

# **Report of an investigation by VWV LLP appointed by the Monitoring Officer for Bournemouth Borough Council concerning Councillor John Beesley, Leader of Bournemouth Borough Council**

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March 2019

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## Appendix

### BOURNEMOUTH BOROUGH COUNCIL

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## 1 Executive Summary

- 1.1 The complainants, Cllr Mark Anderson, Cllr Sue Anderson, Cllr Stephen Bartlett, Cllr Jackie Edwards, Cllr Andy Jones, Cllr Gina Makin, Cllr Don McQueen Cllr Chris Rochester, Cllr Nick Rose and Cllr Rae Stollard are all Councillors of Bournemouth Borough Council ("BBC"). They made a complaint against Councillor John Beesley. Cllr Makin withdrew her support for the complaint and as a result took no part in this investigation.
- 1.2 Their complaint included a number of allegations, the most significant of which related to a breach of the obligations regarding disclosable pecuniary interests(DPI). This is criminal matter and was accordingly investigated by the police who determined that there was insufficient evidence to proceed. There was therefore no finding of illegality in relation to Cllr Beesley and the issue of DPI from the outset of our investigation.
- 1.3 In addition to the DPI issue, the complaint also alleged that Cllr Beesley broke the code of conduct by:
  - compromising or trying to compromise the impartiality of Council officers;
  - allowing his/her conduct or behaviour to bring disrepute on the Council or compromising the Council's duty to promote and maintain high standards
  - using or attempting to use his/her position improperly for his/her or any other person's gain or loss ; and
  - bullying, harassing or intimidating other people (in this case BBC Officers).
- 1.4 The BBC Code sets out that the highest standards are expected from those in positions of leadership, such as the Leader of the Council.
- 1.5 This was the allegation that we were instructed to investigate.
- 1.6 Taking account of the evidence and the law, we have concluded that Councillor Beesley's conduct did not breach the BBC code of conduct.

## 2 **Councillor Beesley Official Details**

- 2.1 Councillor John Beesley is a Bournemouth Borough Councillor and Leader of the Council. He represents the Westbourne & West Cliff Ward

### 3 Relevant Legislation, the Code of Conduct and the Alleged Breach

- 3.1 Section 27 of the Localism Act 2011 requires relevant "Authorities" (which definition includes BBC) to promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging that duty the Authority must adopt and publish a Code of Conduct, which must cover the registration of pecuniary interests, the role of an 'independent person' to investigate alleged breaches, and sanctions to be imposed on any councillors who breach the code.
- 3.2 Section 28 of the Localism Act 2011 provides that the Authority's Code of Conduct must, when viewed as a whole, be consistent with the following principles:
- (a) Selflessness
  - (b) Integrity
  - (c) Objectivity
  - (d) Accountability
  - (e) Openness
  - (f) Honesty
  - (g) Leadership
- 3.3 It is important to remember that the Nolan Principles are not a code of conduct, and so are not prohibitory in character, codes which do not elaborate on them will lack these provisions.
- 3.4 The 2011 Act requires the Authority to have mechanisms in place to investigate allegations that a member has not complied with the code of conduct, and arrangements under which decisions on allegations may be made.
- 3.5 The powers of the Authority in relation to alleged breaches are for local determination, following advice from the Authority's Monitoring Officer or legal team. These powers might include censure or the removal of a member from a committee, but the Authority cannot disqualify or suspend councillors.
- 3.6 The Authority must appoint at least one 'independent person' to advise before it decides on an allegation. There are restrictions on who can be appointed as the independent person; they cannot be a councillor or officer, or a relative or close friend of one. The independent person must be consulted by the Authority if an allegation is received and may be consulted by a councillor who is the subject of an allegation.
- 3.7 BBC has adopted a Code for Members. This is available on the Council's website:
- 3.8 <https://www.bournemouth.gov.uk/ContactUs/Documents/New-Local-Code-of-Conduct-updated-30-October-2012.pdf>
- 3.9 In addition:
- 3.9.1 BBC process
- (a) <https://www.bournemouth.gov.uk/ContactUs/Documents/New-Local-Code-of-Conduct-updated-30-October-2012.pdf>

### 3.9.2 Officer / member protocol (Part 5)

- (a) <https://www.bournemouth.gov.uk/councildemocratic/AboutYourCouncil/AboutYourCouncilDocs/Constitution/constitution-as-at-1-april-2016.pdf>

3.10 The complainants, Cllr Mark Anderson, Cllr Sue Anderson, Cllr Stephen Bartlett, Cllr Jackie Edwards, Cllr Andy Jones, Cllr Gina Makin, Cllr Don McQueen Cllr Chris Rochester, Cllr Nick Rose and Cllr Rae Stollard are all Councillors of Bournemouth Borough Council ("BBC"). They made a complaint against Councillor John Beesley. Cllr Makin withdrew her support for the complaint and as a result took no part in this investigation.

3.11 Their complaint was as follows

*"As an introduction is it worth noting Clause 10 of the Council's Code of Conduct that states the aspiration that: "The Council Leader [and others] individually and collectively, have a special responsibility in their own conduct to set an excellent example and to inspire other members to achieve the highest standards of conduct". We believe the Leader has fallen well short of the base level of conduct let alone this higher aspirational one!*

*Cllr Beesley was hired by Fresh Lime Developments to act for them over their planning application for the Belvedere Hotel (Application number 7-2016-5940S), this client relationship was admitted at the Planning Board meeting of the 23rd January 2017, in the statement read out at the start of that meeting by Andrew England.*

*Cllr Beesley has not properly disclosed his pecuniary interest in Fresh Lime Developments and the Belvedere Hotel project in his register of DPIs. His register entry only notes: "self-employed trading as Hospitality Solutions" and "Director Hospitality Solutions Ltd". As a self-employed consultant, he is acting in his capacity as an individual as well as via his company. It is clear in the DPI guidance to Members that any trade or profession carried out for profit or gain by a Member must not only be disclosed in the DPI register but also that the NAME of the party employing the individual must be given in the register. We believe that Cllr Beesley's disclosure in the DPI register is insufficient and a material breach of the legal requirements under the Localism Act of 2011. This needs to be set against the conduct set out below, to see that it is a serious breach and one that appears to have been taken for person gain at the expense of the Council's good name and reputation.*

*Cllr Beesley uses the same mobile number for both his Hospitality Solution business (as per his website as of March 2017) and his role on the Council as Leader and Councillor. It would be ambiguous to any caller as to whether they were speaking to John Beesley "the private consultant paid for services" or John Beesley the "Leader of the Council". His business and political activities are clearly highly intertwined and was the focus of recent, damaging press articles.*

*Cllr Beesley, attended various meetings with Planning officers including Andrew England and Simon Gould together with his client during the Autumn of 2016. It seems unlikely that Officers were wholly relaxed about this and it is reported that representations were made to the former Chief Executive about Cllr Beesley's role in the application. The statement read out at the start of the Planning Board meeting of 23rd January 2017 by Andrew England is ambiguous and the fact that this statement had to be produced shows that many and various people were potentially uncomfortable about the role that Cllr Beesley had played in the Officers recommendation to Grant the application.*

*While it is clear that Cllr Beesley stated his role as "consultant to the applicant" in these meetings with Officers, it is impossible to believe that the words that he would have said at those meetings would not also have been heard by the Officers as words of support for the application from the Council Leader, the key influencer in the rewrite of the Local Plan and a*

key member of the LDF steering Group. It seems highly likely that Cllr Beesley broke the Code in this process by:

- (a) attempting to compromise the impartiality of the Officers.*
- (b) Using, or attempting to use his position improperly for his own personal gain.*
- (c) Allowing his conduct to bring disrepute on the Council*
- (d) Compromising the Council's duty to promote and maintain high standards.*
- (e) Intimidating other people and Officers.*

*The Public perception of these events has been eluded to in the press and does not look good for the Council's reputation. To this end Cllr Beesley has brought the Council into disrupt and shown no regard to the Nolan Principles set out in the Code of Conduct, namely:*

- (a) Selflessness – he has sought to use his position for personal gain.*
- (b) Integrity – he has shown a blatant disregard for the integrity of Officers and of his position as Leader of a Public Body.*
- (c) Openness – he has not disclosed his interest in the application in the DPI register, and has sought to cover up his paid involvement as much as possible.*
- (d) Leadership – if this is the model of leadership he wishes to exemplify then the Council is in very poor state.*
- (e) Personal Judgement – he has judged that he is right to do what he has done and this shows a wilful disregard to the public perception of a person in his position.*
- (f) Respect for others – he has used his position to intimidate Officers and to influence an officer decision, albeit subtlety.*
- (g) Duty to uphold the law – it is a legal requirement on his own shoulders, irrespective of the advice he has received to properly and openly declare his DPIs, which he has not.*

*The articles in the press, including Private Eye and the Bournemouth Echo, together with the public statements made in Parliament by Christopher Chope MP on March 24th has put a spotlight on Bournemouth Council leadership, reputation and professionalism that has brought the Council and the role of Leader into disrepute, breaching the Code of conduct in this matter too.*

- 3.12 The Complaint included a number of allegations, the most significant of which related to a breach of the obligations regarding disclosable pecuniary interests(DPI). This was a criminal matter and was accordingly investigated by the police who determined that there was insufficient evidence to proceed. This included the issue of the use of the mobile phone.
- 3.13 The complaint also alleged that Cllr Beesley broke the Code by:
- a. compromising or trying to compromise the impartiality of Council officers;
  - b. allowing his/her conduct or behaviour to bring disrepute on the Council or compromising the Council's duty to promote and maintain high standards
  - c. using or attempting to use his/her position improperly for his/her or any other person's gain or loss ; and

- d. bullying, harassing or intimidating other people.
- 3.14 BBC's Code sets out that the highest standards are expected from those in positions of leadership, such as the Leader of the Council.
- 3.15 This was the allegation that we were instructed to investigate.
- 3.16 Section 27(2) of the Localism Act 2011 requires BBC to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity". The code is expressed to apply whenever a member is acting in the capacity as a member or co-opted member.
- 3.17 We therefore initially considered whether Councillor Beesley was acting in an official capacity at the time of the alleged incident.
- 3.18 The applicable legal principles to be applied in determining this are as follows:
  - 3.18.1 was the councillor, as a matter of ordinary English, actually conducting the business of their authority, including the business of the office of councillor;
  - 3.18.2 the issue turns on the facts; and
  - 3.18.3 the question is one for the tribunal to determine, not a reasonable observer.
- 3.19 On the one hand, if Cllr Beesley was not acting in an official capacity, but solely as a consultant and in a private capacity, then the Code would not apply.
- 3.20 However, the basis of the allegation was that he had used his official position albeit in his private consultancy dealings with officers and it was from that that his breach was alleged.
- 3.21 We therefore considered that the allegations and the question of whether Cllr Beesley was or was not acting in an official capacity were intrinsically linked. If any of the allegations were proven, then on the facts, in relation to that allegation, we would have also determined that Cllr Beesley was at that point acting in an official capacity.
- 3.22 We therefore determined this issue in parallel with our determination of the allegations.



## **4 Evidence gathered**

### **4.1 We interviewed the following:**

4.1.1 Cllr Mark Anderson

4.1.2 Cllr Stephen Bartlett

4.1.3 Cllr Jackie Edwards

4.1.4 Cllr Andy Jones

4.1.5 Cllr Don McQueen

4.1.6 Cllr Nick Rose

4.1.7 Cllr Rae Stollard

4.1.8 Cllr David Kelsey

4.1.9 Cllr John Beesley

4.1.10 Andrew England

4.1.11 Simon Gould

4.1.12 Claire Clark

4.1.13 Paul Dossett

4.2 The person interviewed was given a chance to review and revised their statement prior to confirmation of its accuracy. In relation to Paul Dossett, we agreed a form of words reflecting his position which is set out in this report.

4.3 We also exchanged emails with Detective Inspector Christijan Boyle of Dorset Police. Without a court order, the police were unable to share information.

