

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee **DATE:** 30 July 2019

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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 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 8 inclusive in the following table are the matters which were reported to the Committee at its meeting on 20 September 2018 as awaiting determination and the contents have been updated to show their present status.
- 5.2 Items 9 to 15 inclusive are new complaints which have been lodged since the last activity report to the Committee on 20 September 2018.

Ref	Subject Member – Borough/Parish	Complainant & Date Received	Code Provision	Action taken/intended action	Outcome & Date of Resolution
1.	Borough Councillor	Council Officer 04.10.17	2.1- Breach of duty to treat others, including Council Officers with respect.	Monitoring Officer to seek to resolve complaint informally.	No further action. Complaint agreed to be withdrawn. 15.10.18
2.	Parish Councillor	Former Parish Councillor 08.12.17	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. 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	Determination Sub-committee met to consider report of independent investigation. The sub-committee found there not sufficient evidence to find there was any breach of the Parish Council's Code of Conduct. 09.10.18

				established that this will not be possible. Complaint will need to be determined by the Determination Sub-committee.	
3.	Borough Councillor	Former Council Officer 12.10.17	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	No further action. Complaint agreed to be withdrawn. 15.10.18.
4.	Borough Councillor	Resident of the Borough 22.11.17	2.1 – breach of duty to treat others with respect. 2.3 – breach of duty not to compromise impartiality of Council Officer 2.5 – breach of duty improperly secure advantage for another person.	Monitoring Officer, after consultation with the Independent Person, has resolved to 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.	To be determined by local resolution. Awaiting further information from Complainant to enable matter to be progressed.
5.	Borough Councillor	Borough Councillor 27.11.17	2.1 breach of duty to treat other members respect.	Monitoring Officer, after consultation with the Independent Person, has	Determined by local resolution. 26.03.19

				resolved to endeavour to procure a local resolution without the expense of formal investigation	
6.	Borough Councillor	Borough Councillor 03.04.18	2.1 – breach of duty to treat others, including Council officers with respect.	This complaint is pending investigation	Determined by local Resolution. 26.03.19
7.	Parish Councillor	Parish Resident. 20.04.18	2.1 – breach of duty to treat others, including Council officers with respect. 2.6 – breach of duty to uphold the law	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.	Determination that in light of subject Member Ceasing to be a Member, subject to consultation with the Independent Person, no public interest served in pursuing matter.
8.	Borough Councillor	Council Director 18.06.18	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.	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	Complaint resolved by informal resolution in consultation with the Independent Person. Subject Member accepted conduct could reasonably have been interpreted by

			<p>2.10. breach of duty to ensure that all contact with Council Officers will be through a Director/Assistant Director/Third Tier Officer in the first instance.</p>	<p>complained about there has probably been a breach of the 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.</p>	<p>officers as attempts to undermine their independence or impartiality.</p> <p>09.10.18</p>
9.	Parish Councillor	<p>Parish Resident</p> <p>21.09.18</p>	<p>2. He/ she shall not act in a way which a reasonable person would regard as bullying or intimidatory.</p> <p>6. He/she shall not undertake any action which would cause significant damage to the reputation and integrity of the Council as a whole or of its members generally.</p>		<p>Determination that conduct complained of did not take place whilst Member acting, claiming to act or giving the impression of acting as representative of the Council.</p> <p>Failure to disclose disqualifying matter referred to</p>

			Failure to disclose matter relating to disqualification to be a member.		appropriate authorities for action. 02.11.18
10.	Parish Councillor	Parish Councillor 11.10.18	2(b) A Member shall treat others with respect.	Matter to be investigated by Deputy Monitoring Officer.	Determination that in light of subject member ceasing to be a member, subject to consultation with the Independent Person, no public interest served in pursuing matter.
11.	Parish Councillor	Parish Councillor 12.10.18	2(b) A Member shall treat other with respect.	Consideration by Deputy Monitoring Officer and Monitoring Officer.	Determination no action to be taken as complaint motivated by reason of complaint against that Member summarised in item 10 above. 15.10.18
12.	Parish Councillor	Parish Councillor 17.10.18	12. Failure to properly register interests. Query relating to qualification for election and Electoral Registration.	Consideration by Deputy Monitoring Officer and Monitoring Officer.	Determination that on balance form of declaration of interests completed correctly. Query relating to qualification for Membership

					and Electoral Registration referred to Deputy Returning Officer and Electoral Registration Officer. 14.11.18
13.	Parish Councillor	Parish Councillor 30.01.19	2(b) A Member shall treat others with respect.	Matter to be investigated by Deputy Monitoring Officer.	Determination that in light of subject member ceasing to be a Member, subject to consultation with the Independent Person, no public interest served in pursuing matter.
14.	Borough Councillor	Borough Resident 02.04.19	Nolan Principles: failure to act with selflessness, integrity and objectivity in relation to property rights dispute between neighbours in Member's ward which are subject to legal proceedings between the neighbours.	Matter to be considered by Deputy Monitoring Officer and Monitoring Officer.	Determination that subject Member attempting to mediate in dispute between neighbours and, subject to consultation with the Independent Person, no public interest served in pursuing the matter.
15.	Borough Councillor	Borough Councillor 26.06.19	Paragraph 4.1 of Code of Conduct - Failure to register interests in Members; Register of Interest.	Matter to be investigated by Monitoring Officer.	Investigation in process. Matter yet to be determined.

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