



**Committee:** STANDARDS COMMITTEE  
**Date:** MONDAY, 13 AUGUST 2018  
**Venue:** LANCASTER TOWN HALL  
**Time:** 6.10 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 7 June 2018 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Complaints Process Report (Pages 1 - 14)**

Report of the Monitoring Officer

6. **Exclusion of the Press and Public**

The Committee is recommended to pass the following recommendations in relation to the following items:-

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 & 2 of Schedule 12A of that Act."

Members are reminded that, whilst the following item(s) have been marked as exempt, it is for Committee itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

7. **Complaint Report** (Pages 15 - 40)

Report of the Monitoring Officer

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Tracy Brown (Chairman), Jon Barry (Vice-Chairman), Nathan Burns, Colin Hartley, Roger Mace, David Whitaker and Peter Yates

**(ii) Substitute Membership**

Councillors Dave Brookes, Claire Cozler, Nigel Goodrich, Margaret Pattison and Peter Williamson

**(iii) Queries regarding this Agenda**

Please contact Liz Bateson, Democratic Services - telephone 01524 582047, or email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Friday 3rd August, 2018.

<b>Standards Committee</b>
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**Complaints Process Report  
13 August 2018**

**Report of The Monitoring Officer**

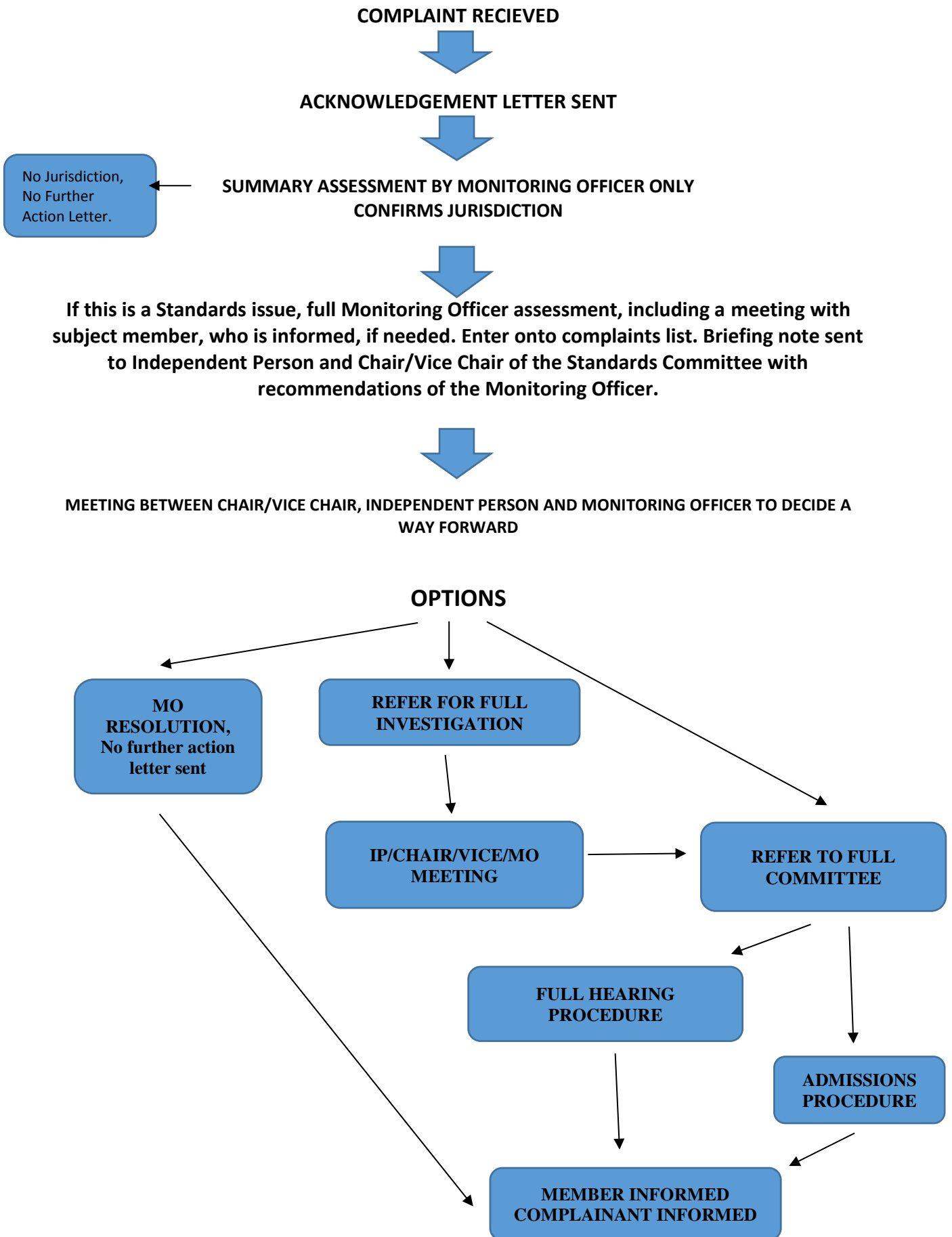
<b>PURPOSE OF REPORT</b>
To inform the Standards Committee of a proposed, and amended Complaints Process.
<b>Public</b>

