

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee

DATE: 5 March 2020

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WARD(S): All

PART I **FOR INFORMATION**

SCHEDULE OF ACTIVITY – COUNCILLORS’ CODE OF CONDUCT

1 **Purpose of Report**

The purpose of this report is to update the Committee on the activity undertaken by the Council’s Monitoring Officer in relation to the Councillors’ Code of Conduct.

2 **Recommendation(s)/Proposed Action**

The Committee is requested to consider and note this report.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The delivery of all these strategic priorities is dependent on the highest possible standards of openness, honesty and accountability. This is underpinned by the Confidential Whistleblowing Code, the Councillors’ Code of Conduct and good governance arrangements being in place.

4 **Other Implications**

(a) **Financial**

There are no financial implications arising specifically from this report .The cost of administering and enforcing the Councillors’ Code of Conduct is a cost to be considered as appropriate.

(b) **Human Rights Act and Other Legal Implications**

The law relating to Councillors’ conduct is contained in the Localism Act 2011. Under Section 27 of that Act the Council must promote and maintain high standards of conduct by members of the Council and, in discharging this duty, the Council must adopt a code dealing with the conduct that is expected of members of the Council when they are acting in that capacity.

The Council must secure, by virtue of Section 28 of that Act, that such code adopted by it is, when viewed as a whole, consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (the “Nolan Principles”).

The Council must also have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made, and if the Council find that a member of the Council has failed to comply with its code of conduct, it may have regard to the failure in deciding whether to take action in relation to the member and what action to take.

(c) Equalities Impact Assessment

There is no identified need for an EIA arising from this Report.

5 **Supporting Information**

5.1 The following table summarises the complaints under the Councillors' Code of Conduct which still remained to be determined by the Monitoring Office at the time of the last activity Report to the Committee on 9 December 2019 and which have been determined since that date

| Ref | Subject Member – Borough/Parish | Complainant & Date Received | Code Provision(s) considered | Action taken/intended action and dates | Outcome & Date of Resolution |
|------------|--|--|--|--|---|
| | None | | | | |
| 1. | Borough Councillor | 2 separate complaints both by Borough Councillors 24.07.19 & 25.07.19 | 2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute. 2.6 You have a duty to uphold the law including the general law against discrimination | 30.07.19 Complaints sent to Subject Member for response. Independent Person informed. 31.07.19 Complaints acknowledged by Subject Member. Detailed response to follow. 16.08.19 Audio recording of relevant evidence sent to Monitoring Officer and Independent Person. 02.09.19 Response to complaints received from | 20.01.20 Finding by the Monitoring Officer, in consultation with the Independent Person, that there was no evidence of any breaches of the relevant provisions of the code. Decision that no further action would be taken. 06.02.20 Subject Member informed of Monitoring Officer's findings that there were no breaches of the Code and no action |

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| | | | | <p>Subject Member.</p> <p>03.09.19 Meeting between Monitoring Officer, Independent Person and Deputy Monitoring Officer. Approach agreed to deal with all complaints in this table and items 1 and 2 in following table together.</p> <p>02.12.19 Deputy Monitoring Officer concluding investigation and making provisional findings to report to Monitoring Officer and Independent Person.</p> <p>13.01.20. Deputy Monitoring Officer submitting Report of findings to Monitoring Officer and Independent Person.</p> <p>20.01.20 Meeting between Deputy Monitoring</p> | would be taken. |
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| | | | | Officer and Independent Person. Findings agreed. Confirmed subsequently with Monitoring Officer. | |
| 2. | Borough Councillor | <p>Separate Complaints by one Borough Councillor and one resident.</p> <p>06.08.19 08.08.19</p> | <p>Nolan Principles: Failure to show leadership. Holders of public office should promote and support these principles by leadership and example.</p> <p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.</p> <p>2.6 You have a duty to uphold the law including the general law against discrimination.</p> | <p>16.08.19 Audio recording of relevant evidence sent to Monitoring Officer and Independent Person.</p> <p>03.09.19 Meeting between Monitoring Officer, Independent Person and Deputy Monitoring Officer. Approach agreed to deal with all complaints in this table and items 1 and 2 in following table together.</p> <p>10.09.19 Complaints sent to Subject Member for response.</p> <p>10.09.19 Link to audio recording of evidence sent to Subject Member.</p> <p>16.09.19. Meeting between</p> | <p>20.01.20 Finding by the Monitoring Officer, in consultation with the Independent Officer, that there was no evidence of any breaches of the relevant provisions code.</p> <p>Decision that no further action would be taken.</p> <p>06.02.20 Subject Member informed of Monitoring Officer's findings that there were no breaches of the Code and no action would be taken.</p> |