4.4 In relation to Cllr Gina Makin, at the outset we were advised that she did not wish to be involved any further and had withdrawn her allegation.

4.5 In relation to Cllr Sue Anderson, we were advised by her son that she did not wish to be interviewed.

4.6 Cllr Chris Rochester did not respond to our attempts to contact him despite several attempts.

4.7 This section contains the key points made by each of those that we interviewed and extracts of their evidence as given to us. We considered whether we would include evidence solely and directly specific to the allegation. We decided to include more, both around the DPI issue the departure of the previous CEO. Both issues were referred as indirect / circumstantial evidence of (for example) a way of behaving.

4.8 A number of those we interviewed supplied us with copies of statements that they had supplied to the police in relation to the police investigation of the DPI issue. We took those statements given to us and made to the police into account but have not reproduced them in this report.

- 4.9 Our draft report was then shared with the subject member and complainants. We invited comments and have considered them all, correcting errors where they were clear and we have added certain comments to our report as a result.
- 4.10 **Cllr Mark Anderson**
- 4.10.1 *"I have been elected as a councillor at Bournemouth Borough Council since May 2007. I have over 20 years' experience working with local councils and prior to Bournemouth Council I was elected as a Councillor and then became Deputy Conservative Leader on Reading Borough Council. Prior to that I was also the Vice-Chairman for Reading West Conservative Association and the Chairman of their Local Government Committee from 1992 to 1998 and Local Borough Councillor for Kentwood Ward in Reading Borough Council from 1991 to 1995.*
- 4.10.2 *I am currently the Chairman for Bournemouth Council's Environment and Economy Committee.*
- 4.10.3 *This has afforded me knowledge on a broad range of topics which range from parks to coastal defence and includes refuse and roads. I have previously been the Vice Chairman for the Appeals Board. I am also the Council's Green Champion and have also represented the council on external bodies including the Heathland Executive and the Wessex Regional Flood and Coastal Defence Committee. This means I have experience in dealing with other Councils and Councillors. Outside the Council I am Self Employed within the IT sector and I am a qualified Chemical Engineer and worked for the MOD for approximately 15 years.*
- 4.10.4 *I am making this statement regarding the member complaint form submitted by myself and 9 other Councillors in April 2017. This complaint form is regarding the leader of Bournemouth Borough Council; this form outlines our belief that he failed to disclose his pecuniary interest in the Belvedere Hotel in contravention to the Localism Act 2011 along with his breach of the Code of Conduct and the Nolan Principles.*
- 4.10.5 *I can confirm that I fully agree with the content of the Complaint form and there are to the best of my knowledge no mistakes.*
- 4.10.6 *I have been an Elected Councillor for a period of over 16 years and have been a councillor on 2 local Councils Bournemouth and Reading. Whilst working at Reading Borough Council I received thorough training on behaviour in public office and declaration of interests, and indeed when I commenced being a Councillor in Bournemouth Borough Council in May 2007 I received further training on these topics.*
- 4.10.7 *When the Localism Act was introduced, I received further training on Disclosable Pecuniary Interest's (DPI's) which was available for all Councillors. All guidance regarding the Localism Act and Disclosable Pecuniary Interests are available on the internet on the Bournemouth Borough Council website. At the beginning of every public Council meeting it is asked of all Councillors if they have any Pecuniary Interests or other interests they wish to declare. Councillors are then given an opportunity to say if they do.*
- 4.10.8 *If a DPI is declared then I would expect that that person would no longer participate in the meeting, leave the room and not try and influence the decision. If a councillor is in doubt then the Monitoring Officer is available for advice. I am of the opinion that if in doubt you should declare it. Councillors cannot claim ignorance of their responsibilities under the Localism Act and DPI's. The rules are there for a reason to*

*protect the Councillors, the Council and the Party and for openness. I believe as Leader of the Council and Conservative Party Leader, should be beyond reproach and set an example for other to follow in all his actions.*

4.10.9 *On a personal note I am self-employed with an IT industry. I have previously been asked to join consortiums looking to bid for Bournemouth Council contracts. However I am steadfast in my belief that that this would be a conflict of interest relating to being a Bournemouth Councillor and so would not join the consortiums. I have however done work for other Councils including Christchurch tourist board. My actions therefore adhere to the Nolan Principles and the code of conduct. To bid for such contracts would be unethical at the very least and at the most if I breached the Localism Act by failing to declare this as a Pecuniary Interest, would be illegal.*

4.10.10 *I initially became involved with the Member Complaint form because I was unhappy with the way the former Chief Executive was treated.*

4.10.11 *I was informed as part of the discussions with the 9 others on the list of complainants that the Leader was working for Fresh Lime as a Hospitality Consultant not as leader of the council in respect of the Belvedere Hotel development. He was attending planning meeting with Fresh Lime a planning officer and other officers. These were meeting about planning. I cannot understand the position and reasoning behind this. These meetings were about planning and the Leader was there as hospitality consultant, it doesn't make sense as to why he would be there. These were pre application meetings and there may not be any records, it would be impossible to distinguish between him as the leader of the Conservative group, leader of the Council and him as the hospitality consultant.*

4.10.12 *His mere presence would have been an influence on the Planning Officer.*

4.10.13 *In total 10 councillors read and agreed to put their names to the Member complaint form.*

4.10.14 *To ensure that this complaint form was handled discreetly and in a manner that would afford the Councillors putting their name to the form and respect and confidentiality, I stated that I wished for all the Councillors' details to remain confidential. This was marked on the form accordingly. This was also to enable the matter to be dealt with in a discrete fashion for the recipient.*

4.10.15 *This form was handed directly to the acting Chief Executive approximately 10 minutes prior to a pre council meeting in April 2017; I was not present for this. However I know that within 10 minutes several people had been made aware prior to the Council meeting".*

#### **4.11 Cllr Stephen Bartlett**

4.11.1 *"I am Councillor Stephen Bartlett. Since May 2015 I have represented the Redhill and Northbourne Ward of Bournemouth Borough Council.*

4.11.2 *On the 25th April 2017, I was one of ten signatories to a Member Complaint regarding the Involvement and conduct of Councillor John Beesley as a consultant to Fresh Lime Developments in support of a Planning Application to develop the Belvedere Hotel.*

4.11.3 *This statement provides detail of these events including the process used by the Council to make the former Chief Executive position redundant and my resignation from the Council Conservative Group.*

- 4.11.4 *I am a member of the Bournemouth Council's Planning Board. On the 18th July 2016, the developer, Fresh Lime Developments, gave a Pre-Planning Application presentation to the Planning Board. The Agenda, Minutes and Audio Recording are a matter of public Record and are published on the Council's Web Site.  
<https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/PlanningBoard/2016/07/18/PlanningBoard18-Jul-2016.aspx>*
- 4.11.5 *At the meeting, I questioned the allocation of parking arrangements and was informed that the apartments to be built would be compliant with the Council's Parking Policy, leaving 20 spaces for the hotel. I stated the parking allocation would be seriously challenged.*
- 4.11.6 *Deputy Chair of the Planning Board Councillor Pat Oakley stated he wished to see more character in the building.*
- 4.11.7 *On the 9th August 2016, I attended a public presentation of the Belvedere Hotel Development at the Marsham Court Hotel. I discussed the parking arrangements with the developer who stated the arrangements were not yet finalised but were likely to be as presented to the Planning Board at the pre-application presentation. I informed the developer that I remained concerned regarding the parking allocation.*
- 4.11.8 *On the 20th October 2016, a second presentation on The Belvedere development was given to the Planning Board. See :  
<https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/PlanningBoard/2016/10/17/planningboard17-oct-2016.aspx>*
- 4.11.9 *This was unusual as the Planning Application had already been registered, hence it was not, or should not have been possible for planning board members to express any views on the development as to do so could attract accusations of pre-determination when the application was formally presented to the board for consideration.*
- 4.11.10 *Immediately prior to the meeting commencing I was in the members room and Councillor Smith passed me and said he wondered how many of the members would be declaring an association with Councillor John Beesley regarding the Belvedere application as Councillor Beesley had been working as an Agent of the Developer. I was shocked to hear this but as the meeting was about to start there was no time to discuss the matter further.*
- 4.11.11 *During the meeting, I questioned the parking allocation and it was confirmed that only eleven parking spaces were to be allocated to the hotel of which seven were for disabled use leaving only four spaces for the hotel use. The developer's highways consultant suggested that the Council's highways officers had given their support to this proposal.*
- 4.11.12 *Planning Board Member Councillor Gina Mackin who is also an experienced hotelier in Bournemouth was surprised and horrified to learn that there would be no parking for the hotel.*
- 4.11.13 *Portfolio Holder for Planning Councillor Smith who is not a member of the Planning Board and therefore able to express freely his view of the development addressed the meeting and stated the development had no architectural merit whatsoever.*
- 4.11.14 *Councillor Kelsey stated that he believed the design was okay and better than others in the area.*

- 4.11.15 *When the Planning Board had finished, I spoke to Councillor Smith to seek clarification of his earlier statement regarding Councillor Beesley's involvement with the Belvedere development. Councillor Smith confirmed that Councillor Beesley had been representing the developer as a consultant and had attended meetings with and on behalf of the developers with Council officers.*
- 4.11.16 *I found this difficult to believe as I understood, if true, Councillor Beesley was acting in a manner that was clearly contrary to the Members Code of Conduct. See <https://bournemouth.gov.uk/councildemocratic/AboutYourCouncil/AboutYourCouncilDocs/Constitution/code-of-conduct-for-members.pdf>*
- 4.11.17 *Specifically, where a Councillor has a Disclosable Pecuniary Interest or other disclosable interest in connection with any person, company or body who is a party in any item being considered by the Planning Board, then that Councillor must leave the room while the item is being considered and must not participate or seek to improperly influence the decision-making process in any way, in connection with that item.*
- 4.11.18 *In this instance, every member of the Planning Board is connected with Councillor Beesley, not only as a fellow Councillor but particularly because, as the Council Leader, Councillor Beesley appoints the members to the Planning Board. It follows, therefore, that in accordance with the Councillors Code of Conduct, if it was true that Councillor Beesley was acting as an agent for the developer, all members of the Planning Board would have to declare an interest in connection with him as a person who is party to the Application under consideration. If this was the case then the Council's Planning Board would not be able sit and the Council's planning system compromised. As Councillor Beesley was a former Chair of the Planning Board, I had no doubt that he would have been aware of this.*
- 4.11.19 *Having been given this information by Councillor Smith and understanding that the Planning Board may be compromised, I spoke privately to the Planning Board Chairman Councillor David Kelsey who intimated that he was aware of the issue and that Councillor Beesley had been spoken to previously (he did not say by whom) about such matters. I expressed my concerns to Councillor Kelsey and asked him if he could deal with the matter to which he agreed to do. During a couple of subsequent telephone conversations on the matter Councillor Kelsey confirmed that he was dealing with the matter.*
- 4.11.20 *After a Planning Board Meeting on the 16th Jan 2017 I spoke again to Councillor Kelsey to ask what arrangements had been made regarding John Beesley's involvement with the Belvedere Hotel Application as I was aware that the application was due to come before the Planning Board on the 23rd January 2017. Councillor Kelsey informed me that the matter had been addressed by the legal department and that should the matter arise during the meeting when the Belvedere Application was being heard, then a statement had been prepared that would be read out at the meeting, if this proved necessary. I was unhappy about this as I was aware that the Members Code of Conduct required declarations to be made at the beginning of the meeting or as soon as it became known to the Councillor that there is an interest to declare. Councillor Kelsey suggested that I should take up the matter with either the Monitoring Officer (Tanya Coulter) or Councillor Beesley.*
- 4.11.21 *On the 20th Jan 2017, I called in to Councillor Beesley's office and requested an urgent meeting to discuss an important and sensitive matter. Councillor Beesley agreed and we went to the room adjacent to his office where we met in private. I informed him of the information that I had been given regarding his association with the Belvedere developer and asked him directly if it was true that he was acting as a*

