

Report subject	Non-compliance with Standards Complaints Process - Determination
Meeting date	10 December 2024
Status	Public Report
Executive summary	This report is for information and provides the Council with details of a complaint where the subject councillor has failed to comply with a determination requesting that an apology be made following the informal resolution stage of the complaints process.
Recommendations	It is RECOMMENDED that the report be noted.
Reason for recommendations	This report has been prepared following a decision made by Standards Committee on 8 October 2024 to report member non-compliance in relation to the Code of Conduct complaint detailed in the body of this report.
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Janie Berry, Director of Law and Governance and Monitoring Officer Richard Jones, Head of Democratic Services and Deputy Monitoring Officer
Wards	Not applicable
Classification	For Information

Background

1. The Council has 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 as well as those of parish and town councils within the boundary of BCP Council.

2. 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. These arrangements are published in the Constitution, Part 6 (Codes and Protocols).
3. In summary, these arrangements establish a tiered approach for the consideration of complaints as follows:-
 - a. the Monitoring Officer to undertake an initial assessment, and where appropriate resolve the complaint by way of rejection, dismissal, or seek to secure informal resolution.
 - b. referral of the complaint to the Chair of the Standards Committee to consider in consultation with the standards committee members, independent persons and the Monitoring Officer. The Chair may dismiss the complaint, conclude that a potential breach of the Code has occurred and seek an informal resolution or refer the complaint for independent investigation.

Code of Conduct Complaint 170

4. Code of Conduct complaint 170 is a complaint made by a Councillor about Councillor Butt's conduct. The complaint was determined by the Chair in Consultation at an informal consultation meeting on 27 March 2024. The complaint was upheld in relation to a potential breach of the Code for failing to treat others with respect. The appropriate remedy was deemed to be a letter of apology and that Councillor Butt should attend training on the use of social media. Councillor Butt was informed of the outcome of the Chair's determination in a letter dated and sent by email on 8 April 2024. She was asked to provide her letter of apology within 14 days.
5. On 21 May 2024 a further email was sent to Councillor Butt inviting her to comply with the remedies imposed in relation to this complaint.
6. In response to the follow-up email, the subject Councillor advised that they did not agree with the decision and that they would not be complying. The Chair of Standards was advised of the subject Councillor's response on 7 June 2024.
7. The failure to comply with the sanctions imposed was reported to the Standards Committee on 8 October 2024 at which it was resolved to report the non-compliance to Council. At the time of writing this report compliance with the sanctions remained outstanding.

Summary of financial implications

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

Summary of legal implications

9. 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 and these are set out in part 6 of the Constitution. Paragraph 8.2 of Part 6 requires a Councillor to cooperate with any Code of Conduct investigation and/or determination.

Summary of human resources implications

10. There are no direct manpower implications arising from this report, however, it is worth noting that the handling and processing of complaints is resource intensive. A high volume of complaints could require the need for additional resources.

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

13. This report is for information only reporting on the outcome of councillor non-compliance following a determination of a potential breach of the Code of Conduct. 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 not to discriminate unlawfully against any person. Equality implications are considered as an integral part of the complaints process.

Summary of risk assessment

14. There are no direct risks associated with this report.

Background papers

None

Appendices

There are no appendices to this report.