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| | | | | <p>Deputy Monitoring Officer and Subject Member to discuss Subject Member's response.</p> <p>26.09.19 Request sent to Complainant for documents referred to in complaint in anticipation of request for them from Subject Member.</p> <p>02.12.19 Deputy Monitoring Officer concluding investigation and making provisional findings to report to Monitoring Officer and Independent Person.</p> <p>13.01.20. Deputy Monitoring Officer submitting Report of findings to Monitoring Officer and Independent Person.</p> <p>20.01.20 Meeting between Deputy Monitoring Officer and</p> | |
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| | | | | Independent Person. Findings agreed. Confirmed subsequently with Monitoring Officer. | |
| 3. | Borough Councillor | <p>Complaint by one Borough Councillors and one resident.</p> <p>06.08.19 08.08.19</p> | <p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.</p> <p>2.6 You have a duty to uphold the law including the general law against discrimination.</p> | <p>16.08.19 Audio recording of relevant evidence sent to Monitoring Officer and Independent Person.</p> <p>03.09.19 Meeting between Monitoring Officer, Independent Person and Deputy Monitoring Officer. Approach agreed to deal with all complaints in this table and items 1 and 2 in following table together.</p> <p>10.09.19 Complaints sent to Subject Member for response.</p> <p>10.09.19 Link to audio recording of evidence sent to Subject Member.</p> <p>13.09.19 audio recording on Memory Stick requested by</p> | <p>20.01.20 Provisional finding by the Monitoring Officer, in consultation with the Independent Person, that despite the intentions of the Subject Member and the explanations offered, there was evidence of a breach of the Code.</p> <p>06.02.20 Subject Member informed of provisional findings of breach of the Code. Informed if findings agreed matter would be determined informally under the Code on the basis of apology offered.</p> <p>06.02.20 Provisional finding accepted by Subject</p> |

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| | | | | <p>Subject Member.</p> <p>26.09.19 Request sent to Complainant for documents referred to in complaint in anticipation of request for from Subject Member.</p> <p>27.09.19 Preliminary response to complaint sent by Subject Member. Indication fuller response to follow.</p> <p>27.09.19 Full response received from Subject Member. Breach of Code not agreed but apology offered if subject Member's position was misunderstood.</p> <p>02.12.19 Deputy Monitoring Officer concluding investigation and making provisional findings to report to Monitoring Officer and Independent Person.</p> <p>13.01.20. Deputy</p> | <p>Member.</p> <p>Matter disposed of by Monitoring Officer, in consultation with Independent Person, by way of informal resolution on the basis of the acceptance by Subject Member of the finding of breach and the apology given.</p> |
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| | | | | <p>Monitoring Officer submitting Report of findings to Monitoring Officer and Independent Person.</p> <p>20.01.20 Meeting between Deputy Monitoring Officer and Independent Person. Findings agreed. Confirmed subsequently with Monitoring Officer.</p> | |
| 4. | Borough Councillor | <p>Separate complaints by one Borough Councillor and one resident.</p> <p>06.08.19 06.08.19</p> | <p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.</p> | <p>16.08.19 Audio recording of relevant evidence sent to Monitoring Officer and Independent Person.</p> <p>03.09.19 Meeting between Monitoring Officer, Independent Person and Deputy Monitoring Officer. Approach agreed to deal with all complaints in this table and items 1 and 2 in following table together.</p> <p>26.09.19.</p> | <p>20.01.20 Finding by the Monitoring Officer, in consultation with the Independent Person, that there was no evidence of any breaches of the relevant provisions of the code.</p> <p>Decision that no further action would be taken.</p> |