**RECOMMENDATIONS**

- (1) That the Committee confirms the process as set out in Appendix A flow chart.
  - (2) That the procedure for dealing with complaints is amended as set out in Appendix B.
1. **Introduction**  
The current procedure sets out a methodology to be followed when a complaint is received. To assist both the committee and those involved a flow chart of key stages has been produced so that members and the public that are authorised have an easy insight to this service.
  2. As matters progress and a system develops over time it is apparent that minor amendments are needed to the procedure.
    - 2.1 Rather than considering a full review of the procedure the following amendment is recommended. The procedure is altered as Appendix B to this report and the amendment is found at Appendix 1 x 3 of the procedure (Page 8)
    - 2.2 The amendment closes a Lacuna in paragraph 1 where a complaint is not suitable for local resolution, but admissions have been made. In such a case a full hearing procedure is not required.
    - 2.3 The role of the committee, assisted by the independent person, will be requirement to accept the admissions, decide if the admissions are a breach of the Standards in Public Life and the Code of Conduct. Decide if the admissions are a breach of the Standards of Public Life and the Code of Conduct and then to follow the existing procedure at paragraph 18 onward. This will allow the documents currently on the City Council website to be updated.
    - 2.4 The committee are asked to note that there are a number of addition minor

amendments in an attempt to give the document some longevity.

<b>LEGAL IMPLICATIONS</b> The process for resolving an issue of standards must be clear and accessible to both the participants and the public	
<b>FINANCIAL IMPLICATIONS</b> None	
<b>SECTION 151 OFFICER'S COMMENTS</b> None	
<b>MONITORING OFFICER'S COMMENTS</b> The Monitoring Officer has compiled this report.	
<b>BACKGROUND PAPERS</b> None	<b>Contact Officer:</b> David Brown <b>Telephone:</b> 01524 582000 <b>E-mail:</b> dbrown@lancaster.gov.uk



## LANCASTER CITY COUNCIL

<a href="#">Document</a>	<a href="#">Issue</a>	<a href="#">Owner</a>
<a href="#">Version 220115 (1)</a>	<a href="#">update</a>	
<a href="#">Version 290216 (2)</a>	<a href="#">update</a>	
<a href="#">Version 3 draft</a>	<a href="#">draft</a>	<a href="#">Monitoring Officer June 2018</a>

## LOCALISM ACT 2011 SECTION 28

**ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A MEMBER OF THE CITY COUNCIL OR A MEMBER OF A PARISH COUNCIL WITHIN THE DISTRICT OF THE COUNCIL HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT**

These arrangements are made under sections 28(6) and (7) of the Localism Act 2011, and set out how the City Council will deal with allegations that a city or parish councillor has failed to comply with the relevant Code of Conduct.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided should be investigated, and whose views can be sought by the Council at any other stage, or by a member against whom an allegation has been made. The City Council has appointed an Independent Person and a reserve. It is envisaged that a member complained of will not consult with the same Independent Person who is advising the Monitoring Officer or the Committee.