*consultant on the developer's behalf. Councillor Beesley confirmed that this was true and stated that this one of many projects he had been involved with through his business interests over the years.*

*4.11.22 I explained that I would have to declare a connection with him at the Planning Board when the Belvedere application was heard and because of this I would not be able to participate in this Application. Councillor Beesley appeared concerned that he would be named at the meeting and stated that if this was the case then all Planning Board Members would have to declare the same connection and the Board would not be able to sit. I explained that I could declare an association with a connected person without naming him as the individual concerned and, on the basis that other members did not have the same information that I had, then the board would be able to proceed, albeit without my participation. Councillor Beesley seemed content, if not relieved that I could proceed on this basis.*

*4.11.23 I asked if anyone else had raised the matter with him and he replied no. I was surprised at this answer given that I had already been briefed by Councillor Kelsey regarding the statement that had been prepared for the forthcoming meeting and could not imagine this could have been produced without his input or consent.*

*4.11.24 I asked Councillor Beesley if I should raise the matter with the Monitoring Officer Tanya Coulter. He replied that this was for me to decide.*

*4.11.25 On the 22nd January 2017, I was revisiting the planning documents for the Belvedere Hotel application in preparation for the Planning Board meeting that was scheduled for the 23rd Jan 2017. I discovered a document that had been added to the Council web site on the 22 December 2016 that I had not seen before. The document contained an appendix which details the Notes of a meeting held at Bournemouth Council Offices. The notes confirm Councillor Beesley's attendance at the meeting (and other meetings with the Council) in his role as a consultant acting for Fresh Lime Developments.*

*4.11.26 From the notes of this meeting It is clear from this document that it was at this meeting where the policy regarding the parking arrangements for the Belvedere Development were agreed in principle by the Council even though these fell far short of the Council's own parking policies and further that Councillor Beesley had influenced the officer's decision. It should be noted that the Council policy would have generated 217 car parking spaces, whereas the meeting proposed only 82 spaces with only 11 of these being allocated to the hotel and 7 of these being for disabled use.*

*4.11.27 Having now seen that Councillor Beesley's name was confirmed in the public domain as a consultant to the developer, I recognised that all Planning Board members would have to declare an association with a connected person and that the Planning Board scheduled for the following afternoon would not be able to proceed. I therefore, telephoned Councillor Kelsey to inform him of the situation. He agreed to talk to the Council's legal team prior to the meeting.*

*4.11.28 Just prior to the start of the Planning Board on the 23rd Jan 2017, Councillor Kelsey called all members to the adjacent Members Room where the Head of Planning, Andrew England read out a statement which said*

*4.11.29 "I can confirm that the applicant is a client of John Beesley who has been engaged as one of a number of consultants on the many issues which affect this site and the proposal. On every occasion when he has attended meetings with the officers he has always made it clear that he is acting in his professional capacity, and not in his*

*capacity as a member of the Council. Officers have always been clear as to his role, and I can confirm this is a completely separate appointment as Leader of the Council and has not affected the officers' approach to this matter in any way."*

- 4.11.30 *The Senior Solicitor (Nicola Barraball) confirmed that because of this declaration, members did not legally need to declare an interest in respect of this matter.*
- 4.11.31 *I was concerned that the statement read out by Andrew England could not be justified as Andrew England had not been at the meeting where Councillor Beesley had been acting on behalf of the developer. It seemed inconceivable to me that the leader of the council would not have exercised any influence over the council officers present. Indeed, consultants are engaged because of their expertise, expert knowledge and ability to influence on behalf of the client and therefore they are inevitably highly paid. Notwithstanding this, Councillor Beesley's presence alone at such a meeting is bound to influence Council Officers particularly as in this case where officers were of a relatively junior status and it is difficult to imagine how the officers would have been able to differentiate between Councillor Beesley's role as Leader of the Council and that of a consultant, particularly when such a meeting is conducted in Council offices.*
- 4.11.32 *As the Planning Board meeting was about to start there was no time to debate the matter, but I did explain ( to the members) that I thought the statement could not be substantiated. Nicola Barraball passed a comment that Councillor Beesley's involvement as a consultant should not be used as grounds for refusing the application should members be minded to consider doing this.*
- 4.11.33 *The Minutes and audio recording of the Planning Board are a matter of public record, so it is unnecessary for me to detail the events and outcome of the meeting. See*  
<https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/PlanningBoard/2017/01/23/planningboard23-jan-2017.aspx>
- 4.11.34 *However, I was very disappointed that the Application was approved as it was contrary to the view of the Council's Tourism Department, the Heritage Officer and the Bournemouth Hoteliers Association and importantly, contrary to the Council's Parking Policy.*
- 4.11.35 *The developer had proposed that the development is a sustainable development, i.e. its location close to shops, transport links, etc negated the need for cars and hence no car parking required. Having proposed this strategy however, the developer still proposed parking (although not needed) for the residential flats, and only 11 parking slots (including 7 for disabled us) for the 130-room hotel and 170 staff. Because the developer had proposed a sustainable development, they did not suggest the need for a fall-back position for hotel parking as this would have countered their own arguments that the site was sustainable. Strangely it was Council Officers that suggested the Berry Court public car park currently under construction could be used as a fall-back position. Having been closely involved in the Berry Court Planning Application I was aware that the Berry Court carpark did not have spare capacity to cater for a 130-room hotel.*
- 4.11.36 *During the meeting, I moved for an adjournment in order to see if a compromise on the parking arrangements could be achieved, however my suggestion that the developer be asked if this might be possible was thwarted by Councillor Kelsey when he cast his vote against the move. I was taken by surprise at the speed which Councillor Oakley moved to grant the application that was voted 5 to 4 in favour.*

- 4.11.37 *It was interesting that Councillor Oakley stated that he liked the design of the building which contradicted his view expressed at the pre-application presentation on the 18th of July 2016. I was also surprised about how strenuously Councillor Kelsey supported the development and his view that the parking proposals were acceptable as this seemed to contradict his usual position of insisting that parking provision for large buildings was in accordance with the Council's parking policy. I was also taken aback by Councillor Kelsey's requirement that I provide an explanation for making a move to adjourn to address the parking issues as I felt this had been debated and commented on substantially during the meeting. Given Councillor's Kelsey and Councillor Oakley's comments and the way Councillor Kelsey was trying to influence the board I was left with a very firm impression that the outcome of the application had been predetermined and Councillor Kelsey was working very hard to ensure the predetermined outcome was achieved. I left the meeting wondering what discussions had taken place at the Planning Board agenda meeting (if one had taken place) and whether Councillor Beesley had exerted any influence over Councillor Kelsey, particularly as Councillor Kelsey is the Conservative Party Whip as well as the Planning Board Chairman both positions having been nominated by Councillor Beesley, who as I have said, was acting on behalf of the developer.*
- 4.11.38 *The outcome of the Planning Board, the way it had been conducted and the involvement of Councillor Beesley in the process continued to trouble me after the meeting, to the point that, unusually I felt I had to discuss the issues with Head of Planning, Andrew England and I made an appointment to meet with him on the 8th Feb 2017. As the application had been granted there was obviously no going back on this, but I just wanted to make Andrew England aware of my concerns and of how disappointed I was about the outcome which I felt was not in the best interests of the town but of huge benefit of the developer. Essentially, I felt the Planning Board had let the residents of the town down and that the Council Leader had been party to this failure by acting in the interests of the developer for which he was being paid, and not in the interests of the town which he is elected to do.*
- 4.11.39 *I was surprised to receive a telephone call from the Council's Chief Executive Tony Williams when he asked me to arrange a meeting through his secretary to discuss a confidential matter. He mentioned that he had spoken to Andrew England, so I guessed the meeting would be about the Belvedere hotel application. To maintain confidentiality, I was asked to use the code 'Cherry Tree Nursery' in to ensure that only he and I would know what the subject of the meeting was.*
- 4.11.40 *I met Tony on the 15th March at his office in the Town Hall, but to ensure we could speak in absolute privacy we walked to the Norfolk hotel for the meeting. Before starting the discussion, Tony warned me that this was a formal meeting and that he would be taking notes that formed part of an investigation that he had initiated into Councillor Beesley's involvement in the Belvedere Hotel Planning Application. He had been off sick from work for a lengthy period but during that period he was aware of the issue and was disappointed that his senior staff had not dealt with the matter appropriately during his absence. He believed Councillor Beesley had contravened the Members Code of Conduct by working for the Beverdere Hotel Developer and he was set on ensuring the matter would be investigated thoroughly by an independent body. He had already reported the matter to the Council's external auditor and he had taken external legal advice to maintain confidentiality.*
- 4.11.41 *I explained the series of events as I understood them, and Tony finished the meeting by encouraging me to tell individuals that I knew were aware of the issues, to*



*contact him quoting the code word that had been set up. I believe I relayed this message to Councillor David Smith.*

*4.11.42 On the 20th March 2017, all Conservative Councillors were called to an unofficial Conservative Group Meeting to be held the next day on the 21st March 2017 to discuss a 'pressing matter'.*

*4.11.43 In the afternoon of the 21st March 2017 I received an e-mail from Georgina Turner (Corporate Communications) issued on behalf of Councillor Beesley stating the intention to ask full Council to make the Chief Executive post redundant in the context of ongoing austerity measures. It was stated that the Chief Executives last day at the Council would be the 31st March 2017.*

*4.11.44 I was shocked to receive this news particularly considering the meeting that I had with the Chief Executive only a few days previously. I wrote to Councillor Beesley to ask that the communication should not be put into the public domain until the Conservative Group had discussed the matter at the meeting to be held that evening. As it transpired the communication had already been released to the Echo.*

*4.11.45 At the Cabinet meeting held on the 22nd March 2017 at Agenda Item 5, See <https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/Cabinet/2017/03/22/cabinet22-mar-2017.aspx> this was a paper setting out the Joint Governance Arrangements for Shared Services between Bournemouth and Poole was agreed. In this paper Tony Williams is named as Representing Bournemouth Council on the Governance Steering Group and Chairing the Bournemouth Council Management Group.*

*4.11.46 This paper is a substantial document and will have taken many weeks to produce. Given that Tony Williams's role in the Governance arrangements to 2019 is clearly established in this paper then and agreed by the Cabinet, this provides unmistakable evidence that making the Chief Executive's post redundant must have been a very recent development.*

*4.11.47 The proposal to make the Chief Executive position redundant was not subject to any formal overview and scrutiny prior to the Special Full Council Meeting on the 31st March 2017. Primarily there was insufficient time to organise the meeting, plus the Chairman was overseas at the time. At the time, I was the Vice Chair and I telephoned other members of this panel to see if there was a consensus to initiate a meeting in the Chairs absence. Apart from one or two members, the consensus was that such a meeting would serve no useful purpose as the Chief Executive had already left the Council and this was certain to be formalised at the Full Council Meeting on the 31st March 2017. Instead it was agreed that we would hold an informal Overview and Scrutiny meeting when the Chairman (Councillor Don McQueen) returned from overseas.*

*4.11.48 We met on the 29th March 2017 which did result in the Panel making some changes to the recommendations regarding the paper to be presented to Full Council on the 31st March 2017.*

*4.11.49 Although this was an informal meeting, I was surprised that Councillors Michael and Anne Filer (both Cabinet Members) attended the meeting.*

*4.11.50 At the Extraordinary Council Meeting held on the 31st March 2017, see <https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/Council/2017/03/31/council31-mar-2017.aspx> a report was presented to*

*Council Recommending changes to the Council's Senior Management Team. This included making the Chief Executive position redundant.*

