

Slough Borough Council

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| Report to: | Standards Committee |
| Date: | 20 th March 2025 |
| Subject: | Schedule of Code of Conduct Complaints - Update |
| Chief Officer: | Sukdave Ghuman, Monitoring Officer |
| Contact Officer: | Sarah Wilson, Assistant Director Legal and Governance Colin J Sweeney, Head of Democratic Services & Scrutiny |
| 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 2024/25. The report also updates the committee on the status of open complaints from 2023/24 since the previous update in March 2024.

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

"Commissioners welcome and note this report. It is important that the Council continues its focus on standards in public office."

2. Report

Introduction

- 2.1 The Council set up a separate Standards Committee in 2023 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 regular reports on Member Conduct Complaints. This report updates on such complaints during the municipal year since the last report to the committee on 19th March 2024.

Complaints made under Code of Conduct in 2023/24

- 2.3 There were 10 formal complaints received under the Councillors' Code of Conduct during the 2023/24 municipal year. The outcomes of complaints not previously reported to the committee are detailed. All complaints have now been resolved, although one complainant has confirmed dissatisfaction with the informal resolution.
- 2.4 The updated schedule is set out in the Appendix to the report and provides update since the last report in March 2024. All the complaints were 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.
- 2.5 The feedback from one complainant in relation to informal resolution relating to a adequacy of the apology and whether there should be confirmation that training has been received. The committee may wish to consider the limitations on recommendations on apologies and training, as neither the Monitoring Officer nor the Committee has the power to compel an apology to be given or training to be undertaken and on occasions a poorly given apology can cause more offence and dissatisfaction.
- 2.6 The one complaint that was concluded under the formal procedure resulted in the Standards Committee determining a sanction of censure, with this to be announced to Full Council and published on the Council's website and a recommendation of training. The Full Council meeting has not yet taken place and the Subject Member did not attend the committee meeting. However feedback from the complainants is that they are pleased the matter is now at an end and that the Committee found all breaches proved. The Committee may wish to reflect on the process and any improvements that can be put in place.

Complaints made under Code of Conduct in 2024/25

- 2.7 Three formal complaints have been submitted to date during the 2024/25 municipal year. Two of these were the same complaint but about two ward councillors for allegedly failing to properly respond to a ward issue (overflowing bins). A corporate complaint had also been submitted on the same matter and was responded to by the service. No information or evidence had been submitted that the councillors had breached the Code. These complaints was therefore closed.
- 2.8 One complaint (2425/03) remains open and is currently being considered by the Monitoring Officer.

Consultation on statutory framework for councillor standards

- 2.8 The Ministry of Housing, Communities and Local Government launched a consultation of strengthening the standards and conduct framework for local authorities in England and this closed on 26 February 2025. No timescale has been set for a Government response to the consultation.

2.9 The Local Government Association conducted several focus groups to inform its consultation response. This can be found at the following link:
[LGA response to the strengthening the standards and conduct framework for local authorities in England | Local Government Association](#)

2.10 In summary the LGA response was as follows:

Principles of reform

2.11 Any reform should aim to create an environment and council culture that fosters respectful democratic debate. The standards framework must be proportionate and not create a chilling effect on democratic speech. Early and informal resolution should be a strong principle with complaint investigation and sanctions a last resort. The framework should be fair and independent and presume innocence until a breach is found.

Codes of Conduct

2.12 The LGA Model Code has seen substantial take-up and adoption, with around six in ten councils adopting it at least to some extent. An England wide minimum prescribed code co-produced with the sector could build on the Model Code and experience of devolved nations that retained national codes.

Complaint handling processes

2.13 Any move to a greater range and use of punitive sanctions requires a more consistent approach, including the requirement to have a standards committee with a clear role, not bound by political proportionality and including independent lay members with voting rights. The role of the independent person should be strengthened. The initial triaging of complaints by monitoring officers should be retained to avoid the standards committee being over-whelmed, but the monitoring officer's decision should be supported by the independent person.

2.14 Proposals to introduce interim sanctions is seen as a serious democratic risk and would in effect punish members before a decision is made. If introduced, they should be limited to exceptional circumstances and not exceed six months.

2.15 Breaches of the code should be published as well as a regular anonymous summary of the disposal of all complaints made to the council. The option of a decision notice being published where breaches are not made out should be offered to councillors.

2.16 The LGA supports a wider range of meaningful sanctions for extreme or persistent breaches, including suspension for up to six months. Suspension produced a democratic deficit for residents and in politically tightly balanced councils may have an impact on political control or the ability to set a budget. The removal of allowances could impact a member's livelihood, representing a punitive power. The primary focus of enforcing the minimum code must remain around early intervention and resolution.

Disqualification and parity

2.17 Removing an elected person from public office is an extremely serious undertaking, superseding the people's democratic choice of representative. A review of current

disqualification criteria is required and there should be a consistent standard at a parliamentary and local government level.

Appeals

2.18 If stronger sanctions are imposed, Article 6 of the European Convention of Human Rights becomes relevant. A national body must be established to handle appeals processes. This could be burdensome and costly if not handled proportionately. The appeals process should be co-produced with the sector to avoid the issues with the previous Standards Board for England.

Support for councillors and complainants

2.19 The Government should consider whether statutory or advisory timescales should be introduced for complaints to be determined or that regular updates are given. This should apply to any appeals body. The provision of support and advice to members who are subject to complaints will become more important if more substantial sanctions are introduced.

Parish and town council complaints

2.20 Additional pressures on monitoring officers resulting from high numbers of complaints relating to parish councils can act as a deterrent to good officers remaining in roles with high levels of parish and town councils. Now might be the right time to review whether it is still appropriate for principal councils to be financially and administratively responsible for parish and town complaints processes and what other approach may be appropriate.

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 if 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.

3.5.3 The Council has set six equality objectives. This includes an objective that political and executive leaders demonstrate personal knowledge and understanding of local communities and continue to show commitment to reducing inequality.

3.5.4 It is of note that the one complaint that has formally been determined by the Standards Committee raised concern about misogyny and resulted in a recommendation of training in relation to working with female officers and councillors.

4. Background Papers

None.