Making an Allegation

An allegation that a city councillor or parish councillor has failed to comply with the requirements of the relevant Code of Conduct must be made in writing to: [Anne Streeter](#), Monitoring Officer, Lancaster City Council, Town Hall, Lancaster LA1 1PJ

An allegation may be sent by email to [the\\_Monitoring\\_Officer@streeter@lancaster.gov.uk](mailto:the_Monitoring_Officer@streeter@lancaster.gov.uk). A form for this purpose is available on the Council's website [www.lancaster.gov.uk](http://www.lancaster.gov.uk)

The allegation must be about one or more named members of the following authorities: Lancaster City Council or a parish or town council within its district. These are Arkholme-with-Cawood, Bolton-le-Sands, Carnforth, Caton-with-Littledale, Cockerham, Ellel, Gressingham, Halton-with-Aughton, Heaton-with-Oxcliffe, Hornbywith-Farleton, Ireby and Leck, Melling-with-Wrayton, Middleton, Morecambe, Nether Kellet, Over Kellet, Over Wyresdale, Overton, Quernmore, Scotforth, Silverdale, Slynewith-Hest, Tatham, Thurnham, Warton, Wennington, Whittington, Wray-with-Botton, Yealand Conyers and Yealand Redmayne.

The allegation must be that the member(s) has, or may have, breached the relevant Code of Conduct. A copy of the City Council's Code of Conduct is available on the Council's website [www.lancaster.gov.uk](http://www.lancaster.gov.uk). The Code of Conduct adopted by a parish or town council is available on that council's website or from the relevant parish or town council clerk.

Anyone making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct. Details of the person making the allegation will generally be provided to the member, unless the Monitoring Officer considers that there are special reasons for keeping this information confidential.

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Procedure once an allegation is received

Once an allegation is received, the Monitoring Officer will provide a copy of the allegation to the member complained of, and advise that the member may submit any comments to the Monitoring Officer if the member wishes to do so.

In appropriate cases, the Monitoring Officer may seek to resolve the matter informally. This may involve the member accepting that his/her conduct was unacceptable and offering an apology.

Standards 290216

If informal resolution is not possible, the Monitoring Officer will, in consultation with the Independent Person, the Chairman of the Standards Committee (or the Vice-Chairman if the Chairman is a member of the same group within the City Council as the member complained of), and, if appropriate the Chief Executive, determine whether the complaint merits formal investigation, or whether no further action should be taken.

The Monitoring Officer may refer particular complaints to the Standards Committee if ~~she feels that~~ it would be inappropriate ~~for her~~ to take the decision, and will generally do so where the complainant is the Chief Executive or a Chief Officer, or where the complainant or the member complained of is the Leader of the Council or a Group Leader. There may be other circumstances where the Monitoring Officer considers that it would not be appropriate for her to take the decision.

Whilst each allegation will be considered on its own facts, the assessment criteria (Appendix 1) will be applied in considering whether or not an allegation should be investigated.

If an allegation is not referred for investigation, the complainant has no right of appeal. The Monitoring Officer will report to each scheduled Standards Committee meeting on the complaints received and decisions taken on them. The report will not be open to the press and public as it will contain information relating to named individuals.

Investigation

Where a complaint is referred for investigation, the Monitoring Officer will arrange for the investigation to be undertaken by an officer of the Council, or by an external investigator. The Investigation Procedure is attached at Appendix 2.

If the investigating officer finds no evidence of failure to comply with the Code, the Monitoring Officer is authorised to close the matter, in consultation with the Independent Person, Chairman (or Vice-Chairman if the Chairman is a member of the same group within the City Council as the member complained of) and, if appropriate, the Chief Executive. However, the Monitoring Officer may refer the matter to the Standards Committee if ~~she considers~~ this would be appropriate. The Monitoring Officer will in any event provide a summary to the next meeting of the Standards Committee.