- 4.11.51 *I could not support the recommendations presented and spoke in Council against them. I felt it was extraordinary that only one week prior to the meeting, that the Cabinet had approved the Chief Executive to lead the shared services governance arrangements between Bournemouth & Poole up to 2019 and now were proposing to make the position redundant. It is my firm view that the paper had been brought forward in haste to accommodate the fact that the Chief Executive had already left the Council. It is also clear to me that putting this, what normally would have been a routine non-urgent matter, to an Extraordinary Council Meeting called at very short notice, that Council Members and the public were being deliberately misled. In short, it was a mechanism used by the Council's senior management team under the auspices of the austerity agenda, to get rid of Tony Williams.*
- 4.11.52 17.1 *At the Corporate Services Overview and scrutiny meeting held on the 5th of April 2017, see <https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/CorporateServicesOverviewandScrutinyPanel/2017/04/05/corporateservicesoverviewandscrutinypanel05-apr-2017.aspx> the same report presented to and approved by the Cabinet for the Governance arrangements of the Shared Services between Bournemouth and Poole was presented to the meeting. As with the report previously agreed by the Cabinet, the report named Tony Williams as representing Bournemouth Council on the Joint Services Steering and Management Groups, providing further evidence that there had been no prior plan to make the Chief Executive's post redundant, reinforcing my view that the Council and the Public had been deliberately misled by the report presented to the Council on the 31st March 2017*
- 4.11.53 *On or around the 22nd April 2017 I was telephoned by Councillor McQueen to ask if I would support a complaint against Councillor Beesley regarding his involvement with the Belvedere Hotel. I agreed to support this provided it was a complaint made directly to the Council in accordance with normal procedures.*
- 4.11.54 *On the 25th of April 2017, I along with Councillors Don McQueen, Andy Jones and Nick Rose met Jane Portman in her office and handed the complaint to her. Jane Portman was informed that the complainant's names should be kept confidential in accordance with the Council's Whistle Blowing Policy.*
- 4.11.55 *Immediately after this meeting I attended a full Council Meeting by which time the names of the complainants were already being circulated throughout the Council members.*
- 4.11.56 *I attended the Conservative Group Annual General Meeting held on the 12th June 2017. Councillor Beesley briefed the meeting that the former Chief Executive was still e-mailing various agencies. Other conservative members had their own agendas. These actions were really disrupting the Group and the Group had to do something about it. This was bad for the Group, bad for the party and bad for the people we represent and will end in tears but not necessarily his tears.*
- 4.11.57 *I addressed the Group which I found very difficult as it was clear that Councillor Beesley still had the overwhelming support of the Group and that I was isolated. I explained to the Group that I had no personal objectives other than to ensure that our code of conduct was maintained by all and that decisions were made in the interests of the town and not influenced by personal gain.*

4.11.58 *On the 30th June, I resigned from the Conservative Group primarily because I believed the Council and the public had been deliberately misled over the circumstances surrounding the redundancy of the Chief Executive. Also, I was at odds with the Group and its leader, Councillor Beesley, who was now blanking me completely."*

**4.12 Cllr Jackie Edwards**

4.12.1 *"I was very concerned at the process and outcome regarding the Belvedere Hotel development.*

4.12.2 *Our Local Plan (adopted 2002) states (Policy 7.3) that whilst development in the tourism core areas and town centre tourism area may be granted for new tourism accommodation, one of the conditions is that such development must provide satisfactory parking provision.*

4.12.3 *The Core Strategy 2012 states that parking provision for new development shall be in accordance with the Council's SPD.*

4.12.4 *The Council's parking SPD (adopted July 2014) states that in relation to hotels, that is 1 car per bedroom.*

4.12.5 *The Minutes and audio recording of the Planning Board are a matter of public record so it is unnecessary for me to detail the events and outcome of the meeting. See <https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/PlanningBoard/2017/01/23/planningboard23-jan-2017.aspx>*

4.12.6 *I was very disappointed that the Application was approved as it was contrary to the view of the Council's Tourism Department, the Heritage Officer and the Bournemouth Hoteliers Association and importantly, contrary to the Council's Parking Policy.*

4.12.7 *The developer had proposed that the development is a sustainable development, i.e. its location close to shops, transport links, etc negated the need for cars and hence no car parking required. Having proposed this strategy however, the developer still proposed parking for the residential flats, and only 11 parking slots (including 7 for disabled use) for the 130-room hotel and 170 staff. The Berry Court public car park at the time was undergoing development and was suggested as a fall-back position. This car park along with Central car park was however listed in the Strategic Housing Land Availability for development. Whilst public parking would be made available once completed the Berry Court application also fell short on parking for the flats.*

4.12.8 *I would also wish to draw attention to the minutes of a meeting held on 25 August 2017 between officers of the Council's transport function, representatives of the developer and John Beesley in his capacity as consultant(Hospitality Solutions) to the developer. In that meeting the developer set out their proposal that the development would provide the disabled car parking provision required on site but that guests would use public car parks. JB (John Beesley) was noted as having confirmed that the parking arrangements proposed were typical for the industry and that guests and staff did not expect to park on site.*

4.12.9 *This inconsistency of approach by the Council to the issue of car parking concerned me greatly. We have stuck to our position by refusing applications that do not meet SPD requirements. The meeting on 25 August where Cllr Beesley albeit in his consultant capacity advised in relation to car parking was in my view completely misleading. He had a leading role in setting our planning policy and knew that was not Bournemouth's position.*

4.12.10 *I am concerned that officers did not feel they could go against him, whatever hat he said he was wearing.*

4.12.11 *I am also concerned about why the Chair of Planning pushed this through.*

4.12.12 *The Belvedere Hotel decision was wholly inconsistent with our policy. The role of Cllr Beesley in that remains unclear, but of concern.*

4.12.13 *Cllr Beesley is an extremely controlling Leader and is overly assertive bordering on bullying.*

4.12.14 *We have seen that with the departure of our previous CEO (Tony Williams).*

4.12.15 *Also, when our complaint was submitted, we requested confidentiality. Within about 50 minutes I and other co-signatories were being confronted by members of Cllr Beesley's inner circle. "*

#### **4.13 Cllr Andy Jones**

4.13.1 *"I am not on planning board at BBC but am aware of the concerns of others who were much closer to this than I was and remain supportive of the complaint that we submitted.*

4.13.2 *I share the concerns of others in relation to the process and outcome regarding the departure of our previous CEO Tony Williams. Tony Williams was very concerned about the behaviour of our Leader, Cllr John Beesley in respect of the Belvedere Hotel. His concern was so significant that he was investigating.*

4.13.3 *I am aware from the comments of colleague co-signatories to the complaint that the decision of our planning board was contrary to our Local Plan (adopted 2002) , the Core Strategy 2012 and the Council's parking SPD (adopted July 2014) which states that in relation to hotels, the requirement is 1 car parking space per bedroom. The inconsistency of approach by the Council to the issue of car parking concerned myself and others. "*

#### **4.14 Cllr Don McQueen**

4.14.1 *"I attach to this statement my police statement dated 9th August 2017. I stand by that and add these points in addition to what is said in that, and to emphasise the points I wish to make that are relevant to this investigation*

4.14.2 *I was very concerned at the process and outcome regarding the Belvedere Hotel development.*

4.14.3 *Our Local Plan (adopted 2002) states (Policy 7.3) that whilst development in the tourism core areas and town centre tourism area may be granted for new tourism accommodation, one of the conditions is that such development must provide satisfactory parking provision.*

4.14.4 *The Core Strategy 2012 states that parking provision for new development shall be in accordance with the Council's SPD.*

4.14.5 *The Council's parking SPD (adopted July 2014) states that in relation to hotels, that is 1 car per bedroom.*

4.14.6 *The Minutes and audio recording of the Planning Board are a matter of public record so it is unnecessary for me to detail the events and outcome of the meeting. See*

- 4.14.7 *Although the Application was approved it was contrary to the Council's Parking Policy in that it only provided 1/10 of the amount of car parking that the Council's policy said was acceptable.*
- 4.14.8 *The developer had proposed that the development is a sustainable development, i.e. its location close to shops, transport links, etc negated the need for cars and hence no car parking required. Having proposed this strategy however, the developer still proposed parking (although not needed) for the residential flats, and only 11 parking slots (including 7 for disabled use) for the 130-room hotel and 170 staff. The Berry Court public car park currently under construction was suggested as a fall-back position. This car park was however listed in the Strategic Housing Land Availability for development.*
- 4.14.9 *I would also wish to draw attention to the minutes of a meeting held on 25 August 2017 between officers of the Council's transport function, representatives of the developer and John Beesley in his capacity as consultant(Hospitality Solutions) to the developer. In that meeting the developer set out their proposal that the development would provide the disabled car parking provision required on site but that guests would use public car parks. JB (John Beesley) was noted as having confirmed that the parking arrangements proposed were typical for the industry and that guests and staff did not expect to park on site.*
- 4.14.10 *This inconsistency of approach by the Council to the issue of car parking concerned me greatly. We have stuck to our position by refusing applications that do not meet SPD requirements. The meeting on 25 August where Cllr Beesley albeit in his consultant capacity advised in relation to car parking was in my view completely misleading. He had a leading role in setting our planning policy and knew that was not Bournemouth's position. I feel that he overstepped the mark at this meeting.*
- 4.14.11 *I am concerned that officers did not feel they could go against him, whatever hat he said he was wearing.*
- 4.14.12 *I am also concerned about why the Chair of Planning, Cllr Kelsey, pushed this through. He has questions to answer. Previously he has been a stickler on car parking issues. But not here- and only here. Cllr Kelsey is Conservative Group secretary and Chief Whip as well as Chair of the Planning Board.*
- 4.14.13 *The Belvedere Hotel decision was wholly inconsistent with our policy. The role of Cllr Beesley in that remains unclear, but of concern.*
- 4.14.14 *Cllr Beesley is an extremely controlling Leader with bullying tendencies.*
- 4.14.15 *We have seen that with the departure of our previous CEO (Tony Williams) . Tony Williams was at the end of his tether and had commenced an investigation into Cllr Beesley and his role in the Belvedere planning matter.*
- 4.14.16 *Then he was gone with a very large payoff, initiated by the Leader. I am aware that Tony Williams had passed his file on Cllr Beesley to the External Auditors .*
- 4.14.17 *Given the departure of the CEO in this way, as well as the previous CFO and MO, I think senior officers know that they do what the Leader wants the way the Leader wants or they lose their jobs.*

4.14.18 *The circumstances of this grant of planning permission( contrary to our policy), the involvement and comments of John Beesley at the meeting on 25 August and the treatment of other senior officers is why I believe that the actions of the Leader, whatever hat he said he was wearing, was a breach of the Code."*

**4.15 Cllr Nick Rose**

4.15.1 *"I was very concerned at the process and outcome regarding the departure of our previous CEO Tony Williams.*

4.15.2 *At the time, I would describe the political climate that we were operating in as one of bullying and intimidation.*

4.15.3 *Tony Williams was very concerned about the behaviour of our Leader, Cllr John Beesley in respect of the Belvedere Hotel. His concern was so significant that he was investigating, and that was known to Cllr Beesley. This was why Tony Williams had to go.*

4.15.4 *The decision of our planning board was contrary to our Local Plan (adopted 2002) , the Core Strategy 2012 and the Council's parking SPD (adopted July 2014) which states that in relation to hotels, the requirement is 1 car parking space per bedroom.*

4.15.5 *The application was also opposed by the Council's Tourism Department, the Heritage Officer and the Bournemouth Hoteliers Association and importantly, contrary to the Council's Parking Policy.*

4.15.6 *I would wish to draw attention to the minutes of a meeting held on 25 August 2017 between officers of the Council's transport function, representatives of the developer and John Beesley in his capacity as consultant(Hospitality Solutions) to the developer. In that meeting the developer set out their proposal that the development would provide the disabled car parking provision required on site but that guests would use public car parks. JB (John Beesley) was noted as having confirmed that the parking arrangements proposed were typical for the industry and that guests and staff did not expect to park on site.*

4.15.7 *This inconsistency of approach by the Council to the issue of car parking concerned me greatly. We have stuck to our position by refusing applications that do not meet SPD requirements. The meeting on 25 August where Cllr Beesley albeit in his consultant capacity advised in relation to car parking was in my view completely misleading. He had a leading role in setting our planning policy and knew that was not Bournemouth's position.*

