

Slough Borough Council

Report to:	Standards Committee
Date:	19 th March 2024
Subject:	Schedule of Code of Conduct Complaints - Update
Chief Officer:	Stephen Taylor, Monitoring Officer
Contact Officer:	Nick Pontone, Principal Democratic Services Officer
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 – Schedule of Code of Conduct complaints

1. Summary and Recommendations

- 1.1 The purpose of this report is to provide members with an update in relation to the activity under the Councillors' Code of Conduct in 2023/24.

Recommendations:

The Committee is recommended to note the outcome of complaints under the Code of Conduct as set out in Appendix 1.

Reason:

The Councillors' Code of Conduct is a key part of the Council's Ethical Framework and this report updates Members on activity since May 2023.

Commissioner Review

This report has been reviewed by Commissioners and there are no specific comments to add.

2. Report

Introduction

- 2.1 At the start of the 2022/23 municipal year the Council set up a separate Standards Committee to assist the Council to meet its duty under s.27 of the Localism Act 2011. Part of the Committee's remit is to advise the Council on the adoption or revision of the Councillor's Code of Conduct and to determine written complaints made against an elected member alleging a breach of the Code of Conduct.
- 2.2 The Monitoring Officer is also scheduled to produce bi-annual reports on Member Conduct Complaints. This is the second report on such complaints during the municipal year and updates members of the committee on complaints activity since the last meeting on 10th October 2023.

Complaints made under Code of Conduct in 2023/24

- 2.3 There have been 10 formal complaints received to date under the Councillors' Code of Conduct since May 2023. The schedule is set out in the Appendix to the report. All the complaints have been about Borough councillors. For comparison, there were a total of 6 formal complaints in 2022/23, 5 about Borough councillors and 1 about a parish councillor.
- 2.4 Members are asked to note that two complaints were withdrawn by the complainants. One case, which was the subject of two separate complaints, has been referred for investigation and remains open. The remaining open complaints are at various stages of determination with the Monitoring Officer consulting the Independent Person.
- 2.5 The induction programme for councillors following the elections in May 2023 included training on the Code of Conduct and other aspects of the ethical framework. Council approved a revised Member Officer Relations Protocol at its meeting in January 2024.
- 3.1 Financial implications**
- 3.1.1 There are no direct financial implications arising from this report.
- 3.2 Legal implications**
- 3.2.1 Section 27 of the Localism Act 2011 places a duty on local authorities to ensure that their members and co-opted members maintain high standards of conduct and require them to adopt a code of conduct for their members.
- 3.2.2 Section 28 confirms that the adopted code should be consistent with the seven "Nolan" principles of standards in public life and must set out the rules that the authority wants to put in place in relation to registering and disclosing pecuniary and non-pecuniary interests. The Council adopted the LGA's model code of conduct in 2021.
- 3.2.2 Section 28 also requires local authorities to put in place arrangements under which it can investigate an allegation of a breach of the code made in writing and, if it considers that it warrants investigation, requires that the authority appoint at least one independent person whose views must be sought after it has made an investigation and before it takes a decision. The Council appointed Mr R Tomkinson as the Council's independent person from 19 May 2022.
- 3.3 Risk management implications**
- 3.3.1 Having an effective code of conduct in place setting out the standards of behaviour for elected members and an effective system for managing and monitoring such behaviour is a key part of the Council's ethical framework and risk management system. As a public body, the Council should act lawfully and in the public interest and failing to do so opens it up to challenge. Decisions of the council can be challenged where they have not been made on a rational basis or having followed a fair process. Ensuring that elected members take decisions in an appropriate and properly informed way, including declining to take part in decision-making when they have a relevant interest, will help ensure fair and lawful decisions and reduce the risk of successful legal challenge.

3.4 Environmental implications

3.4.1 There are no specific environmental implications arising from this decision.

3.5 Equality implications

3.5.1 Section 149 of the Equality Act 2010 requires public bodies to pay due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

3.5.2 The Code of Conduct requires members to promote equalities and not discriminate unlawfully against any person. It explains the central role that elected members have in ensuring that equality issues are integral to the Council's performance and strategic aims and that there is a strong vision and public commitment to equality across public services.

4. Background Papers

None.