

By email: ftahern [REDACTED]

Date: 22nd June 2023

Our Ref: BCP 121

Dear Mr Ahern

PRIVATE AND CONFIDENTIAL

Code of Complaint 121

I am very sorry that your Code of Conduct complaint has taken such a long time to progress. I understand the Council's Monitoring Officer and Deputy Monitoring Officer have explained some of the reasons for this and as the new Chair of Standard, I would like to extend my apologies for the same.

I have now completed my review of your complaint, Code of Conduct complaint 121. I have considered the complaint in accordance with the Council's Constitution, defined arrangements and processes for dealing with complaints that councillors have breached the Code of Conduct.

Before reaching my decision, I have complied with the adopted arrangements, undertaken the required consultation with my fellow committee members, the independent persons and the Monitoring Officer and carefully considered all the evidence provided by yourself in the complaint as well as the information provided by the subject councillor in response.

To summarise, you complained about the way in which the former Councillor Kelsey Chaired the Planning Committee on the 21st April 2022. You complained specifically about comments he made which included saying 'I get a little bit miffed when I hear, you know, its an affluent area'. You complained that he thanked Councillor Borthwick for making inappropriate and inaccurate comments rather than correcting him. You also complained about comments he made to Councillor Judes Butt which included saying, 'I actually think that you have answered your own question'. You complained that Councillor Kelsey's conduct/comments breached the following parts of the Code of Conduct:

1. Act with act with integrity;
2. Treat all persons fairly and with respect;
3. Lead by example and act in a way that secures public confidence in the role of councillor
4. Impartially exercise [his] responsibilities in the interests of the local community
5. Exercise reasonable care and diligence
6. Objectivity

I have considered carefully the allegations you made against (former) Councillor Kelsey in accordance with the provisions of the Code of Conduct. Despite the fact Councillor Kelsey is no longer a member of BCP Council I took the view that it was in the public interest to consider your complaint. I determined the outcome of your complaint after careful consideration and appropriate consultation. I found that Councillor Kelsey breached the Code of Conduct in so far as he failed to treat other persons with respect and the evidence for this is provided in his comments to Councillor Butt. I did not find, considering the evidence on the balance of probabilities, that Councillor Kelsey breached the other aspects of the Code of Conduct. I do not consider the evidential threshold that is required to conclude that he breached the Code of Conduct in these other regards was met. Having said this, I note your concern about some of the comments made.

Because Councillor Kelsey is no longer a Councillor, it is not possible to apply any sanction for this past breach of the Code. Your complaint however has led me to conclude that Chairs of all Committees in the Council would benefit from further training to consider the best use of language, to ensure objectivity and public confidence in decision making. Accordingly, I have been in discussions with the Monitoring Officer and this training will be made available to all Chairs in the near future.

I appreciate the above may not be entirely satisfactory given the length of time that has passed since you initially made your complaint. I hope however that you are reassured that this matter has been given full and proper consideration and that efforts will be made to ensure that there is no further repeat of such conduct by any other Chair of a Committee within BCP Council.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'V Ricketts', with a stylized flourish at the end.

Councillor Vanessa Ricketts
Chairman of the Standards Committee