4.15.8 *I am concerned that officers did not feel they could go against him, whatever hat he said he was wearing.*

4.15.9 *Cllr Beesley is an extremely controlling Leader and is overly assertive bordering on bullying.*

4.15.10 *We have seen that with the departure of our previous CEO (Tony Williams).*

4.15.11 *Also, when our complaint was submitted, we request confidentiality. Within minutes other co-signatories were being confronted by members of Cllr Beesley's inner circle."*

4.15.12 *Cllr Rose also supplied us with various letters that he considered demonstrated some of the bullying behaviour he referred to. We took them into account although we have not reproduced or quoted from them here.*

**4.16 Cllr Rae Stollard**

- 4.16.1 *"On the 25th April 2017, I was one of ten signatories to a Member Complaint regarding the Involvement and conduct of Councillor John Beesley as a consultant to Fresh Lime Developments in support of a Planning Application to develop the Belvedere Hotel.*
- 4.16.2 *I should make it clear that I was not directly involved and I am not on the planning board. Further that I have not been privy to any of the legal advice from within the Council given to Cllr Beesley.*
- 4.16.3 *I became involved initially with the departure of our previous CEO, Tony Williams. I had a great deal of respect for Tony Williams. He was a man of integrity and had empathy for the needs of his staff and the good name of Bournemouth Borough Council. I did not know the details around his departure at the time, but he contacted me when he moved to Westbourne in 2017 and told me his side of the story, including the details surrounding his investigation into Cllr Beesley over the Belvedere Hotel and the Leader's failure to declare his interests properly.*
- 4.16.4 *Tony Williams said that prior to his departure, his relationship with Cllr Beesley had broken down completely. They could only communicate via Jane Portman.*
- 4.16.5 *I was also told that the evidence relating to the Leader's breach of the Code of Conduct was also in the hands of the local newspaper.*
- 4.16.6 *At the time a UK Parliamentary General Election was on the horizon. I also took account of the impact on the Council and the potential reputational damage for the Council and town if this was printed by the local media. This was why I supported the complaint and called for an investigation into the claim that Councillor Beesley had not disclosed his pecuniary interest in the planning application of the Belvedere Hotel. I was also told that the signatures would be confidential.*
- 4.16.7 *Cllr Beesley is a quietly, clever controlling, bullying and manipulative person. He can be very charming. He does not like me, his Ward colleague, to know when he goes on holiday.*
- 4.16.8 *I do not however think he is a criminal. He has also done a lot of good for Bournemouth.*
- 4.16.9 *I have no direct evidence in relation to his conduct towards officers, but given his characteristics which I have observed close at hand as a ward colleague, I can see the concerns.*
- 4.16.10 *Nothing but the centre of attention will work for him. He has considerable political ambitions whereas I do not.*
- 4.16.11 *He is keen to claim the credit, to be the person who sorts or resolves things, to be the fixer and the centre of attention.*
- 4.16.12 *In relation to the Belvedere Hotel application, the fact that it was approved when it was contrary to the view of the Council's Tourism Department, the Heritage Officer and the Bournemouth Hoteliers Association and importantly, contrary to the Council's Parking Policy caused considerable concern within the group because of Cllr Beesley's involvement and role."*

#### 4.17 **Cllr David Kelsey**



- 4.17.1 *"There had been movement on parking standards away from the previous "absolute" position in Bournemouth.<sup>1</sup>*
- 4.17.2 *This reflected the national policy position regarding the use of public transport and moving away from parking provision including for hotels*
- 4.17.3 *There was nothing therefore particularly significant in the Belvedere Hotel matter per se, in that the approach of the Planning Board reflected the Council's on going changing approach to the provision of on-site parking.<sup>2</sup>*
- 4.17.4 *There was no suggestion of impropriety or adverse influence having been placed on officers prior to or at the planning board meeting. I am a stickler for such things and had there been any suggestion of anything like that, I would have been all over it.*
- 4.17.5 *The decision of the Board represented the views of the Board as they voted.*
- 4.17.6 *I did not allow Cllr Beesley to attend the Board. I never did when he was acting for a developer. "*

#### 4.18 **Cllr John Beesley**

- 4.18.1 *"My consultancy, Hospitality Solutions, is an unincorporated business (I have a separate incorporated business that manages hotel contracts) which has been operating since the late 1990s although whilst I have been Leader, I have had limited time to undertake consultancy work.*
- 4.18.2 *The focus of the consultancy is to provide knowledge and experience of how hotels operate within the context of general management reporting, maximisation of the potential of existing hotel sites, and the operational aspects of hotel development opportunities. In the past, clients have been located across the country, but in recent years have been more locally in the central south.*
- 4.18.3 *The Belvedere Hotel was an existing but redundant hotel site, the client being based in London.*
- 4.18.4 *Referring to the meeting that I attended in my consultancy capacity on 25 August 2016, my contribution was limited. However, the client had specifically asked that I attend the meeting to speak on the operational issues of the hotel, if necessary.*
- 4.18.5 *The core highway issues were very technical and clearly matters for the highways experts from the Council and the developer to discuss.*
- 4.18.6 *In relation to para 5.7, the point I was making at the meeting was in relation to how modern town and city centre hotels operate generally, and in particular the requirements (from an operational / hospitality perceptive) of this hotel and client. My role was to explain these requirements for the brand which was likely to operate the hotel, this being the relevant work of my consultancy for the proposed hotel. The sole purpose of my attendance was to contextualise the proposals in respect of the developer's transport consultants. I was not there to test, enunciate or explain the Council's parking policies.*

<sup>1</sup> Cllr Bartlett challenged Councillor Kelsey's statement that there had been movement on parking standards away from the previous, absolute, position. Cllr Bartlett said that there was no evidence to support this statement, indeed the opposite applied where major developments recently approved in Bournemouth had to have multi story car parks. Cllr Bartlett said Cllr Kelsey had always been a stickler for this.

<sup>2</sup> Cllr Bartlett disagreed with this statement from Councillor Kelsey. Cllr Bartlett said that there had never been an application of this magnitude that sought no parking and there was no changing approach to the provisioning of on site parking. Cllr Bartlett believed that this statement was made to support Cllr Kelsey's actions at the planning meeting.



- 4.18.7 *In terms of my approach to meetings like this when I attend in my capacity as a consultant, I always make my role and status very clear, in that I am there as a consultant to the client in a private role and not in any other capacity that I may be known for elsewhere.*
- 4.18.8 *I also make it very specifically clear that I do not rely on any relationship that I may have through my Council role and I always act accordingly.*
- 4.18.9 *I take advice on my approach and no issue has ever been raised with me by any Council Officers as to the consultancy role that I perform or the way in which I conduct it.*
- 4.18.10 *This statement should be read in the context of the other two attachments in documents titled 'Complaint from Cllr McQueen and Others' and 'Member Guidance on Disclosable Pecuniary Interests'. "*
- 4.18.11 Cllr Beesley's document: Complaint from Cllr McQueen and Others
- (a) *"In my private sector consultancy business, Hospitality Solutions, I have had a number of clients, over the past 20 years. Whenever these have resulted in work which falls within Bournemouth, I have been very conscious of the obligations placed on me as a Councillor and have always made the appropriate declarations of personal interests (DPI) with advice from the Council's Monitoring Officer when necessary.*
  - (b) *In the case referred to in the complaint, I followed the procedure set out on previous occasions.*
  - (c) *My role with Fresh Lime Developments in the application for the Belvedere Hotel site meant that I was engaged around the hospitality aspects of the proposals. This is a limited but important field in the development of hotels, particularly in an authority with clear tourism policies which need to be interpreted and acted upon. The developer assembled a full development team for the proposals which were led by the planning consultants and the architects. For clarity, I attended team meetings with the client and Planning Officers and on each and every occasion I began the meeting with a declaration which made it specifically clear that I was attending in the capacity of a consultant advisor to the proposals, as a private individual in my private business, and that Officers should ignore my separate elected office and Council role with which they might be more familiar. At no time did I attend pre-application meetings of the Planning Board concerned with this proposal, nor did I attend the Planning Board meeting at which the application was determined. Throughout I ensured that I did not speak to other Councillors about the application, nor did I attempt to communicate with them in any other way, with one exception. That exception was with Cllr Bartlett who asked for a meeting with me as he wanted to express his view that he was unhappy about my involvement in a planning application, and his need for greater clarity over this as he would be a Member of the Planning Board determining the application. I agreed to meet with him in order to satisfy his own personal concerns, and as far as I was aware those concerns were not shared by others at the time. I spent some time explaining the background to my involvement as part of my lawful business, especially my limited role on behalf of my client and the advice I had received at every stage from the Monitoring Officer. I also explained that at every meeting with Council Officers and the client's project team I gave a verbal reminder to Officers as to my status in order to avoid any doubt as far as*

*those present were concerned. I reminded him that I had not attended any of the pre-application and later meetings with Members and that at no stage had I contacted Members about the application. I also emphasised that I did not intend to attend the Planning Board meeting at which the application would be determined.<sup>3</sup>*

- (d) *I was aware of the statement that was prepared by Officers in advance of the Planning Board meeting as this was passed to me by the Monitoring Officer for factual correction if necessary. To the limited extent of my involvement as part of the applicant's project team, the resultant statement is very clear and was subsequently read out at the start of the meeting which was recorded in the normal way. I am alarmed by the later interpretation of the statement by the complainants. The complaint is based on supposition, without any attempt to discover what actually occurred, and is a direct challenge to the integrity of both myself and the senior Council Officers involved in the evaluation of the application.*
- (e) *The advice I have consistently taken from the Monitoring Officer has not only been in advance but at every stage of the process. I understand that her advice has been confirmed by other Monitoring Officers in Dorset and the Council's external solicitors as being correct and is the interpretation given to Councillors elsewhere across the country in similar circumstances to my own.*
- (f) *In terms of the Local Development Framework (LDF) of which I have been a Member since its formation, I sit as a Member of the Authority and not as the Leader of the Council. I have always declared a DPI in respect of any discussion on tourism policy as it might affect hotels or related development. I am a Member of the LDF (and its successor body) by virtue of having some knowledge of planning and the previous Local Plan, as a former Member and Chairman of the Planning Board. Any suggestion that this is improper or a breach of the principals of Nolan or the Code of Conduct is clearly motivated by other factors and should have no impact in the work I do as a Councillor.*
- (g) *The complaint about my mobile telephone number is one which was recently pursued directly with me by the local media. It is now obvious from whence the story originated and there has been detailed correspondence with the Daily Echo on the subject which can be made available. If nothing else it clearly demonstrates the strategy being adopted by those who would see me taken from office despite the lack of any evidence of wrongdoing, non-compliance with Nolan or any breach of the Code of Conduct in this or any other respect.*
- (h) *Dealing with the alleged public perception around the issues which have been widely reported in the press, this is as a direct result of the complainant(s) and those most closely associated with them who are now outside the Council. They with others have deliberately leaked information and briefed the media to fulfil their own ambitions and have at no time*

<sup>3</sup> On reviewing the draft report, Cllr Bartlett contested this stating that Councillor Beesley's description of the reason for the meeting with him and what was discussed was inaccurate, misleading and evasive. Cllr Bartlett said that the meeting was called by him to determine if it was true that Councillor Beesley was employed as a consultant to the developer and to inform him that if true, then under the members Code of Conduct, Cllr Bartlett would have to declare an association at the Planning Committee and would not be able to take part in considering the Application. Cllr Bartlett also said that the statement prepared by the legal officers was written prior to his meeting with Councillor Beesley, so contrary to this statement, he was already aware, prior to our meeting, that the legal team was concerned about his involvement. Cllr Bartlett further said that this touched on what for him was one of the primary reasons for agreeing to sign the complaint, namely that regardless of whether Councillor Beesley was acting as a private individual or that as Leader of the Council, his actions, if they became known, would cause the planning system to be compromised to the point that it could not function. Further, that Councillor Beesley was aware that his involvement with the developer carried this risk to the planning system, but chose to ignore it, presumably because he was being paid.

