

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee **DATE:** 20 September 2018

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WARD(S): All

PART 1 **FOR INFORMATION**

SCHEDULE OF ACTIVITY – COUNCILLORS’ CODE OF CONDUCT

1 **Purpose of Report**

The purpose of this report is to update members of 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 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 from this report save as may be identified below.

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

The law relating to Councillors’ conduct is contained in the Local Government Act 2000.

(c) **Equalities Impact Assessment**

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

5 **Supporting Information**

- 5.1 Items 1 to 13 inclusive in the following table are the matters which were reported to the Committee at its meeting on 8 March 2018 and the contents have been updated to show their present status.
- 5.2 Items 14 to 16 inclusive are new complaints which have been lodged since the last Report to the Committee on this matter on 8 March 2018.

Ref	Subject Member – Borough/Parish	Complainant	Code Provision	Action taken/intended action	Outcome
1.	Borough Councillor	Parish Councillor	2.1 – Treating others with respect	Informal Resolution. Monitoring Officer to write to parties informing them of duties of mutual respect under the code and to close matter thereafter.	Matter closed.
2	Borough Councillor	Borough Councillor	4.1 - Predetermination and bias Breach of Nolan Principles - Principles 2 -5 2.2 – Bullying and harassment 2.9 – disclosure of confidential information	Formal Investigation completed by independent investigator and finalised Report sent to Monitoring Officer. Finding of Investigation that there was no breach of the Code. Monitoring Officer, after consultation with the Independent Person, has resolved to take no action and will confirm to all parties.	No Action to be taken.
3	Borough Councillor	Borough Councillor	4.1 Predetermination and Bias Breach of Nolan	Formal Investigation completed by independent investigator	. No Action to be taken.

			Principles – Principles 1-3 & 5-6	and finalised Report sent to Monitoring Officer. Finding of Investigation that there was no breach of the Code. Monitoring Officer, after consultation with the Independent Person and meeting with the Complainant, has resolved to take no action and will confirm to all parties.	
4	Borough Councillor	Council Officer	2.1- Breach of duty to treat others, including Council Officers with respect.	Monitoring Officer to seek to resolve complaint informally.	To be determined
5	2 Borough Councillors	Borough Councillor	2.9 – Disclosure of Confidential Information	Formal Investigation completed by independent investigator and finalised Report sent to Monitoring Officer. Finding of Investigation that there was no breach of the Code. Monitoring Officer, after consultation with the Independent Person, has resolved to take no action and will confirm to all parties.	No action to be taken.
6	Borough Councillor	Borough Councillor	2.4 – Breach of duty not to bring the Council or Office as a	Formal investigation already commenced.	Complaint withdrawn. No action to be taken.

			Member into disrepute.	Provisional findings made. Following discussions with Monitoring Officer Complainant has confirmed that the Complaint is withdrawn.	
7	Borough Councillors	Council Officer	2.9 - disclosure of confidential information	Formal Investigation completed by independent investigator and finalised Report sent to Monitoring Officer. Finding of Investigation that there was no breach of the Code. Monitoring Officer, after consultation with the Independent Person, has resolved to take no action and will confirm to all parties.	No action to be taken.
8	Parish Councillor	Former Parish Councillor	2.4 – Breach of duty not to bring Council into disrepute. 2.6 – breach of duty to uphold the law including the general law against discrimination.	Formal Investigation completed by independent investigator and finalised Report sent to Monitoring Officer. Finding of Investigation that there was probably a breach of the Parish Council's Code of Conduct for Members.	To be determined by Determination Sub-committee.

				Findings of the Investigator disputed by the Subject Member of the Parish Council. Monitoring Officer and Independent Person have met with the Subject Member to discuss possibility of local resolution and have established that this will not be possible. Complaint will need to be determined by the Determination Sub-committee.	
9	Parish Councillor	Parish Councillor	2.2 – breach of duty against bullying and harassment	Initial enquiry. Formal Complaint form not returned despite long lapse of time.	Matter Closed
10	Borough Councillor	Former Council Officer	2.1 – breach of duty to treat others, including Council officers with respect. 2.6 – breach of duty to uphold the law	Monitoring Officer, after consultation with the Independent Person, has resolved to endeavour to procure a local resolution without the expense of formal investigation	To be determined by local resolution.
11	Borough Councillor	Resident of the Borough	2.1 – breach of duty to treat others with respect. 2.3 – breach of duty not to	Monitoring Officer, after consultation with the Independent Person, has resolved to	To be determined by local resolution.

			<p>compromise impartiality of Council Officer</p> <p>2.5 – breach of duty improperly secure advantage for another person.</p>	<p>seek an informal resolution of this complaint without the expense of a formal investigation. Deputy Officer conducting informal enquiries at present to establish some facts to assist possible local resolution.</p>	
12	Borough Councillor	Borough Councillor	2.1 breach of duty to treat other members with respect.	Monitoring Officer, after consultation with the Independent Person, has resolved to endeavour to procure a local resolution without the expense of formal investigation	To be determined by local resolution.
13.	Borough Councillor	Council Officer	<p>2.1 - Breach of duty to treat others with respect.</p> <p>2.4 - Breach of duty not to bring Council into disrepute.</p> <p>2.5 – Breach of duty to uphold law including general law against discrimination,</p>	Complaint withdrawn.	Matter to be Closed.
14.	Borough Councillor	Borough Councillor	2.1 – breach of duty to treat others, including Council officers with respect.	<p>Complaint Received 03.04.18.</p> <p>This complaint is pending</p>	To be determined

				investigation	
15.	Parish Councillor	Parish Resident.	<p>2.1 – breach of duty to treat others, including Council officers with respect.</p> <p>2.6 – breach of duty to uphold the law</p>	<p>Complaint Received 09.04.18.</p> <p>The Complainant was initially concerned to protect anonymity and was asked to consider the matter as it would not have been possible to investigate the matter in those circumstances. The Complainant has decided to forgo anonymity. This matter is now pending investigation.</p>	To be determined.
16.	Borough Councillor	Council Director	<p>2.9 breach of duty not to use position to exert influence on relations with Council Officers or attempt to undermine independence or impartiality of Council Officers when acting in the Course of their duties.</p> <p>2.10. breach of duty to ensure that all contact with Council Officers will be through a Director/Assistant Director/Third</p>	<p>Complaint received 18.06.18.</p> <p>The Deputy Monitoring Officer has conducted a full investigation into this complaint and submitted a final report to the Monitoring Officer. There is a finding that that in respect of part of the matters complained about there has probably been a breach of the</p>	To be determined.

			Tier Officer in the first instance.	Code. Some of the findings are not agreed by the Subject Member. The Monitoring Officer and the Independent Person are to meet with the Subject Member on 26 September 2018 to discuss whether the matter may be capable of being disposed of by a local resolution, failing which the matter may need to be determined by the Determination sub-committee.	
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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