

# STANDARDS COMMITTEE



Report subject	<b>Code of Conduct Complaints - Review</b>
Meeting date	12 February 2025
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 October 2024.</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><b>It is RECOMMENDED that:</b></p> <p><b>the outcome of concluded complaints and the progress of those still outstanding be noted.</b></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, 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 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.

## Analysis

2. Details of allegations/complaints in relation to the Code of Conduct are outlined in the table set out in paragraph 8 to this report. Cases which were shown as closed in the previous report have been removed from this report.
3. 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;
  - (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; or
  - (d) refer the complaint to the Chair of Standards Committee for consideration.
4. 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. As agreed at the last meeting, where a councillor is found to have potential breached the Code, the table includes reference to those categories which were upheld.
7. 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. Table 1

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-160 14/12/2023	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The independent investigator's report and recommendation was presented to the last meeting.</p> <p>The recommendations were supported. The complaint was dismissed. There was no evidence to demonstrate the Code had been breached.</p>	Closed 08/10/2024

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-169 21/02/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Failure to promote equalities</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The independent investigator's report and recommendation was presented to the last meeting.</p> <p>The recommendations were supported. The complaint was dismissed. There was no evidence to demonstrate the Code had been breached.</p>	Closed 08/10/2024
BCP-170 22/02/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect (Upheld)</li> <li>• Bullying or harassing a person (Dismissed)</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint was partially upheld.</p> <p>Subject councillor advised of outcome and requested to apologise to complainant and attend social media training.</p> <p>The subject councillor failed to comply with the decision of the Chair and a non-compliance report was presented to council on first notified on 15/10/2024.</p>	Closed 15/10/2024

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-171 05/03/2024	<ul style="list-style-type: none"> <li>• Harassing a person</li> <li>• Failure to promote equalities</li> <li>• Improper use of information</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> </ul>	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The independent investigator's report and recommendation was presented to the last meeting.</p> <p>The recommendations were supported. The complaint was dismissed. There was no evidence to demonstrate the Code had been breached.</p>	Closed 08/10/2024
BCP-172 22/03/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> </ul>	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>Independent Investigator final report received and to be presented to the next meeting of the Committee.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-176 03/04/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect (Upheld)</li> <li>• Bringing the office of Councillor or the Council into disrepute (Dismissed)</li> </ul>	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the complaint was partially upheld.</p> <p>Subject councillor advised of outcome and requested to apologise to complainant.</p> <p>The subject councillor had failed to comply with the decision of the Chair and it was agreed that non-compliance be reported to Council.</p> <p>Prior to the agenda for Council, the subject councillor provided the apology complying with the remedy and the complainant was advised accordingly.</p>	Closed 02/12/2024
BCP-177 04/04/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> </ul>	<p>Referred to Monitoring officer for initial assessment.</p> <p>Following consultation with committee members and independent persons, the Chair requested the subject councillor to furnish additional information.</p> <p>The Chair is waiting for the additional information first requested on 03/06/2024.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-186 22/05/2024	<ul style="list-style-type: none"> <li>Failure to promote equalities</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint was referred to an independent investigator to review.</p> <p>Independent Investigator final report received and to be presented to the next meeting of the Committee.</p>	Pending
BCP-190 08/07/2024	<ul style="list-style-type: none"> <li>Failure to treat others with respect (Upheld)</li> <li>Bullying or harassing a person (Dismissed)</li> <li>Failure to promote equalities (Dismissed)</li> <li>Bringing the office of Councillor or the Council into disrepute (Upheld)</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint was partially upheld.</p> <p>Subject councillor advised of outcome and requested to apologise to complainant.</p> <p>Subject councillor has provided an apology to the complainant.</p>	Closed 30/01/2025
BCP-192 15/07/2024	<ul style="list-style-type: none"> <li>Failure to promote equalities</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-193 25/07/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> <li>• Misuse of Council resources</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending
BCP-194 20/06/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p> <p>The complaint has been withdrawn by the complainant.</p>	Closed 18/10/2024
BCP-195 15/08/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending



Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-196 30/09/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Failure to promote equalities</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> </ul>	<p>Complainant requested anonymity but provided no evidence to support request.</p> <p>Two months was permitted for the provision of supporting evidence.</p>	Closed 02/12/2024
BCP-197 15/11/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Failure to promote equalities</li> <li>• Compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the local authority</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Failure to comply with the requirements of the Code of Conduct</li> </ul>	<p>Complainant requested anonymity but provided no evidence to support request.</p> <p>Two months was permitted for the provision of supporting evidence.</p>	Closed 16/01/2025

Reference (Received)	Nature of allegation	Outcome / Decision	Status
BCP-198 06/01/2025	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the local authority</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> <li>• Failure to disclose interests</li> </ul>	Initially assessed by the Monitoring Officer and subject councillor requested to respond to complaint.	Pending
<b>Town and Parish Council Complaints</b>			
TPC-013 30/04/2024	<ul style="list-style-type: none"> <li>• Bullying or harassing a person</li> <li>• Failure to promote equalities</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

Reference (Received)	Nature of allegation	Outcome / Decision	Status
TPC-014 03/05/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Failure to promote equalities</li> <li>• Compromise impartiality of anyone who works for the local authority</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> <li>• Failure to undertake code of conduct training</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending
TPC-021 02/01/2025	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> </ul>	<p>Complaint was previously submitted but supporting evidence was not forthcoming within the time permitted. The complaint was closed as incomplete. Supporting evidence has subsequently been provided and the complaint re-opened. Awaiting subject councillor to respond to allegations.</p>	Pending
TPC-022 08/07/2024	<ul style="list-style-type: none"> <li>• Failure to treat others with respect</li> <li>• Bullying or harassing a person</li> <li>• Bringing the office of Councillor or the Council into disrepute</li> <li>• Using or attempting to use the position as a Councillor improperly to confer advantage</li> </ul>	<p>Initially assessed by the Monitoring Officer and referred to Chair of Committee.</p> <p>Following consultation with committee members and independent persons, the complaint has been referred to an independent investigator to review.</p>	Pending

## **Options**

9. Despite there being a robust Code and process for considering complaints that are brought under it, a small number of complaints have remained unresolved as a result of Councillors not accepting a determination made at the informal resolution stage. This undermines the role and standing of the Standards Committee.
10. The Committee must determine what course of action should now be taken to conclude the matters set out above. It is of note that there is no provision within the Constitution for an appeal against a determination made at the informal resolution stage of a complaint. The principles of natural justice require however that if new evidence is presented, it may well be just, reasonable and proportionate to review the determination made or to consider progressing the matter to formal investigation.

## **Summary of financial implications**

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

## **Summary of legal implications**

12. 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**

13. 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**

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

## **Summary of public health implications**

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

## **Summary of equality implications**

16. This report is reporting on the outcome of complaints made against councillors for alleged breaches of the Councillor's Code of Conduct and consequently 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**

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

**Background papers**

Records of complaints received by the Council under the references referred to in Table 1. 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.