

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee

DATE: 10 December 2020

CONTACT OFFICER: Hugh Peart – Monitoring Officer

(For all enquiries)

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 since the last report to the Committee on this subject on 3 August 2020.

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 position with regard to complaints under the Councillors’ Code of Conduct which have been received since the last report to the Committee on 3 August 2020.

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	Borough Councillor 03.08.20	2.4 You must not conduct yourself in a manner which could reasonably be regarded as bring the Council, or your office as a Member of the Council, into disrepute	Complaint sent to Subject Member on 17.08.20. Complaint acknowledged by subject Member 17.08.20. Indication that full response to follow. Further responses received from subject Member on 17.08.20, 18.08.20 and 07.10.20 Responses considered by Deputy Monitoring Officer and investigated	Pending Resolution

				<p>and findings reported to Monitoring Officer and Independent Person on 03.11.20</p> <p>Findings considered by Monitoring Officer and Independent Person on 04.11.20</p> <p>Determination by Monitoring Officer and Independent Person that words alleged by subject Member to have been said by the complainant were not in fact said and Subject Member be invited to agree those facts and to apologise. Subject to Member agreeing and apologising, the matter be considered to have been resolved by informal resolution.</p> <p>Subject Member invited on 09.11.20 to agree that words alleged to have been said were not in fact said and to consider</p>	
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				apologising, if in agreement	
2.	Borough Councillor	Borough Councillor 20.08.20	2.4 You must not conduct yourself in a manner which could reasonably be regarded as bring the Council, or your office as a Member of the Council, into disrepute	Complaint investigated by Deputy Monitoring Officer and findings reported to Monitoring Officer and Independent Person on 03.11.20 Findings considered by Monitoring Officer and Independent Person on 04.11.20. Monitoring Officer and Independent Person determining on 04.11.20 that whilst conduct complained of contrary in some respects to meetings protocol agreed by the Council the conduct in nature and degree insufficient to amount to a breach of Paragraph 2 of the Code of Conduct. Reinforcement of the meeting protocol by way of note in the Members' weekly bulleting and by	04.11.20.

				<p>direct communication to Members by Lead Member sufficient in the circumstances.</p> <p>Outcome Reported to Complainant.</p>	
3.	Borough Councillor	<p>Borough Councillor</p> <p>20.08.20</p>	<p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bring the Council, or your office as a Member of the Council, into disrepute</p>	<p>This Complaint is a repeat of the complaint contained in Item 1 of this table but by another Member. It has been dealt with as part of Item 1 and as constituting the same complaint.</p>	<p>Pending Resolution</p>
4.	Borough Councillor	<p>2 Borough Councillors</p> <p>20.08.20</p>	<p>Breach of the Nolan Principles</p>	<p>Complaint investigated by Deputy Monitoring Officer and findings reported to Monitoring Officer and Independent Person on 03.11.20</p> <p>Findings considered by Monitoring Officer and Independent Person on 04.11.20</p> <p>Monitoring Officer and Independent</p>	<p>04.11.20</p>

				<p>Person determined on 04.11.20 that the allegations in nature or degree did not amount to a breach of the Nolan Principles. The truth or misleading nature of statements made in the course of debate could have been challenged in the course of the debate. The principle of "Honesty" in the Nolan Principles is framed in the Code of Conduct in the context of declarations of interest and the avoidance of conflicts of interest, not in the context of only making statements which are conspicuously true and not misleading. The principle of "Integrity" is framed in the Code of Conduct in the context of not placing oneself under any financial or other obligations to outside individuals or</p>	
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				<p>organisations which could influence Members in the performance of their duties. Also, the matters complained of were “minor or trivial” in terms of the threshold criteria to be applied by the Monitoring Officer and not “in the public interest” to pursue further.</p> <p>Outcome Reported to Complainant Member.</p>	
5.	Borough Councillor	<p>2 Borough Councillors</p> <p>20.08.20</p>	<p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bring the Council, or your office as a Member of the Council, into disrepute</p> <p>Breach of Nolan Principles</p>	<p>Complaint investigated by Deputy Monitoring Officer and findings reported to Monitoring Officer and Independent Person on 03.11.20</p> <p>Findings considered by Monitoring Officer and Independent Person on 04.11.20</p> <p>Findings considered by Monitoring Officer and</p>	04.11.20

				<p>Independent Person on 04.11.20</p> <p>Monitoring Officer and Independent Person determining on 04.11.20 that the Code of Conduct does not proscribe the use of any particular words in the course of debate. The use of the particular word complained of, in the context of the debate, did not, in nature or degree, amount to a breach of paragraph 2.4 of the Code of Conduct. They also determined that the use of the word complained of, in the wider context set out in the complaint, did not amount to a breach of the Nolan Principles. The principle of "Integrity" is framed in the Code of Conduct in the context of not placing oneself under any financial or other obligations to</p>	
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				<p>outside individuals or organisations which could influence Members in the performance of their duties and not in terms of general behaviour. Also, the matter complained of was “minor or trivial” in terms of the threshold criteria to be applied by the Monitoring Officer and not “in the public interest” to pursue further.</p> <p>Outcome Reported to Complainant Member.</p>	
6.	Borough Councillor	Borough Councillor 20.08.20.	<p>2.4 You must not conduct yourself in a manner which could reasonably be regarded as bring the Council, or your office as a Member of the Council, into disrepute</p> <p>Article 5 of the Constitution as to the</p>	<p>Complaint investigated by Deputy Monitoring Officer and findings reported to Monitoring Officer and Independent Person on 03.11.20</p> <p>Findings considered by Monitoring Officer and Independent Person on 04.11.20</p> <p>Monitoring</p>	04.11.20

				<p>Officer and Independent Person determined on 04.11.20 that there was no evidence that proceedings were conducted otherwise than in a neutral manner and that votes were properly recorded. Matters relating to the protocol on meetings have been reinforced by note in the Members' weekly bulleting and by direct communication to Members by Lead Member and is sufficient in the circumstances.</p> <p>No evidence that any provision of the Code of Conduct or of the Constitution has been breached.</p> <p>Outcome Reported to Complainant Member</p>	
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6 **Conclusion**

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