*raised any of the issues with me about which they and others now complain. The reputational damage they have achieved to the Local Authority is of course expressly undermining of my role in the Local Government Reorganisation proposals and is deliberately intended to destabilise the current administration in which they have not been offered executive roles.*

*Cllr John Beesley*

*Westbourne & West Cliff Ward*

*and Leader of the Council*

*July 2018"*

#### 4.18.12 Cllr Beesley's document: Member Guidance on Disclosable Pecuniary Interests

- (a) *"The advice given to me by the Monitoring Officer has consistently been that the declarations I have made are as required by the Act. I understand that this advice has been corroborated by other Monitoring Officers in Dorset and by the Council's external solicitors.*
- (b) *Whilst I acknowledge that it is a Member's responsibility to make their own judgement on declarations, the advice sought and taken by a Member from the Council's senior legal officer does carry considerable weight. A Member cannot be expected to be able to make a legal interpretation of the legislation, particularly new legislation, without seeking internal advice. A Member certainly would not be expected to seek external legal advice at their own cost unless, at the very least, conflicting guidance had been received and there were good reasons for doing so.*
- (c) *I have always done my utmost to declare any and all pecuniary interests appropriately and in full compliance with the legislation and I have taken advice from the Monitoring Officer whenever further clarification has been required. My declarations have always listed businesses and bodies, both incorporated and unincorporated, in which I have an interest as well as any land or property within the Borough, and these declarations are always updated promptly as necessary.*
- (d) *In terms of the issue at (a) above, my interpretation has always been that 'the name of any person or body who employs or has appointed you' means precisely what it says in terms of my unincorporated business, Hospitality Solutions.*
- (e) *The interpretation has been and continues to be that in my case, being self-employed and 'trading as', recognises that I am the employer and that my business appoints me in that capacity. My understanding is that this is also the basis of the interpretation of the Monitoring Officer. Any other interpretation has simply never occurred to me.*
- (f) *Commercially, any other interpretation would mean that all client details would be required to be listed, regardless of client confidentiality, and therefore the ability to trade in my lawful self-employed capacity could only be for clients who were compliant with their details being published. This*

would then also apply to those in the professions and to anybody with private clients, who in some cases would be private householders. In turn, that would be prejudicial to carrying on a trade of profession unless agreement from a client or customer was sought and freely given, which in many cases it would (or could) not be.

- (g) *I do not believe that the legislation as drafted was ever intended to include any 'person or body', other than in the way I have interpreted and declared. Rather, it was intended to lead to a Member declaring an employer or organisation when that person was a third party and therefore not the person themselves unless as in the case of a self-employed Member.*

*JB – 31 October 2017"*

**4.19 Andrew England**

- 4.19.1 *"I ... was until 30th November 2018 the Head of Planning, Transport and Regulation at Bournemouth Borough Council.*
- 4.19.2 *I was in that role at the material times associated with this complaint.*
- 4.19.3 *In relation to the complaint and the presence of Cllr Beesely in meetings, I was at 2 meetings where he was present.*
- 4.19.4 *At any meeting where he was present, he introduced himself and explained his status at the meeting ( a hospitality consultant, not the Leader of the Council)*
- 4.19.5 *The first meeting he came to was the planning inception meeting on 17th October 2016. Simon Gould Head of Development Control was also there from the Council.*
- 4.19.6 *This is a meeting we have for any major development application during which we sort out how the Council and the developer's team will work together to create a programme of work.*
- 4.19.7 *Cllr Beesley attended as part of the applicant's team. His sole contribution, aside from introducing himself and explaining his status, was to advise the applicant that our recommendation to have a planning performance agreement was a good one.*
- 4.19.8 *The second was on 31st October 2016 where the focus was on design. Aside from introducing himself and explaining his status again, his sole contribution was to agree with a couple of points made by officers.*
- 4.19.9 *Cllr Beesley is a hospitality consultant. That is an issue which rarely figures in planning applications, which is often focussed on matters such as design or car parking.*
- 4.19.10 *Cllr Beesely stuck to the rules of engagement throughout, explaining his status clearly. As a consequence I think everyone at the meetings I was at was clear which hat he was wearing, and which he was not.*
- 4.19.11 *No pressure or influence was exerted by Cllr Beesley at either of these two meetings.*
- 4.19.12 *I am aware that the complaint refers to the officers seeking a meeting with the CEO to express their concerns about Cllr Beesley's involvement. However, it was the previous CEO who in fact asked to talk to us, not the other way round. He inquired as to how we felt about Cllr Beesley's involvement in his private capacity, and we*

*replied that it was fine, we did not feel under pressure and that we did not see any issues.*

*4.19.13 In relation to this matter the Monitoring officer then gave the Leader and Committee advice on interests before and at the meeting.*

*4.19.14 Whilst I - and I ensured that my team also - did not depart from our normal professional role and responsibilities in dealing with planning matters when Cllr Beesley was involved in a private capacity as a hospitality consultant, and (as I understand it) there is nothing wrong with him doing what he does in the way that he does, it did make me feel uneasy.*

*4.19.15 But to be clear, there is no doubt in my mind at all that he did not influence or seek to influence our decisions nor did he use or attempt to use his position as Leader in any way. "*

#### **4.20 Simon Gould**

*4.20.1 "I ... was at the material time the Senior Planning Officer at Bournemouth Borough Council and case officer for the Belvedere hotel development. I am now the Development Management Team Leader*

*4.20.2 In relation to the complaint and the presence of Cllr Beesley in meetings, I was at 2 or 3 meetings where he was present. There were many meetings in relation to this development. Most that I was involved in related to design and planning matters. Transport colleagues had separate meetings that I was not involved in relating to car parking. Car parking and design were the biggest issues we dealt with.*

*4.20.3 At any meeting where he was present, Cllr Beesley introduced himself and explained his status at the meeting ( a hospitality consultant, not the Leader of the Council)*

*4.20.4 The first meeting he came to was the planning inception meeting on 17th October 2016. Andrew England was also there from the Council.*

*4.20.5 This is a meeting we have for most major developments, during which we sort out how the Council and the developer's team will work together to create a programme of work. This meeting also paved the way for the creation of a Planning Performance Agreement (PPA), which identifies the project team and a road map for the pre-application discussions leading to the submission of the planning application.*

*4.20.6 Cllr Beesley attended as part of the applicant's team. His sole contribution, aside from introducing himself and explaining his status, was to advise the applicant that our recommendation to have a planning performance agreement was a good one.*

*4.20.7 The second was on 31st October 2016 where the focus was on design. Aside from introducing himself and explaining his status again, his sole contribution was to represent his Client on matters relating to the tourism aspect of the proposals.*

*4.20.8 Cllr Beesley is a hospitality consultant. That is a specialist area of planning which usually only requires specialist advice on sites that give rise to matters relating to tourism, such as the loss of tourist accommodation or the creation of new tourist accommodation. In this instance the latter is relevant. Planning applications are most frequently focussed on matters such as policy, design, impact on trees, or car parking as this matter was. In this instance the lawful use of the site as a hotel and its prominent position in the Town Centre close gave rise to considerations to the impact of the proposed development on Bournemouth's tourism economy.*

- 4.20.9 *Cllr Beesley stuck to the rules of engagement throughout, explaining his status clearly. As a consequence I think everyone at the meetings I was at was clear which hat he was wearing, and which he was not.*
- 4.20.10 *No pressure or influence was exerted by Cllr Beesley at any of the meetings he was at that I also attended.*
- 4.20.11 *Whilst I - and I ensured that my team also - did not depart from our normal professional role and responsibilities in dealing with planning matters when Cllr Beesley was involved in a private capacity as a hospitality consultant, and (as I understand it) there is nothing wrong with him doing what he does in the way that he does, it did make me feel slightly uneasy.*
- 4.20.12 *But to be clear, there is no doubt in my mind at all that he did not influence or seek to influence our decisions, nor did he use or attempt to use his position as Leader in any way.*
- 4.20.13 *In relation to the car parking issue, from my view and in my experience, whilst there was as compared to the Council's SPD a shortfall, the position would have been negotiated. Transport colleagues will be better placed to clarify but it is not unusual to agree a package of measures including car parking, S106 / 278 contributions such as sustainable transport and road improvements as well as financial contributions.*
- 4.20.14 *It should be stressed that a lot of work went into this application before we were in a position to recommend the granting of planning permission. We were at one point on the verge of recommending refusal on matters relating primarily to design although further negotiations with the Applicant lead to design improvements which overcame these earlier concerns with the scheme."*

#### 4.21 **Claire Clark**

- 4.21.1 *"I am Claire Clark (BEng (Hons) MSc DIC MCIHT MTPS ) and I am currently Project Manager for the A338 Bournemouth International Growth Programme at Bournemouth Borough Council (the Council). At the material time I was Senior Transport Development Engineer at the Council and the lead officer for highways matters on the Belvedere Hotel planning application.*
- 4.21.2 *In relation to dealing with the application and the application of the Council's standards and policies, each application is dealt with on its merits. A degree of common sense is required. The Belvedere comprised new development and there would also be a new multi storey public car park very close by. The replacement public car parking element provided an opportunity for its use within the context of the Belvedere development.*
- 4.21.3 *We had to look at what was a constrained site, and assess the totality of the highways issues and what improvements were needed alongside the development. The presence of this new parking facility gave alternative options. As a result, the provision of one space per bedroom was less material for us in my view in terms of considering the application.*
- 4.21.4 *In highways terms we were seeking a package of highways improvements. These included highways improvements as well as improvements for cyclists and pedestrians.*
- 4.21.5 *It was a difficult application, but I and the team were never under pressure to depart from what we professionally thought was right and proper. The difficulty arose from the technical nature of the application itself.*

- 4.21.6 *There were particularly difficult conversations around the pick up / drop off arrangements at the front of the hotel in lieu of the lack of parking provision. That would have led to us recommending refusal on highways grounds, and that was our position up until the 11th hour.*
- 4.21.7 *As the hotel was minded to rely heavily on public parking off site, we felt that they needed suitable pick up / drop off arrangements. In the event, we ended up with good pick up / drop off arrangements, with good circulation and suitable arrangements for taxis and deliveries that did not prejudice those arrangements. We therefore recommended approval.*
- 4.21.8 *Throughout the matter I never felt that I was under pressure from Cllr Beesley in his private consultancy capacity to act inappropriately. I did not feel pressurised or influenced.*
- 4.21.9 *Had he not been involved, my views and actions would have been the same."*

**4.22 Paul Dossett**

- 4.22.1 Paul Dossett, a Partner (Public services) at Grant Thornton UK LLP is BBC's External Auditor.
- 4.22.2 I spoke to him at the suggestion of various of the complaints as it was put to me that he had received information from Tony Williams that I should consider . Also that the External Auditors might have investigated the matter.
- 4.22.3 I agreed, following a meeting that we had with Paul Dossett that we would reflect the outcome of our conversation with him within our report as follows:
- (a) That the External Auditors had no significant new or additional information that we did not already hold from our investigation and vice versa
  - (b) As a consequence it was clear and agreed that we both had a mutual and agreed understanding of the case
  - (c) That as the Council's external auditor subject to the outcome of our investigation, Grant Thornton would then consider what action, if any, may flow.

