

STANDARDS COMMITTEE



Report subject	Consideration of a Report in Respect of Code of Conduct complaint BCP 193
Meeting date	29 April 2025
Status	Public Report with Exempt Appendix
Executive summary	<p>This report provides the Standards Committee with the Conclusion of the investigation following a complaint made about a Councillor of BCP Council under reference BCP 193. The investigator's report is attached at Exempt Appendix 1. The investigator concludes that there has not been a breach of the Code of Conduct.</p> <p>The Committee is asked to consider this report of the Monitoring Officer and the Investigator's report.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>a) BCP 193 the findings of the independent investigator that the subject BCP Councillor did not breach the Council's Code of Conduct is accepted and no further action be taken.</p>
Reason for recommendations	The investigation was conducted by an experienced independent investigator who undertook interviews with the complainant and the subject councillor before reaching a conclusion. The conclusions are based on the current legal framework which sets out the parameters within which the councillors are subject to a Code of Conduct.
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Janie Berry, Director of Law and Governance and 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 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.

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3. On 25 July 2024, the Council received a complaint from the complainant alleging that the Subject BCP Councillor failed to comply with the Code as a result of an email circulated to BCP Councillors, the content of which the complainant objected to and subsequent events that arose from that. The complainant considered that the subject councillor had breached the following provisions in the BCP Council Code of Conduct:
 - 1.1 *I treat other councillors and members of the public with respect.*
 - 2.1 *I do not bully any person*
 - 2.2 *I do not harass any person*
 - 5.1 *I do not bring my role or authority into disrepute*
 - 7.1 *I do not misuse council resources*
 - 7.2 *I will, when using the resources of the local authority or authorising their use by others:*
 - a) *act in accordance with the local authority's requirements; and*
 - b) *ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.*
4. Following consideration of the complaint by the Chair of Standards Committee in consultation with the Independent Persons and 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 evidence considered are set out within the investigator's report, attached at Appendix 1.
6. The report finds that there was no evidence that the Code had 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 95-99 of the report.

Options Appraisal

8. The Standards Committee is asked to consider the final report prepared by Mr Goacher at its meeting and the recommendation to accept the findings. However, the Committee may make alternative findings and or determination as it sees fit based on the report and evidence placed before it.

Summary of financial implications

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

Summary of legal implications

10. The detailed legal basis for the investigation and reasons for the findings of the investigator are set out in the report at Appendix 1. The Committee is recommended to accept the findings of the independent investigator.

Summary of human resources implications

11. There are no human resource implications arising from this report.

Summary of sustainability impact

12. There are no sustainability impacts arising from the recommendations in this report.

Summary of public health implications

13. There are no public health impacts arising from the recommendations in this report

Summary of equality implications

14. 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's Policy when conducting the investigation.

Summary of risk assessment

15. 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 the 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 the 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 193 Exempt Final Report of Independent Investigator – Paragraphs 1 and 2