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| | | | <p>Complaint sent to Subject Member for information. No response requested as anticipation that Complaint would not be upheld in due course.</p> <p>02.12.19 Deputy Monitoring Officer concluding investigation and making provisional findings to report to Monitoring Officer and Independent Person.</p> <p>13.01.20. Deputy Monitoring Officer submitting Report of findings to Monitoring Officer and Independent Person.</p> <p>20.01.20 Meeting between Deputy Monitoring Officer and Independent Person. Findings agreed. Confirmed subsequently with Monitoring Officer.</p> | |
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5.2 The following table summarises the complaints which remained to be determined at the date of the last activity report on 9 December 2019 and which still remain to be resolved

| | Subject Member – Borough/Parish | Complainant & Date Received | Code Provision(s) considered | Action taken/intended action and dates | Outcome & Date of Resolution |
|----------|--|---|---|---|---|
| 1 | Borough Councillor | Complaint by one Borough Councillor and two residents 06.08.19 08.08.19 13.08.19 | 2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute. 2.6 You have a duty to uphold the law including the general law against discrimination. | 03.09.19 Meeting between Monitoring Officer, Independent Person and Deputy Monitoring Officer. Approach agreed to deal with complaints at items 1 and 2 in this table, together. 10.09.19 Complaints sent to Subject Member for response. 10.09.19 Link to audio recording of evidence sent to Subject Member. 12.09.19 Subject Member requested audio recording on memory stick and deciphering of manuscript wording in complaint form. 13.09.19 Instructions to access audio recording sent to Subject Member by IT. 02.12.19 Deputy Monitoring Officer concluding investigation and making provisional findings of breach of Code by Subject Member to report to Monitoring Officer and Independent Person. 13.01.20. Deputy Monitoring Officer submitting Report of findings to Monitoring Officer and Independent Person. 20.01.20 Meeting between Deputy Monitoring Officer | Pending determination |

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| | | | | <p>and Independent Person. Findings agreed. Confirmed subsequently with Monitoring Officer.</p> <p>06.02.20 Subject Member informed of provisional findings. Response requested.</p> <p>07.02.20 communication from Subject Member that due to work commitments substantive response could not be provided until end of the month. Audio recording of evidence requested again.</p> <p>12.02.20. Audio recording provided to Subject Member on Memory Stick.</p> <p>13.02.20 Subject Member provided with password to access audio recording.</p> | |
| 2 | Borough Councillor | <p>Separate Complaints by one Borough Councillor and two residents.</p> <p>06.08.19 08.08.19 08.08.19</p> | <p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.</p> <p>2.6 You have a duty to uphold the law including the general law against discrimination.</p> <p>5.2 Members shall co-operate at all stages with</p> | <p>03.09.19 Meeting between Monitoring Officer, Independent Person and Deputy Monitoring Officer. Approach agreed to deal with complaints at items 1 and 2 in this table together.</p> <p>10.09.19 Complaints sent to Subject Member for response.</p> <p>26.09.19 Chasing e-mail sent to Subject Member for response to complaints.</p> <p>02.12.19 Deputy Monitoring Officer concluding investigation and making provisional findings that no breach of substantive complaint but breach of Code by way of failure to respond to complaint. To be reported to Monitoring Officer and</p> | Pending determination |

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| | | | any such investigation | <p>Independent Person.</p> <p>13.01.20. Deputy Monitoring Officer submitting Report of findings to Monitoring Officer and Independent Person.</p> <p>20.01.20 Meeting between Deputy Monitoring Officer and Independent Person. Findings agreed. Confirmed subsequently with Monitoring Officer.</p> <p>06.02.20 Subject Member informed of provisional findings. Response requested.</p> <p>06.02.20. Response from Subject Member. Claim that messages might not have been received due to IT problems. Subject Member to check and revert again.</p> <p>06.02.20 Subject Member communicating again. Confirming that original messages had been received but not read until this day due to IT problems at time of original messages and failure to scroll back far enough to messages when IT problems resolved.</p> | |
| 3 | Borough Councillor | Council Officer 29.11.19 | <p>2.1 You must treat others with respect, including Council officers and other elected Members.</p> <p>2.2 You must not bully any person (including</p> | <p>05.12.19 Complaint sent to subject Member for response. Independent Person informed.</p> <p>05.12.19 Subject Member requested meeting with Independent Person before responding to complaint.</p> <p>11.12.19 Subject Member offering 29 December 2019 for meeting with</p> | Pending determination |