## 5 Summary of the evidence and material facts

- 5.1 We obtained and took into account a considerable amount of evidence from the statements made.
- 5.2 We also considered statements supplied for the criminal investigation where they were supplied to us and a body of documentation that we obtained both from witnesses and which we obtained from perusing BBC files.
- 5.3 We came to the conclusion that there was no direct evidence from the complainants in terms of specific actions or similar carried out by Cllr Beesley in relation to the planning / highways officers.
- 5.4 The only potential exception to which our attention was drawn was a meeting that took place on 25 August between representatives from I-Transport(the developer's transport consultants), Council Officers and Cllr Beesley in his consultancy role " John Beesley - Hospitality Solutions").
- 5.5 A number of the complainants made reference to this and their view that in that meeting the developer set out their proposal that the development would provide the disabled car parking provision required on site but that guests would use public car parks. John Beesley was noted as having confirmed in his consultancy status that the parking arrangements proposed were typical for the industry and that guests and staff did not expect to park on site.
- 5.6 The complainants pointed out the inconsistency of approach to the issue of car parking. They pointed out that BBC had stuck to their position by refusing applications that did not meet SPD requirements. Their view was that Cllr Beesley albeit in his consultancy capacity misled in the advice he gave on car parking as this was not BBC's position.
- 5.7 They alleged that as a consequence the officers did not feel they could go against him, whatever hat he said he was wearing.
- 5.8 Cllr Kelsey as Chair of Planning Board pointed out the changing / evolving national position was not as clear cut as the complainants saw.
- 5.9 Cllr Beesley stated:
- "In relation to para 5.7, the point I was making at the meeting was in relation to how modern town and city centre hotels operate generally, and in particular the requirements (from an operational / hospitality perceptive) of this hotel and client. My role was to explain these requirements for the brand which was likely to operate the hotel, this being the relevant work of my consultancy for the proposed hotel. The sole purpose of my attendance was to contextualise the proposals in respect of the developer's transport consultants. I was not there to test, enunciate or explain the Council's parking policies."*
- 5.10 Claire Clark was at the meeting. I specifically asked for her additional comments on this point and she said:
- "Whilst I was initially surprised that Cllr Beesley attended the meeting at what appeared to be the last moment, the Head of Transportation came with me to the meeting to ensure that there was more than just one representative from the Council. This also demonstrates that there was support with the approach that was taken."*



..... the parking issues rested solely on the provision of disabled parking and some staff parking on the site, along with a substantial drop off and pick up area to the front of the site for guests arriving and departing. The proximity of a new 155 multi storey public car parking facility at Berry Court which was previously under capacity when it was a surface car park, and was then being located behind a new large flatted development, gave the practical opportunity of guests to park in a nearby public car park. Mitigation also required the applicant to provide enhanced pedestrian and crossing facilities to this car park amongst other provision.

As the development consisted of a mix of hotel and residential, the car parking arrangements provided on site could be open to abuse and potentially be difficult to manage. In addition, provision had to be made for bin storage and collection for both residential and the hotel and satisfactory arrangements needed to be included within the parking area.

The provision of a pick up and drop off point at the front of the hotel was the key factor in enabling the reduced patron parking on site. There is ample opportunity for parking in the vicinity as previously explained, and the development was also subject to both a residential and hotel Travel Plan to ensure that modes other than the private car are positively encouraged.

Whilst policies are in place for guidance, it is not unusual to apply them in correlation to the merits of the site and what other benefits can be achieved through wider mitigation measures to encourage a shift in transport or to utilise current facilities, where appropriate, practical and feasible to achieve a tangible benefit.

.... had the Berry Court car park been further away, then it would be a refusal on highway grounds. Had the developer not provided the pick up and drop off area to the front of the hotel, it would, and was for some considerable time, a refusal on highway grounds.

This site has been vacant for some considerable time and numerous applications have come and gone. This was a clear opportunity on the basis of the proposed use to facilitate use of the nearby public car park. There is more opportunity for hotel guests to use the car park (hotels often supply a pre-paid pass) than for residential occupants.

This was therefore a case for an opportunity to take a bigger picture, common sense approach to enable this development. This was not because I felt in any way coerced, persuaded or pressured. I would make the same decision today. I have worked for Bournemouth Council for 17 years and I have an BEng (Hons) Civil and Transportation Engineering Degree and an MSc in Transport from Imperial College as well as 25 years experience in this field. I am also a Member of the Chartered Institute of Highways and Transport and the Transport Planning Society. I am not persuaded by developers in my role and have the track record to demonstrate that. My role was to give highway advice on Planning Applications as a Senior Development Engineer. I am able to represent the Council's views, have support from the wider development control team and my professional judgement is considered to be sound. It hasn't been called into question in all my years at the Council. It is slightly offensive that there is the suggestion that I haven't done my job correctly or I was persuaded. I can categorically state that this is not the case.

The issue here is that it was perceived to be a contentious application in any case, and Cllr Beesley's involvement then became an issue."

- 5.11 We therefore concluded from the evidence that the events of the meeting on 25 August did not support the allegation.
- 5.12 The evidence that the complainants sought to rely on in support of this allegation was therefore derived from :

- 5.12.1 The nature and the decision of the planning board's decision regarding the Belvedere Hotel, the involvement of Cllr Beesley in his private capacity and the seeming incongruity of the decision in terms of parking. The thrust of this argument was therefore that Cllr Beesley must have inappropriately influenced or bullied the officers or how else could this decision have been reached.
- 5.12.2 The behaviour of the Leader towards others, including (particularly) the previous CEO. The thrust of this argument was that officers knew that if they crossed the Leader, they would expect consequences. So of course they had acceded to his expectations in relation to the car parking at the Belvedere Hotel.
- 5.13 In considering the evidence, even if we had investigated in full the allegations around the departure of the previous CEO (which were not part of the complaint that we were investigating), whatever our findings, that would not been evidence or proof even to a civil burden of proof that Cllr Beesley had behaved contrary to BBC's Code of Conduct in relation to the planning / highways officers regarding the Belvedere Hotel as alleged in the complaint.
- 5.14 On the contrary, the officers directly involved were very clear that they had not been influenced or bullied and had discharged their duties professionally. Their evidence which was directly related to the facts of the complaint was both significant and compelling in this matter.
- 5.15 The officers were very clear that they would not be compromised in the way alleged. Their responses were firm robust and believable. Of course they felt uneasy having the Leader at meetings in another role. Any officer would. Had they not said that we would have questioned their responses.
- 5.16 The approach taken by the Leader in explaining his status when acting as a consultant was appropriate. The approach taken by the officers in dealing with the Leader when acting as a consultant was entirely professional and what was to be expected.
- 5.17 Further it was clear that had Cllr Beesley not been involved in the Belvedere Hotel, they would have acted no differently in terms of their professional view, advice and judgement.

## 6 Reasoning on Breach of Code of Conduct Allegations

6.1 That part of the complaint that we investigated amounted to an alleged breach of four areas of the BBC Code of Conduct which it was alleged that Cllr Beesley had breached. These are repeated below in full and we have addressed them individually, albeit the reasoning overlaps:

- 6.1.1 compromising or trying to compromise the impartiality of Council officers;
- 6.1.2 allowing his/her conduct or behaviour to bring disrepute on the Council or compromising the Council's duty to promote and maintain high standards
- 6.1.3 Using or attempting to use his/her position improperly for his/her or any other person's gain or loss ; and
- 6.1.4 bullying, harassing or intimidating other people.

6.2 As a preliminary point we have noted that BBC's Code states:

### ***"PRINCIPLES OF THE CODE***

*12. To comply with section 28(1) of the Act the Code must when viewed as a whole be consistent with the following principles:*

*Selflessness*

*Honesty and Integrity*

*Objectivity*

*Accountability*

*Openness*

*Leadership*

*13. This Code is in addition consistent with the following principles:*

*Personal judgement*

*Respect for others*

*Duty to uphold the law*

*Stewardship*

*14. These ten principles are defined at Appendix A. "*

6.3 This therefore sets the context for the obligations on members that then follow in BBC's Code (General Obligations and Specific Obligations). It is important to remember that these principles (the Nolan Principles) are not in themselves a code of conduct, and so are not prohibitory in character. Codes which do not elaborate on them will lack these provisions.

- 6.4 However, we felt given the significance that the issue of "respect" had to the complaint regarding Cllr Beesley's behaviour towards BBC Officers that it was worthy of mention in the context of the specific allegations we were asked to investigate.
- 6.5 Appendix A (in relation to respect) of BBC's Code states:
- "Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. Members should respect the impartiality and integrity of the Council's statutory officers and its other employees."*
- 6.6 The term "respect" is not defined in the Code, however the requirement to treat others with respect must be viewed objectively.
- 6.7 In the case of R (Mullaney) v Adjudication Panel for England (2009) EWHC 72, the High court agreed that:
- "The concept of respect is perfectly capable of being applied by a reasonable person. The definition of respect ... is straightforwardly stated as 'failure to treat others with respect will occur when unfair, unreasonable or demeaning behaviour is directed by one person against another'. The circumstances are also relevant and can include the place where the behaviour occurred, who observed the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompted the alleged act of disrespect".*
- 6.8 All these factors therefore need to be taken into account.
- 6.9 Reflecting upon the previous standards regime, whilst some care must be taken given the 2011 Act regime is in many ways different, we consider that the conduct must be unreasonable, unwarranted and personalised to breach the Code.
- 6.10 The Council's Protocol for Member / Officer Relations (<https://www.bournemouth.gov.uk/councildemocratic/AboutYourCouncil/AboutYourCouncilDocs/Constitution/constitution-as-at-1-april-2016.pdf>) provides a comprehensive regime setting out guidelines for the relationship should work.
- 6.11 **Allegation 1: Compromising the impartiality of those who work for the Council**
- 6.11.1 The Authority's code states that there is a specific obligation on members:-
- "Not to compromise the impartiality of Council officers, or try to do so" (para 14)*
- 6.11.2 It is well established by law that those employed in councils are above the political fray They act neutrally, advise and implement policies without political allegiance.
- 6.11.3 This is reflected by the BBC's Protocol for Member / Officer Relations which lays out relevant expectations as to how members and officers behave at key points in their relationship and interfaces.
- 6.11.4 Issues around impartiality tend to arise when members are seeking to cross over the lines between their roles and roles of officers or seeking preferential treatment. This issue can also arise when Councillors are seeking to change officer advice or recommendations, requiring officers to work on party or group work rather than council business, or private business especially where a reward or incentive is offered.
- 6.11.5 We consider that the evidence in this matter is clear. The basis upon which the allegations have been based are a combination of supposition, circumstantial evidence (at best) and "belief". There is in fact no direct evidence in support of the

allegation. The "meat" of this matter came in the form of the allegation around the DPI. But that has been investigated and is not being taken further as there is insufficient evidence. The effect therefore of this in relation to that part of the complaint is that there was no finding of a breach of the law relating to the DPI.

6.11.6 The evidence from the officers is in comparison is compelling. They were all very clear that they would not be compromised in the way alleged. Their responses were firm robust and believable. Of course they felt uneasy having the Leader at meetings in another role. Any officer would. Had they not said that we would have questioned their responses.

6.11.7 The approach taken by the Leader in explaining his status when acting as a consultant was appropriate. The approach taken by the officers in dealing with the Leader when acting as a consultant was entirely professional and to be expected.

6.11.8 In summary:

- (a) There is no direct evidence in support of the allegation of a breach of the Code of Conduct. What evidence there was is circumstantial.
- (b) There is however compelling evidence especially from the officers that there was no breach of this part of the Code of Conduct.

6.11.9 On that basis, we conclude that Councillor Beesley's conduct did not compromise their impartiality and hence not breach that part of the code of conduct that relates to impartiality.

## 6.12 **Allegation 2: Disrepute / compromising the Council's duty to promote high standards**

6.12.1 The Authority's code states that there is a specific obligation on members:-

*"Not to allow his/her conduct or behaviour to bring disrepute on the Council, or compromise the Council's duty to promote and maintain high standards"(para 14)*

6.12.2 Actions which diminish public confidence in a councillor's ability to discharge their functions will bring their office into disrepute. The concept is concerned with damage to public confidence and reputation of the individual and authority as a whole.

6.12.3 The test is whether or not a members' conduct "could reasonably be regarded" as having these effects. This is an objective test.

6.12.4 As a result, we consider that the question therefore is this - did this conduct fall within a range that either did / did not bring the councillor's office or authority into disrepute.

6.12.5 Further the law has made it clear that the decision maker on these sort of matters should be clear that the conduct has damaged the reputation of the member's office or authority to make an adverse finding. Damage simply to the reputation of the individual concerned will not suffice.

