option in both cases. With regard to Code of Conduct Complaint 177, the Committee agreed with the recommendation to refer the matter back to the Chair, committee members and independent persons, to enable them to review the further correspondence received before reconsidering the options available.

The independent persons expressed their appreciation of the work of the Monitoring Officer and Deputy Monitoring Officer and endorsed the intention to name councillors who were non-compliant and include the costs involved.

RESOLVED that:

- (a) the outcome of concluded complaints and the progress of those still outstanding be noted;**
- (b) the position of non-compliance be reported to full Council in relation to the unresolved Code of Conduct Complaints 170 and 176;**
- (c) the unresolved Code of Conduct Complaint 177 be referred back to the Chair in consultation with Committee Members and Independent Persons for further consideration.**

Voting: Unanimous

10. Guidance to Councillors and Officers who are appointed to Outside Bodies

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

The Guidance to Councillors and Officers who are appointed to Outside Bodies attached at Appendix 1 had been considered by Cabinet on 2 October 2024 as part of a wider report. The guidance was intended as a supporting document to fill any gaps in the Council's Constitution around ethical governance in relation to such appointments and was recommended to Council on 15 October 2024 for inclusion in Part 6 the Constitution. Due to the content of some of the guidance the Monitoring Officer had requested that the document be submitted to the Standards Committee for information.

The Committee welcomed the clarity which the guidance and associated training would provide to councillors appointed to outside bodies. Members supported the proactive approach in identifying and addressing areas where this type of guidance was missing. In response to a question, the Monitoring Officer explained that the guidance should enable councillors and officers to make an informed choice when considering whether to accept appointments. The guidance would be uploaded to the Councillors portal for ease of reference and kept updated. The Committee may also wish to refer to the guidance when reviewing the mandatory training programme for councillors, a future item on the forward plan.

RESOLVED that the report and the proposed Guidance at Appendix 1 to be considered by Council on 15 October 2024, for inclusion in the Council's Constitution as recommended by Cabinet on 2 October 2024, be noted.

Voting: Unanimous

11. Dispensations granted by the Monitoring Officer

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

The report provided details retrospectively of the dispensations granted by the Monitoring Officer for the time period 1 April 2024 to 30 September 2024.

The Monitoring Officer sought the Committee's views on her 'minded to' decision to grant a dispensation to all councillors to enable a full and open debate and vote on the Community Governance Review at the Council meeting on 15 October 2024. Members agreed that this would allow those councillors who were also town and/or parish councillors to be able to contribute freely at the meeting.

RESOLVED that:

- (a) the dispensations granted by the Monitoring Officer during the period 1 April 2024 to 30 September 2024 be noted;**
- (b) the Monitoring Officer's 'minded to' decision to grant a dispensation to all councillors to participate and vote on the**

Community Governance Review at Council on 15 October 2024 be supported.

Voting: Unanimous

12. Briefing Session from Simon Goacher, Weightmans

The Committee received a presentation from Simon Goacher, Partner, Weightmans LLP, a copy of which had been circulated to each Member and subsequently published on the Council's website and a copy of which appears as Appendix 'E' to these Minutes in the Minute Book.

The presentation provided guidance to elected members on the code of conduct and social media, including the following areas:

- Reasons why social media is a common source of complaints
- Relevant parts of and potential parts of the Code
- When does / doesn't the Code apply
- Local Government Association (LGA) guidance with accompanying case studies
- Human Rights issues in relation to social media and the Code with accompanying case studies
- Key learning points and useful resources

The Chair thanked Mr Goacher for his presentation and for highlighting the useful social media guides produced by the LGA. Mr Goacher was asked about the issue of councillors hiding their identity on social media accounts. It was noted that there had been a few investigations but that it was often a difficult matter to prove. If posting in relation to council business, the Code would likely apply and hiding one's identity could potentially be deemed an aggravating factor.

Committee members discussed how beneficial it was to include case studies in social media training, as a way of helping councillors to relate more easily to particular scenarios and reflect on behaviours. It was suggested that such case studies could be included on the complaints section of the Council's website for the benefit of members of the public.

Members also spoke in support of the more robust sanctions available under the local government standards regime in Wales.

13. Forward Plan

The Committee considered a draft copy of its Forward Plan, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'F' to these Minutes in the Minute Book.

The Committee was asked to note the items listed on the Forward Plan for consideration at future meetings. Members were also invited to propose

additional items for inclusion and consider whether any additional meetings were required.

The Committee supported the Monitoring Officer's suggestion of adding a Standards Committee Annual Report to Council and a Review of the Councillors Induction Programme to the Forward Plan. Subject to the Community Governance Review being approved by Council on 15 October 2024, Members also agreed to the Monitoring Officer's suggestion of including an item on a communications strategy on standards with the town and parish councils (to be scheduled from October 2025).

The Committee supported the Chair's suggestions to expedite the Review of the Code of Conduct Complaints Procedure and arrange a special meeting for this item if required and to prioritise the Review of the Officer Member Protocol when agreeing agenda items for the scheduled meeting dates.

14. Consideration of a Report in Respect of Code of Conduct complaint BCP-160, BCP-169 and BCP-171

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'G' to these Minutes in the Minute Book.

The report provided the Committee with the conclusions of the investigations following a complaint made about a Councillor of BCP Council under reference BCP-160, BCP 169 and BCP 171. The report summarised the nature of each complaint, the process followed and the options available. The investigator's draft reports were attached at Exempt Appendix 1, 2 and 3. The outcomes of the investigator concluded that in respect of all three complaints there were insufficient grounds to uphold the complaints.

The investigator was in attendance and available to answer any questions as required to assist the Committee in making its final determination in each case.

15. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

16. Consideration of reports in respect of Code of Conduct complaints BCP-160, BCP-169 and BCP-171

The Investigator presented his reports as attached at Exempt Appendix 1, 2 and 3. He outlined the methodology and evidence considered in each case

and explained the reasons for his findings. The report had been shared with the subject councillor and the complainant in each case and their responses considered. In each case the Investigator had concluded that there was no evidence that the subject councillor had breached the Code of Conduct.

The Investigator responded to questions and comments from the Committee on his reports. Members proceeded to consider whether or not to accept the findings of the independent investigator in each case – that the subject councillor did not breach the Council's Code of Conduct and that no further action be taken.

During the discussion Members agreed that it would be helpful in all decision letters, including those where no breach of the Code had occurred, to invite subject councillors to contact the Chair, Monitoring Officer or Deputy Monitoring should they wish to seek any individual guidance.

The meeting resumed in public session.

RESOLVED that:

- (a) BCP-160 the findings of the independent investigator that the subject councillor did not breach the Council's Code of Conduct is accepted and no further action be taken;**
- (b) BCP-169 the findings of the independent investigator that the subject councillor did not breach the Council's Code of Conduct is accepted and no further action be taken;**
- (c) BCP-171 the findings of the independent investigator that the subject councillor did not breach the Council's Code of Conduct is accepted and no further action be taken.**

Voting: Unanimous for each resolution.

The meeting ended at 8.16 pm

CHAIR