

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Audit & Corporate Governance Committee **DATE:** 9 December 2019

**CONTACT OFFICER:** Sushil Thobhani, Service Lead Governance & Deputy Monitoring Officer

**(For all enquiries)** (01753) 875036

**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 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**

That details of the report be noted.

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 The following table summarises both 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 30 July 2019, and those which have been received by the Monitoring Officer since that date.

5.2 Item 1 in the table remained to be determined at the date of the last Report to the Committee. Items 2 to 11 inclusive relate to complaints received since that date.

<b>Ref</b>	<b>Subject Member – Borough/Parish</b>	<b>Complainant &amp; Date Received</b>	<b>Code Provision</b>	<b>Action taken/intended action</b>	<b>Outcome &amp; Date of Resolution</b>
1.	Borough Councillor	Borough Councillor 26.06.19	4.1 Failure to register disclosable pecuniary interest in Members' Register of Interests.	Matter investigated by Monitoring Officer. Subject Member maintained that change of circumstances had been communicated to officers to update register but no record that communication had been received by officers.	Matter investigated by Monitoring Officer. Finding of no record that communication had been received by officers to alter Register. Finding of positive duty on Member to ensure entries on the Register of interests accurate and up to date and hence Member in breach of the Code. Register updated. Determination by Monitoring Officer that no further action warranted.  30.09.19
2.	Borough Councillor	2 separate complaints both by Borough Councillors  24.07.19 &	2.4 You must not conduct yourself in a manner which could reasonably be regarded as	Matter investigated by Deputy Monitoring Officer. Investigation completed.	Matter to be considered by the Monitoring Officer in consultation with the Independent

		25.07.19	<p>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>	Provisional finding that there was no breach of the Code.	Person and if in agreement with the Deputy Monitoring Officer's findings complaint to be dismissed and complainant and Subject Member to be notified Accordingly.
3.	Borough Councillor	<p>Complaint by one Borough Councillor and two residents</p> <p>06.08.19 08.08.19 13.08.19</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>	Matter investigated by Deputy Monitoring Officer. Investigation completed. Provisional finding that there was a potential breach of the Code.	Matter to be considered by the Monitoring Officer in consultation with the Independent Person and if in agreement with the Deputy Monitoring Officer's findings Monitoring Officer to decide appropriate action.
4.	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</p>	Matter investigated by Deputy Monitoring Officer. Investigation completed. Provisional finding that there was a potential breach of the Code.	Matter to be considered by the Monitoring Officer in consultation with the Independent Person and if in agreement with the Deputy Monitoring Officer's findings Monitoring Officer to decide

			law including the general law against discrimination.		appropriate action.
5.	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>Matter investigated by Deputy Monitoring Officer. Investigation completed. Provisional finding that there was no breach of the Code.</p>	<p>Matter to be considered by the Monitoring Officer in consultation with the Independent Person and if in agreement with the Deputy Monitoring Officer's findings complaint to be dismissed and complainant and Subject Member to be notified Accordingly</p>
6.	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>Matter investigated by Deputy Monitoring Officer. Investigation completed. Provisional finding that there was no breach of the Code.</p>	<p>Matter to be considered by the Monitoring Officer in consultation with the Independent Person and if in agreement with the Deputy Monitoring Officer's findings complaint to be dismissed and complainant and Subject Member to be notified Accordingly</p>

7.	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 any such investigation</p>	<p>Matter investigated by Deputy Monitoring Officer. Investigation completed. Provisional finding that there was a potential breach of the Code.</p> <p>Subject Member failed to respond to repeated requests from Deputy Monitoring Officer to respond to complaint.</p>	<p>Matter to be considered by the Monitoring Officer in consultation with the Independent Person and if in agreement with the Deputy Monitoring Officer's findings Monitoring Officer to decide appropriate action.</p>
8.	Borough Councillor	<p>Borough Councillor (forwarding correspondence from resident)</p> <p>12.09.19</p>	<p>2.1 You must treat others with respect.</p> <p>2.2 You must not bully any person.</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>Monitoring Officer forwarded correspondence received by Member from resident alleging matters which could amount to breaches of the Code. Form of Complaint sent to resident for completion and return in order to request evidence and obtain telephone and e-mail contact details for investigation of potential</p>	<p>Decision to close matter as cannot progress any investigation without co-operation from resident.</p> <p>31.10.19</p>

				complaint. Completed form not returned despite two reminder requests.	
9.	Borough Councillor	Borough Councillor 13.09.19	2.1 You must treat other with respect, including Council officers and other elected Members.  2.2. You must not bully any person	Matter considered by Monitoring Officer in consultation with Independent Person.	Monitoring Officer finding that alleged conduct complained of did not take place in circumstances where subject Member was conducting the business of the Council including the business of their office as an elected Councillor and hence the Code did not apply and matter was not capable of being subject of an investigation under the Code.  30.09.19
10.	Borough Councillor	Council Officer 29.11.19	2.1 You must treat others with respect, including Council officers and other elected Members. You must not bully any person (including specifically any Council employee)	Matter to be considered by Monitoring Officer.	Matter to be determined following consideration and investigation (if necessary) by Monitoring Officer.

11.	Borough Councillor	Council Officer  29.11.19	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)	Matter to be considered by Monitoring Officer.	Matter to be determined following consideration and investigation (if necessary) by Monitoring Officer.
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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