Where a formal investigation finds evidence of failure to comply with the Code, there may yet be an opportunity for local resolution, avoiding the need for a hearing. Sometimes the investigation report can cause a member to recognise that the conduct was at least capable of giving offence, and the complainant may be satisfied by recognition of fault or an apology. The Monitoring Officer has authority to agree a local resolution, in consultation with the Independent Person, the Chairman (or Vice Chairman if the Chairman is a member of the same group within the City Council as the member complained of) and, if appropriate, the Chief Executive, subject to the complainant being satisfied with the outcome, and subject to a summary report to the Standards Committee.

Standards 290216 Standards Procedure V3 (draft June 2018)

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In all other cases where the formal investigation finds evidence of a failure to comply with the Code, the Standards Committee will hold a hearing at which the member complained of may respond to the investigation report and the Committee will determine whether the member did fail to comply with the Code and what action, if any is appropriate. The Committee's Pre-hearing and Hearing Procedures are attached at Appendices 3 and 4. The Hearing Committee will be advised by an Independent Person and by the Monitoring Officer.

The sanctions open to the Standards Committee are to censure, to report the findings to full Council, (in effect "naming and shaming"), to recommend the member's Group Leader to remove the member from any or all Committees, to withdraw Council facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committee. There is no right of appeal.

With regard to parish councillors, the Standards Committee may make a recommendation to the parish council on action to be taken in respect of the councillor. Parish councils will be under no obligation to accept any such recommendation.

#### Conflict of Interest

It should be noted that the above arrangements provide for the Vice-Chairman rather than the Chairman to be consulted at all stages of the process if the Chairman is of the same group within the City Council as the member complained of. This is because it is recognised that the greatest likelihood of a perception of conflict of interest arises in this situation.

Where a complaint is made by a city councillor about another city councillor, there could also be a perception of conflict of interest where the Chairman (or Vice Chairman) is consulted and is of the same group as the complainant. It is impossible to over all the possible scenarios, but in such circumstances the Monitoring Officer will discuss with both the Chairman and the Vice-Chairman any possible perceived conflicts of interest so that the procedure is as transparent as possible.

Monitoring Officer

[March 2016](#)



Appendix 1

LANCASTER CITY COUNCIL STANDARDS COMMITTEE – ASSESSMENT CRITERIA

A. ~~The Monitoring Officer will reject a~~ The complaint ~~must if it fails to~~ meet ~~all of one~~ or more of the following ~~criteria~~tests:

A1 The complaint is against one or more named Members or co-opted Members of the Council or a parish or town council within the district.

A2 The member complained of was acting in the capacity of a public office at the time of the alleged conduct and the Code of Conduct was in force at the time.

A3 The complaint, if proven, would be a breach of the Code of Conduct under which the member was operating at the time of the alleged misconduct.

B. The Monitoring Officer (following consultation with the Independent Person, the Chairman (or Vice-Chairman of the Committee) and the Chief Executive, if appropriate) or the Standards Committee may decide to refer a complaint for investigation:

B1 Where the complaint discloses a potential breach of the Code of Conduct sufficiently serious, if proven, to warrant a sanction, and where it would be in the public interest to investigate

C. Circumstances where the Monitoring Officer (following consultation with the Independent Person, the Chairman (or Vice-Chairman of the Committee) and the Chief Executive, if appropriate) or the Standards Committee may decide that no action should be taken in respect of a complaint:

C1 Where the complaint is about someone who is no longer a member of the city council or a parish or town council

C2 Where a substantially similar allegation has previously been made by the complainant to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority

C3 Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.

C4 Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter

C5 Where the allegation discloses a potential breach of the Code of Conduct, but the complaint does not appear serious enough to warrant further action

C6 Where the complaint appears to be malicious, politically motivated or tit-for-tat, unless a serious matter is raised in the complaint

