

STANDARDS COMMITTEE



Report subject	Consideration of a Report in Respect of Code of Conduct complaints BCP 172, BCP 186, BCP 192 and BCP 195
Meeting date	29 April 2025
Status	Public Report with Exempt Appendices
Executive summary	<p>This report provides the Standards Committee with the conclusions of the investigations following complaints made about a Councillor of BCP Council under references BCP 172, BCP 186, BCP 192 and BCP 195. The Investigator's Reports are attached at Exempt Appendices 1, 2, 3 and 4. The Investigator concludes that in respect of both complaints, there has not been a failure to comply with the Code of Conduct.</p> <p>The Committee is asked to consider this report of the Monitoring Officer and the Investigator's reports.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> a) BCP 172 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 186 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 192 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; d) BCP 195 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.
Reason for recommendations	<p>The investigations were conducted by an experienced independent investigator who undertook interviews with the complainants and the subject councillor before reaching a conclusion. The conclusions are based upon the current legal framework which sets out the parameters within which the councillors are subject to a Code of Conduct.</p>

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Janie Berry, Director of Law & Governance and Monitoring Officer Richard Jones, Head of Democratic Services and Deputy Monitoring Officer
Wards	Not applicable
Classification	For Decision

Background

1. The Council is required by the Localism Act 2011 to have in place a Code of Conduct for Councillors as well as a process for dealing with complaints under the Code. BCP Council has adopted the Local Government Association's model code of conduct, which has at its heart the Seven Nolan Principles of Public Life (also known as the "Nolan Principles").
2. The Code demonstrates that the Council is committed to upholding the highest standards of conduct by its elected councillors. It also protects the public, fellow councillors and local authority officers and the reputation of local government.

BCP 172

3. On 22 March 2024, the Council received a complaint from the complainant alleging that the Subject BCP Councillor failed to comply with the Code when the subject councillor made an allegedly ill informed, crass and insensitive comment during a public meeting. The complainant alleged that the breach of the Code of Conduct had been breached as follows:
 - 1.1 *I treat other councillors and members of the public with respect;*
 - 1.2 *I 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*
 - 5.1 *I do not bring my role or local authority into disrepute*
 - 6.1 *I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.*
4. Following consideration of the complaint by the Chair of the Standards Committee in consultation with the Independent Persons and the Members of the Standards Committee, it was agreed that due to the nature of the allegations, that an independent investigation should be undertaken. The Monitoring Officer appointed Simon Goacher, Head of Local Government at Weightmans to undertake the independent investigation.

Outcome of the Investigation Report

5. The methodology and the evidence considered are set out within the investigator's report attached at Appendix 1
6. The report finds that the Code of Conduct has not been breached
7. A copy of the investigator's draft report was shared with both the complainant and the subject BCP Councillor and their responses are included in full at paragraphs 75-76 of the report.

BCP 186

8. On 22 May 2024, the Council received a complaint from the complainant alleging that the Subject BCP Councillor failed to comply with the Code when the subject councillor made a public speech allegedly to be "very anti-semitic". The complainant alleged that the Code of Conduct had been breached as follows:

2.3 I promote equalities and do not discriminate unlawfully against any person

9. Following consideration of the complaint by the Chair of the Standards Committee in consultation with the Independent Persons and the Members of the Standards Committee, it was agreed that due to the nature of the allegations, that an independent investigation should be undertaken. The Monitoring Officer appointed Simon Goacher, Head of Local Government at Weightmans to undertake the independent investigation.

Outcome of the Investigation Report

10. The methodology and the evidence considered are set out within the investigator's report attached at Appendix 2.
11. The report finds that the Code of Conduct has not been breached
12. A copy of the investigator's draft report was shared with both the complainant and the subject BCP Councillor and their responses are included in full at paragraphs 60-61 of the report.

