

# STANDARDS COMMITTEE



Report subject	<b>Consideration of a Report in Respect of Code of Conduct complaints TPC-013 and TPC-014</b>
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 Christchurch Town Council under references TPC-013 and TPC-014. The Investigator's reports are attached at exempt appendices 1 and 2. The Investigator concludes that in respect of both complaints, there has been a failure to comply with the Code of Conduct.</p> <p>The Committee is asked to consider this report of the Deputy Monitoring Officer and the Investigator's reports and, if supported, determine appropriate remedies.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>(a) in relation to complaint TPC-013, the findings of the independent investigator, that the subject councillor did breach, in part, the Christchurch Town Council Code of Conduct be accepted and the committee determine what remedies or sanctions should be applied;</b></p> <p><b>(b) in relation to complaint TPC-014, the findings of the independent investigator, that the subject councillor did breach the Christchurch Town Council Code of Conduct be accepted and the committee determine what remedies or sanctions should be applied.</b></p>
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	Richard Jones, Head of Democratic Services and Deputy Monitoring Officer
Wards	Not applicable
Classification	For Decision

## Background

1. All local authorities, including parish and town councils, are required by the Localism Act 2011 to have in place a Code of Conduct for councillors, and BCP Council is also required to have an adopted process for dealing with complaints under the Code. This report relates to complaints against a councillor of Christchurch Town Council. The Town 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"), although at the time of the complaints referred to in this report, a local Code was in place.
2. The Code demonstrates that the Christchurch Town 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.

## TPC-013

3. On 30 April 2024, the Council received a complaint from the complainant alleging that the Subject Christchurch Town Councillor failed to comply with the Code when the subject councillor made, what were considered to be, unacceptable, hurtful and misogynistic comments in an email exchange. The complainant alleged that the Code of Conduct had been breached as follows:
  1. *He/she shall behave in such a way that a reasonable person would regard as respectful.*
  2. *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*
  3. *He/she shall not seek to improperly confer an advantage or disadvantage on any person.*
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 Deputy 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 there has been a failure on the part of the subject councillor to comply with the Code of Conduct in respect of paragraph 1 of the Code referred to

above in paragraph 3, the reasons for which are set out in detail within the investigator's report.

7. The investigator considers the breach to be a minor breach and that an apology would be an appropriate remedy.
8. A copy of the investigator's draft report was shared with both the complainant and the subject Councillor and their responses are included in full at paragraphs 68-70 of the report.

#### Remedy

9. The Committee is asked to consider the investigator's report and to determine whether to uphold the decision and if so, what remedies should be applied.

### **TPC-014**

10. On 3 May 2024, the Council received a complaint from the complainant alleging that the Subject Christchurch Town Councillor failed to comply with the Code when the subject councillor made unacceptable comments in emails to the complainant and on social media. The complainant alleged that the Code of Conduct had been breached as follows:

1. *He/she shall behave in such a way that a reasonable person would regard as respectful.*
2. *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*

11. Following consideration of the complaint by the Vice-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 Deputy Monitoring Officer appointed Simon Goacher, Head of Local Government at Weightmans to undertake the independent investigation.

#### Outcome of the Investigation Report

12. The methodology and the evidence considered are set out within the investigator's report attached at Appendix 2.
13. The report finds that there has been a failure on the part of the subject councillor to comply with the Code of Conduct in respect of both paragraphs 1 and 2 of the Code referred to above in paragraph 10, the reasons for which are set out in detail within the investigator's report.
14. A copy of the investigator's draft report was shared with both the complainant and the subject Councillor and their responses are included in full at paragraphs 179-184 of the report.

#### Remedy

15. The Committee is asked to consider the investigator's report and to determine whether to uphold the decision and if so, what remedies should be applied.

### **Options Appraisal**

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

### **Summary of financial implications**

17. There are no financial implications arising from the report, however, if the committee determine to apply certain remedies or sanctions there may be associated costs.

### **Summary of legal implications**

18. The detailed legal basis for the investigations and reasons for the findings of the investigator are set out in the reports.
19. The Committee is recommended to consider the findings of the independent investigator.

### **Summary of human resources implications**

20. There are no human resources implications arising from the report.

### **Summary of sustainability impact**

21. There are no sustainability impacts arising from the report.

### **Summary of public health implications**

22. There are no public health implications arising from the report.

### **Summary of equality implications**

23. 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**

24. The Council must 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: TPC-013 – Exempt Report of the Independent Investigator – Paragraphs 1 and 2

Appendix 2: TPC-014 – Exempt Report of the Independent Investigator – Paragraphs 1 and 2