## Appendix 2 LANCASTER CITY COUNCIL STANDARDS COMMITTEE

### PROCEDURE FOR CASES REFERRED FOR INVESTIGATION

1. When an allegation is referred by the Monitoring Officer or the Standards Committee for investigation, the Monitoring Officer will within five working days, inform the member who is the subject of the allegation of failure to comply with the code of conduct, ("the Subject Member"), the person who made the allegation ("the Complainant"), and the clerk to any parish council concerned that the matter has been referred for investigation.
2. The Monitoring Officer will appoint an Investigating Officer who may be an officer of the Council, or an external investigating officer. The Investigating Officer may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary. The Monitoring Officer will advise the Subject Member and the Complainant of the appointment of the Investigating Officer.
3. The Investigating Officer may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may request any person to give such information or explanation as the Investigating Officer thinks necessary or expedient for the purpose of conducting the investigation. The Investigating Officer may require any of the relevant authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the Investigating Officer to be necessary for the purpose of conducting the investigation.
4. Statements will be prepared and agreed with each person interviewed during an investigation, including the Subject Member. The Subject Member will be advised that he/she may be accompanied by a professional representative or advisor, a Group colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative if they so wish.
5. The Investigating Officer will complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.
6. The Investigating Officer, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the Subject Member and the Complainant for review and comment, and will indicate that it does not necessarily represent the Investigating Officer's final finding.
7. If the Investigating Officer issues a draft report, he/she will consider whether the responses reveal a need for further investigation or for changes to the report. In some complex cases, the Investigating Officer may wish to issue a second draft report before the final report.
8. The Investigating Officer's final report will include all relevant documents, and copies of all witness statements obtained during the course of the investigation.

The report will commence with a statement of the Investigating Officer's finding. The finding will be either that there has been a failure to comply with the code of conduct of the authority concerned, or as the case may be any other authority concerned ("a finding of failure"), or that there has not been a failure to comply with the code of conduct of the authority concerned, or as the case may be, of any other authority concerned ("a finding of no failure").

9. The Investigating Officer will submit the final report to the Monitoring Officer.

**APPENDIX 3****LANCASTER CITY COUNCIL STANDARDS COMMITTEE****PRE-HEARING PROCEDURE**

~~1.~~ Where an investigation report or other enquiry has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved, it will be considered by the Standards Committee. ~~by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.~~

~~2.~~ Where the Committee are presented with facts agreed by the subject member the Committee may conclude that the Subject Member has failed to comply with the Code of Conduct. The Committee may follow this procedure to consider what action, if any, it should take, and will take advice from the Independent Person.

~~4.~~

~~2-3.~~ Where there is a dispute on any point, and a hearing is required A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.

~~3-4.~~ The Subject Member will be asked for a written response within fifteen working days, which response shall set out the Subject Member's reply to the Investigating Officer's report and shall state whether he/she

- disagrees with any of the findings of fact in the report, giving the reasons for any disagreement
- wishes to be represented by a solicitor or barrister, or by any other person
- wishes to give evidence to the Committee, either orally or in writing
- wishes to call relevant witnesses to give evidence to the Committee
- wishes any part of the hearing to be held in private
- wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public

Forms will be provided for this response.

~~4-5.~~ The Subject Member shall be informed that if, at the meeting of the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.

~~5-6.~~ Upon receipt of the Member's response, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she

- wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
- wishes any part of the hearing to be held in private
- wishes any part of the report or other relevant documents to be withheld from the public

~~6-7.~~ Upon receipt of the Investigating Officer's response, the Monitoring Officer or other legal adviser will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.

~~7-8.~~ The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.

~~8-9.~~ Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.

~~9-10.~~ The Monitoring Officer/Legal Adviser, in consultation with the Chairman and the Independent Person, will:

- confirm a date, time and place for the hearing
- confirm the main facts of the case that are agreed
- confirm the main facts that are not agreed
- provide copies of any written evidence to the relevant parties
- confirm which witnesses will be called by the parties
- provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private


**APPENDIX 4**

**LANCASTER CITY COUNCIL STANDARDS COMMITTEE**

**HEARING PROCEDURE**

1. The Hearing Committee shall decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters shall be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person shall attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting by a solicitor or barrister, or with the permission of the Committee, another person. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take legal advice from its legal adviser at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman shall introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
  - The Chairman will ask the Monitoring Officer/Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing
  - The Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend
  - If the Committee is satisfied with such reasons, it shall adjourn the hearing to another date
  - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members and the Independent Person may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. The Committee will consider in private, with the Independent Person, all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.