6.12.6 We have therefore considered whether the conduct complained of damaged the reputation of Cllr Beesley's office or BBC, and not just the reputation of Councillor Beesley as an individual.

6.12.7 In that context we were mindful that BBC's Code says:

*"ASPIRATIONS OF THE CODE*

9. This Code sets out the standards of conduct that members are required to meet at all times. Members are also expected to aspire to exceed the provisions of the Code.

**10. The Council Leader, Group Leaders and the Chairman and members of the Council's Standards Committee, individually and collectively, have a special responsibility in their own conduct to set an excellent example and to inspire other members to achieve the highest standards of conduct.**

11. High standards of conduct by members are not only important in their own right; they also have an influence on the Council as a whole in achieving high standards of performance." (our emphasis)

6.12.8 What must be considered here is to gauge an objective view. That is, whether the actions of Councillor Beesley were such that a member of the public, knowing all the relevant facts, would reasonably think that his actions were so significant that it would impact on the Council's ability to properly carry out its functions.

6.12.9 Our conclusion is that that is not the case.

6.12.10 A member of the public, knowing all the relevant facts, would reasonably think that Cllr Beesley's actions would not impact on the Council's ability to properly carry out its functions.

6.12.11 That member of the public would be cognisant of the evidence in this matter and the law. They would understand that the direct evidence in relation to these allegations is non-existent whereas the officers evidence is compelling. Also that the matter of the DPI has been investigated and is not being taken further.

6.12.12 Further, considering our findings on all the allegations, we do not consider that Cllr Beesley compromised the Council's duty to promote and maintain high standards.

6.12.13 For these reasons we conclude that Councillor Beesley's conduct did not bring his office and the Authority into disrepute, nor did he compromise the Council's duty to uphold high standards and therefore he did not breach this part of the code of conduct.

### 6.13 Allegation 3: Improper use of position

6.13.1 The Authority's code states that there is a specific obligation on members:-

*"Not to use or attempt to use his/her position improperly for his/her or any other person's gain or loss." (para 14)*

6.13.2 The gaining of an improper advantage is usually linked to use by a councillor of their public position to further their private interests. An example can be found in Sloam v Standards Board(2005) EWHC 124 in which a councillor intervened when his son had used a car with the previous owners disabled parking permit (to which he was not entitled) by writing to the Council challenging a parking ticket on the basis that the disabled parking permit holder had been driving at the time. He was found in breach of this provision.

6.13.3 We will not repeat in full our assessment and conclusions on the evidence again. But it is again highly material.

6.13.4 The evidence does not support the allegations, the officers evidence is compelling in showing that they did not (nor would they allow) such impropriety in their dealings on matters such as the Belvedere Hotel.

6.13.5 We therefore conclude that Councillor Beesley's conduct did not improperly use his position for personal gain and therefore did not breach that part of the code of conduct that deals with the improper use of one's position.

#### 6.14 **Allegation 4: Bullying**

6.14.1 The Authority's code states that there is a specific obligation on members:-

*"Not to bully, harass or intimidate other people."*(para 14)

6.14.2 The term bullying is not defined within the code however bullying and intimidation was referred to in the Standards for England Case review 2010. It defines bullying as:-

*"Offensive, intimidating, malicious, insulting or humiliating behaviour by an individual or group of individuals, based on abuse or misuse of power or authority, which attempts to undermine an individual or a group. It can have an impact on a council's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave."*

6.14.3 Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, or when the behaviour by both the complainant and member contributed equally to the breakdown in relations.

6.14.4 This can be contrasted with legitimate challenges which a member can make in challenging policy or scrutinizing performance of officers, for example.

6.14.5 From this it is evident the code of conduct was not intended to prevent members raising, responding to or addressing concerns in a proper manner.

6.14.6 We have again reflected on the evidence. There is no evidence of bullying of these officers in relation to this matter. Their evidence however is compelling that they were not bullied or intimidated or anything similar and that they would have not allowed or have been susceptible to such behaviour .

6.14.7 For these reasons we conclude that Councillor Beesley did not breach this part of the code of conduct that deals with bullying.

#### 6.15 **Other Matters**

6.15.1 Given our assessment of the evidence and application of the law, we would add that we do not consider that the principles of "respect" was breached.

6.15.2 Further, we took into account the requirement that those in positions of leadership such as Leader of the Council must achieve the highest standards, but this did not change our conclusions.

6.15.3 Finally, given our findings, we also determined that at the material times, Cllr Beesley was not acting in an official capacity, but in his private capacity (as a consultant).

## 7 Other Points

- 7.1 During the course of our investigation, the Committee on Standards in Public Life (CSPL) reported back on their review into how the ethical framework (and Code of Conduct) were working in local government.
- 7.2 Their report, "Local Government Ethical Standards: A Review by the Committee on Standards in Public Life" may be read here:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)
- 7.3 Their report recommends changes to, amongst other things, the arrangements for registering and declaring interests (including DPIs).



## **8 Conclusion and Finding**

- 8.1 For the reasons stated in this report, we find that none of the allegations are proven and therefore conclude that Councillor Beesley's conduct did not breach the code of conduct

## **Appendix 1 BOURNEMOUTH BOROUGH COUNCIL: MEMBERS CODE OF CONDUCT:**

### **INTRODUCTION**

1. The Council has a duty under section 27(1) of the Localism Act 2011 ("the Act") to promote and maintain high standards of Conduct by its members and co-opted members.
2. Under section 27(2) of the Act the Council in discharging this duty must in particular adopt a Code of Conduct ("the Code") dealing with the conduct that is expected of Council members and co-opted members when acting in that capacity.
3. This Code was adopted by the Council on 12 June 2012. The Code reinforces and is supported by more detailed provisions in Council policies, protocols, procedures and other documents relating to the conduct of members.

### **DEFINITIONS AND INTERPRETATION**

#### **References in this Code to member or members**

4. In this Code all references to "member" or "members" include any person who is a "co-opted member".
5. For the purposes of the Code "co-opted member" means, in accordance with section 27(4) of the Act, a person who is not a member of the Council but is either:
  - (a) a member of any committee or sub-committee of the Council or
  - (b) a member of, and represents the Council on, any joint committee or joint sub-committee of the authority,and who is entitled to vote on any question that falls to be decided at any meeting of the committee or sub-committee.

#### **Acting in the capacity of a member**

6. Acting in the capacity of a member includes conducting the business of and representing the Council.
7. However the public nature of the role and responsibilities of a member means that the distinction between acting in the capacity of a member and that person's private life may at times become blurred.
8. Members are entitled to a private life and must take care and use common sense to ensure as far as possible that there is clear separation between what they do in their private life and when acting in their capacity as a member.

### **ASPIRATIONS OF THE CODE**

9. This Code sets out the standards of conduct that members are required to meet at all times. Members are also expected to aspire to exceed the provisions of the Code.
10. The Council Leader, Group Leaders and the Chairman and members of the Council's Standards Committee, individually and collectively, have a special responsibility in their own conduct to set an excellent example and to inspire other members to achieve the highest standards of conduct.
11. High standards of conduct by members are not only important in their own right; they also have an influence on the Council as a whole in achieving high standards of performance.

### **PRINCIPLES OF THE CODE**

12. To comply with section 28(1) of the Act the Code must when viewed as a whole be consistent with the following principles:

- Selflessness**
- Honesty and Integrity**
- Objectivity**
- Accountability**
- Openness**
- Leadership**

13. This Code is in addition consistent with the following principles:

**Personal judgement**  
**Respect for others**  
**Duty to uphold the law**  
**Stewardship**

14. These ten principles are defined at Appendix A.

## **OBLIGATIONS ON MEMBERS UNDER THE CODE**

### **General Obligations**

- To comply with the Council's Protocols relating to the conduct of members, as listed at Appendix B.

### **Specific Obligations**

- To have regard to advice given under their statutory duties by the Council's Monitoring Officer and Chief Financial Officer.
- Not to disclose confidential information to any person without first seeking legal advice from the Monitoring Officer.
- Not to compromise the impartiality of Council officers, or try to do so.
- Not to allow his/her conduct or behaviour to bring disrepute on the Council, or compromise the Council's duty to promote and maintain high standards.
- Not to use or attempt to use his/her position improperly for his/her or any other person's gain or loss.
- Not to bully, harass or intimidate other people.

## **DISCLOSURE AND REGISTRATION OF INTERESTS**

15. The Council's Monitoring Officer is required under section 29 of the Act to establish and maintain a register of members' interests. Members must notify the Monitoring Officer of the following interests to be entered in the Council's register:

### **Disclosable pecuniary interests**

16. A "disclosable pecuniary interest" means a pecuniary interest prescribed in Regulations made by the Secretary of State under section 30(3) of the Act. Detailed information about pecuniary interests that must be disclosed by members, when such interests must be disclosed and the legal consequences of a member failing to make a full and timely disclosure is at Appendix C.

Disclosable interests other than pecuniary interests

17. Detailed information about interests other than pecuniary interests that must be disclosed by members, and when such interests must be disclosed, is at Appendix D.

## **ALLEGATIONS OF FAILURE TO COMPLY WITH THE CODE**

18. Any complaint received by the Monitoring Officer alleging misconduct by a Member under the Code will be considered by the Council's Standards Committee in accordance with the arrangements at Appendix E.

19. Any Member who is the subject of a complaint relating to this Code or is the person who made the complaint or is believed to have information relating to the complaint must co-operate with the Standards Committee's enquiries into the complaint.

## **REVIEW OF CODE**

20. This Code will be kept under review by the Council's Standards Committee which will make recommendations to the Council for any revisions to the Code it considers may be necessary from time to time.

## **APPENDIX A**

### **GENERAL PRINCIPLES OF THE CODE OF CONDUCT**

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. Members should respect the impartiality and integrity of the Council's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place on them.

Stewardship – members should do whatever they are able to do to ensure that the Council uses its resources prudently and in accordance with the law.

## **APPENDIX B**

### **COUNCIL PROTOCOLS**

#### **RELATING TO THE CONDUCT OF MEMBERS**

- Treatment of gifts and hospitality offered to Members
- Member/Officer protocol
- Local Code of Best Practice relating to Planning Issues
- Such upgraded and or new protocols that may from time to time be agreed by the Council for addition to this list.

## **APPENDIX C**

### **DISCLOSURE BY MEMBERS OF PECUNIARY INTERESTS**

1. In accordance with Section 30(3) of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 a pecuniary interest is a 'disclosable pecuniary interest' either if –

- (a) it is an interest of a member, or
- (b) it is an interest of –
  - (i) the member's spouse or civil partner,
  - (ii) a person with whom the member is living as husband and wife, or
  - (iii) a person with whom the member is living as if they were civil partners, and the member is aware that that other person has the interest.

2. A member has a disclosable pecuniary interest in any business of the authority where it relates to or is likely to affect –

- (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (c) Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the authority –
  - (i) under which goods or services are to be provided or works to be executed; and
  - (ii) which has not been fully discharged.
- (d) Any beneficial interest in land which is within the area of the authority.
- (e) Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.
- (f) Any tenancy where to the member's knowledge –
  - (i) the landlord is the authority; and
  - (ii) the tenant is a body in which the relevant person has a beneficial interest.
- (g) Any beneficial interest in securities of a body where –
  - (i) that body to the member's knowledge has a place of business or land in the area of the authority; and either
  - (ii) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (iii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

#### **NOTE:**

For the purpose of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the following interpretations apply:

'member' includes a co-opted member;

'relevant person' means the member or any other person referred to in 1(b) above;  
'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;  
'director' includes a member of the committee of management of an industrial and provident society;  
'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;  
'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **APPENDIX D**

### **DISCLOSURE BY MEMBERS OF OTHER INTERESTS**

Members are required to declare their membership of outside bodies and organisations where such membership involves a position of control or significant influence on the outside body or organisation concerned.

Note – The above provision will automatically include all those outside bodies and organisations upon which the Council appoints representatives.