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| | | | specifically any Council employee) | <p>Independent Person and Deputy Monitoring Officer.</p> <p>07.01.20 Subject Member informed of Independent Person's view that meeting more appropriate once Deputy Monitoring Officer's investigation complete. Meeting date with Subject Member requested.</p> <p>13.01.20 Meeting date requested again from Subject Member. Subject Member offering 14 February 2020 for meeting due to intermittent absences abroad. Deputy Monitoring Officer requesting earlier date if at all possible. Subject Member responding that only certain date available was 14.02.20 but would inform of earlier date if possible.</p> <p>14.02.20 Personal meeting between Subject Member and Deputy Monitoring Officer to discuss response to complaints. Agreed draft statement of would be prepared and sent to Subject Member for approval and return. Subject Member indicating that due to travel arrangements unlikely to be able to respond to draft statement until 25.02.20 or 26.02.20.</p> <p>16.02.20 draft statement of response to complaint sent to Subject Member for consideration and approval.</p> | |
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| 4 | Borough Councillor | Officer 29.11.19 | <p>2.1 You must treat others with respect , including Council officers and other elected Members.</p> <p>2.2 You must not bully any person (including specifically any Council employee)</p> | <p>05.12.19 Complaint sent to subject Member for response. Independent Person informed.</p> <p>10.12.19 Complaint acknowledged by Subject Member. Requesting involvement of Independent Member.</p> <p>07.01.20 Subject Member informed of Independent Person's view that meeting more appropriate once Deputy Monitoring Officer's investigation complete. Meeting date with Subject Member requested.</p> <p>13.01.20 Meeting date requested again from Subject Member. Meeting agreed for 22.01.20.</p> <p>22.01.20. Personal Meeting between Deputy Monitoring Officer and Subject Member to discuss response to complaint.</p> <p>02.02.20 Draft statement of response sent to Subject Member for approval, signature and return.</p> <p>11.02.20 Subject Member responding to draft statement requesting amendments.</p> <p>13.02.20 revised draft statement sent to Subject Member.</p> <p>18.02.20 Subject Member responding requiring further amendments to draft statement of response.</p> | Pending determination |
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5.3 The following table summaries the new complaints which have been received since the last activity report on 9 December 2019 and which still remain to be resolved.

| Ref | Subject Member – Borough/Parish | Complainant & Date Received | Code Provision(s) considered | Action taken/intended action and dates | Outcome & Date of Resolution |
|------------|--|--|--|---|--|
| 1. | Borough Councillor | Council Officer 10.02.2020 | 2.1 You must treat others with respect, including Council officers and other elected Members. 2.2 You must not bully any person (including specifically any Council employee) | Complaint related to Complaint at item 3 in the immediately preceding table at paragraph 5.2 and being dealt with as part of the same complaint in accordance with Complainant's request. Complaint discussed in person with Subject Member on 14.02.20. | Pending determination as part of complaint detailed at item 3 in the immediately preceding table at paragraph 5.2. |

5.4 The following table summarises the complaints which have been received since the date of the last activity report on 9 December 2019 which have been resolved.

| Ref | Subject Member – Borough/Parish | Complainant & Date Received | Code Provision(s) considered | Action taken/intended action and dates | Outcome & Date of Resolution |
|------------|--|--|-------------------------------------|---|---|
| | None | | | | |

6 Conclusions

The Committee is requested to note this report which seeks to summarise the present position with complaints under the Councillors' Code of Conduct.

7 Background Papers

None