

Slough Borough Council

Report to:	Standards Committee
Date:	10 th October 2023
Subject:	Schedule of Complaints - Update
Chief Officer:	Stephen Taylor, Monitoring Officer
Contact Officer:	Nick Pontone, Principal Democratic Services Officer
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 – Outcomes 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 Ethnical Framework and this report updates Members on activity since May 2023.

Commissioner Review

Commissioners have noted this report.

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 first report on such complaints during the municipal year and the second update will be presented to the Committee on 19th March 2024.

Complaints made under Code of Conduct in 2022/23 and to date in 2023/24

- 2.7 The Committee was due to receive a report at the previous meeting in April 2023 covering all complaints in 2022/23, however, the meeting was not quorate and the report was therefore not considered or noted. Details of these complaints are therefore included in Appendix 1 as well as all formal complaints received in the 2023/24 municipal year up to 25th September 2023.
- 2.8 There have been 4 formal complaints made to date under the Councillors' Code of Conduct since May 2023. All the complaints have been about Borough councillors. For comparison, there were a total of 5 complaints determined in 2022/23, 4 about Borough councillors and 1 about a Parish councillor.
- 2.9 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.

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.