BCP 192

13. On 15 July 2024, the Council received a complaint from the complainant alleging that the Subject BCP Councillor failed to comply with the Code when the subject councillor made a public speech relating to the Council's twinned relationship with Netanya and some comments were deemed to have negative implications. The complainant alleged that the Code of Conduct had been breached as follows

2.3 I promote equalities and do not discriminate unlawfully against any person

14. Following consideration of the complaint by the Chair of the Standards Committee in consultation with the Independent Persons and the Members of the Standards Committee, it was agreed that due to the nature of the allegations, that an independent investigation should be undertaken. The Monitoring Officer appointed Simon Goacher, Head of Local Government at Weightmans to undertake the independent investigation.

Outcome of the Investigation Report

15. The methodology and the evidence considered are set out within the investigator's report attached at Appendix 3
16. The report finds that the Code of Conduct has not been breached
17. A copy of the investigator's draft report was shared with both the complainant and the subject BCP Councillor and their responses are included in full at paragraphs 55-58 of the report.

BCP 195

18. On 15 August 2024, the Council received a complaint from the complainant alleging that the Subject BCP Councillor had harassed the complainant on social media for several months. The complainant alleged that the Code of Conduct had been breached as follows
 - 1.1 *I treat councillors and members of the public with respect*
 - 2.1 *I do not bully any person*
 - 5.1 *I do not bring my role or local authority into disrepute*
 - 6.1 *I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else*
19. Following consideration of the complaint by the Chair of the Standards Committee in consultation with the Independent Persons and the Members of the Standards Committee, it was agreed that due to the nature of the allegations, that an independent investigation should be undertaken. The Monitoring Officer appointed Simon Goacher, Head of Local Government at Weightmans to undertake the independent investigation.

Outcome of the Investigation Report

20. The methodology and the evidence considered are set out within the investigator's report attached at Appendix 4.
21. The report finds that the Code of Conduct has not been breached
22. A copy of the investigator's draft report was shared with both the complainant and the subject BCP Councillor and their responses are included in full at paragraphs 71-79 of the report.

Options Appraisal

23. The Committee may, following consideration, decide not to accept the recommendations of the independent investigator.

Summary of financial implications

24. There are no financial implications arising from the recommendation that the Committee formally accept the conclusions of the investigator in relation to these complaints.

Summary of legal implications

25. The detailed legal basis for the investigations and reasons for the findings of the investigator are set out in the reports.
26. The Committee is recommended to accept the findings of the independent investigator.

Summary of human resources implications

27. There are no human resources implications arising from the recommended course of action.

Summary of sustainability impact

28. There are no sustainability impacts arising from the recommended course of action.

Summary of public health implications

29. There are no public health implications arising from the recommended course of action.

Summary of equality implications

30. The report provides the Committee with details and recommendations arising from an independent investigation. The independent investigator has to comply with the Council's Equality duties when conducting the investigation.

Summary of risk assessment

31. The Council has to act in accordance with the legal framework that exists, and the powers the Council has through its Standards Committee relating to conduct undertaken by councillors when acting in that capacity. Other regulatory regimes may come into play should they be appropriate where councillors are acting in their private capacity. The risk of not following recommendations is that the Council will be acting contrary to a clear recommendation of an independent investigator who has assessed the evidence and contrary to legal advice received.

Background papers

BCP Council Constitution

BCP Councillor Code of Conduct and Procedures for managing a Code of Conduct complaint

Exempt under paragraphs 1 and 2 – Evidence pack prepared by the Independent Investigator

Appendices

Appendix 1: BCP 172 – Exempt Report of the Independent Investigator – Paragraphs 1 and 2

Appendix 2: BCP 186 – Exempt Report of the Independent Investigator – Paragraphs 1 and 2

Appendix 3: BCP 192 – Exempt Report of the Independent Investigator – Paragraphs 1 and 2

Appendix 4: BCP 195 – Exempt Report of the Independent Investigator – Paragraphs 1 and 2