

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 28th November 2017

CONTACT OFFICER: Member Panel on the Constitution
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WARD(S): All

PART I **FOR DECISION**

RECOMMENDATIONS OF THE MEMBER PANEL ON THE CONSTITUTION FROM THE MEETING HELD ON 12TH SEPTEMBER 2017

1. Purpose of Report

To advise the Council of the recommendations of the Member Panel on the Constitution from the meeting held on 12th September 2017 in relation to the revised Councillors' Code of Conduct and Council Procedure Rule 9 – public questions at Council meetings. The Audit & Corporate Governance Committee also considered the revised Councillors' Code of Conduct on 11th October 2017 and agreed that it should be recommended to Council.

2. Recommendations

The Council is requested to resolve:

- (a) That the revised Councillors' Code of Conduct, attached at Appendix A, be approved;
- (b) That the deadline for receipt of Public Questions in Council Procedure Rule 9 be amended to 10.00am on the fourth working day before the day of the meeting.

3. Five Year Plan Outcomes

The Code of Conduct and Council Procedure Rules form the bedrock of the conduct regime for Members and aims to ensure that ethical behaviour and governance of the highest order is maintained as this contributes to open, transparent and fair decision making.

4. Other Implications

(a) Financial

There are no financial implications of this report.

(b) Human Rights Act and Other Legal Implications

The Localism Act 2011 places the Council under a statutory duty to establish an ethical framework:

- Under section 27(2) it must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity,
- Under section 29 (1) the Monitoring Officer must establish and maintain a members' register of interests,
- Under Section 28 (6) it must have in place arrangements under which allegations of breach of the code can be investigated and decisions made upon the allegations,
- Under section 28(7) the arrangements put in place must include provision for the appointment of at least one Independent Person whose views are to be sought and taken into account by the Council before it makes its decision on allegations which have been investigated and whose views upon an allegation may be sought by the Council at any other time and may be sought by a member who is the subject of an allegation.

5. Supporting Information

Councillors' Code of Conduct

- 5.1 The Council has a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and for Parish Councils.
- 5.2 The Council adopted a new Members' Code of Conduct in 2012. The Monitoring Officer has taken the opportunity to review the existing code of conduct in the light of experience with a particular focus on clarity, simplified guidance and practical examples of implementation.
- 5.3 A copy of the revised Code of Conduct is attached at Appendix A. The existing Code, as at Part 5.1 of the Constitution, can be viewed at:
<http://www.slough.gov.uk/moderngov/ieListDocuments.aspx?CId=563&MId=5990&Ver=4&Info=1>

Consideration by Member Panel on the Constitution

- 5.4 The Panel considered the revised Code of Conduct at its meeting on 12th September 2017. The interim Monitoring Officer sought the views of the Panel to assist in the development of the proposals prior to submission to the Audit & Corporate Governance Committee and Council.

5.5 The Panel welcomed the revised Code and requested that the Nolan Principles be moved to the front of the Code and asked that the Interim Monitoring Officer consider:

- amending the Dispensations section to include information on Members' obligations as Trustees
- adding additional examples of interests (possibly as an Appendix).

5.6 The Interim Monitoring Officer does not consider it appropriate to include information on obligations of Councillors as Trustees in the Code of Conduct. Guidance has already been provided to Members and further training will be provided.

Comments of Audit and Corporate Governance Committee

5.7 The Audit and Corporate Governance Committee considered the revised Code of Conduct at its meeting on 11th October 2017. The Committee agreed the revisions proposed and agreed that a sentence be added to advise Members to seek advice on any issues that arose on Council Trust matters. It was agreed that examples of interests should be used as part of training rather than incorporated into the Code.

5.8 The Committee agreed that the revised Councillor Code of Conduct as set out at Appendix A be referred to Council for approval.

Public Questions at Council Meetings

Current position

5.9 Council Procedure Rule 9 sets out the process for members of the public to submit a question to the Council. The first five questions received at any one (ordinary) meeting receive a verbal answer at the meeting if the elector is present. A copy of the response is sent to the questioner the day following the meeting.

5.10 In the case of more than five questions being received for any one meeting, a written answer is sent to the questioners on the next working day following the meeting, and the questions are also be tabled at that meeting.

5.11 Questions have to be delivered in writing, fax or email to the Head of Democratic Services by 5.00 pm on the fifth working day before the day of the meeting.

5.12 Members of the public are limited to one question each and the Procedure Rule sets out the scope of the questions.

5.13 Each questioner who is present can put one supplementary question that is directly related to the original question.

Comments received

5.14 A member of the public raised the following issue with regard to the current procedure rule.

- That, in the interests of open government, questions should not be limited to the first 5;
- That, as Council meetings are only every 2 – 3 months, each member of the public should be able to submit two questions with the right to submit a supplementary question for each main question;
- That the current deadline for receipt of questions[5pm] is unreasonable as the Council does not deal with them until the day after receipt and the deadline disadvantages the public, and should be altered to 10.00 am on the sixth calendar day before the meeting.

5.15 It is a matter for the Council to determine how it wishes to allow questions from members of the public at Council meetings. Since the introduction of Public questions a number of different arrangements have applied.

5.16 At its meeting on 12th September 2017, the Member Panel considered options to alter the Procedure Rule including:-

- to place no restrictions on the number of questions at any ordinary meeting of Full Council;
- to [change] the limit of the total number of questions that can be considered at each meeting; and;
- to [change] the number of questions that can be proposed by any one individual member of the public.

5.17 The Panel agreed:

- That no change be made to the number of questions that would be answered at the meeting. Members of the Panel noted that there was seldom as many as five questions asked at any one meeting and that there was therefore no reason to change the Procedure Rule. Members noted that if more than five questions were received the questioner would receive a written reply the day after the meeting and the questions would be tabled at the meeting. The Panel did not favour the proposal to allow a member of the public to ask two questions.
- To recommend to Council that the deadline for receipt of Public Questions be amended to 10.00am on the fourth working day before the day of the meeting.

6. Conclusion

6.1 The Council is requested to consider and approve the recommendations of the Member Panel on the Constitution and the Audit & Corporate Governance Committee.

7. Appendices Attached

Appendix A – Revised Councillors' Code of Conduct