20. The sanctions open to the Committee are: 

20. to censure the Subject Member

- to report its findings to full Council
- to recommend the Subject Member's Group leader to remove the member from any or all Committees, or, if appropriate, to recommend the Leader to remove the member from Cabinet
- to withdraw facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committees

21. If the finding relates to the Subject Member's conduct in his/her capacity as a parish councillor, the Committee will report its findings to the parish council, and may make recommendations to the parish council on sanctions.

22. In deciding to impose a sanction, the Committee shall consider all the relevant circumstances.

23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a parish councillor, written notice of the findings of the Committee will be sent to the clerk to the parish council.

24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.

25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

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**Standards Committee****Complaint Report  
13 August 2018****Report of The Monitoring Officer****PURPOSE OF REPORT**

To inform the Standards Committee of the response to the recent complaint against Councillor Clifford.

**Private This matter relates to an individual member and may only be published by permission of the Standards Committee**

**RECOMMENDATIONS**

- (1) The committee note the report.
- (2) Decide if the report should be published.

**1. Introduction**

- 1.1 The complaint is from an individual and internal referral via the Human Resources Service.
- 1.2 The complaint comprises three elements:
  - a) Failure to disclose a relationship with an officer.
  - b) Misuse of Council equipment and email system.
  - c) Misuse of officer time.
- 1.3 Councillor Clifford has made admissions in respect to his conduct a copy is attached in appendix 1.

**2. Proposal Details**

- 2.1 Cllr Clifford and the employee commenced a relationship on or about 22 August 2017 and the relationship ended in or around mid-January and was definitely concluded by 8 February 2018.
- 2.2 The employee was a relatively junior member of staff and subject to a separate internal process. Neither the identity or conduct of the employee is subject to this committee.
- 2.3 The officer was not in a position of influence and there is no evidence or suggestion of any governance issues.
- 2.4 During the internal process evidence was taken and information received as to the nature and duration of the relationship.

2.5 Councillor Clifford was subject to a preliminary interview with the Monitoring Officer on the 4 June 2018. The schedule of facts at appendix 1 was drafted after that meeting to reflect the admissions made by Councillor Clifford, this document was signed on the 8 June 2018.

2.6 In the opinion of the Monitoring officer the admissions broadly reflect the information and evidence received during the internal process.

2.7 The Monitoring Officer is not recommending a full investigation as the differential in the accounts is unlikely to add substantively to the admission and may be considered disproportionate.

2.8 The Monitoring Officer recommends the admissions should be considered in the context of the email evidence at appendix 2. This evidence is sufficiently clear to allow the committee to reach a conclusion on the three substantive points at paragraph 1.2.

2.9 It is further recommended that if the Committee conclude the report or findings should be published appendix 2 should remain confidential as there is a risk of identifying a third party.

**3. OPTIONS**

3.1 The Committee have a number of options to consider in their role in maintaining of standards in a public life.

- 3.2 a) To request a full investigation
- b) To accept the admissions and decide there is no issue of Standards in Public Life or breach of the Code of Conduct
- c) To accept the admissions and decide there is a breach of Standards in Public Life or Breach of the Code of Conduct.

If the Committee conclude option c) is appropriate the Committee will need to decide what, if any sanction should be applied.

<b>LEGAL IMPLICATIONS</b> There is a statutory obligation to maintain good standards of probity. The guidance often refers to the 7 principles of Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. Any finding by the committee must find it is in relation to public life and should link to one or more of the principles.	
<b>FINANCIAL IMPLICATIONS</b> None	
<b>SECTION 151 OFFICER'S COMMENTS</b> None	
<b>MONITORING OFFICER'S COMMENTS</b> The Monitoring Officer has compiled this report.	
<b>BACKGROUND PAPERS</b> None	<b>Contact Officer:</b> David Brown <b>Telephone:</b> 01524 582000 <b>E-mail:</b> @lancaster.gov.uk

**Schedule of facts**

1. The relationship commenced on or about 22 August 2017
2. The relationship had concluded by 8 February 2018 and had probably effectively ended in mid-January 2018.
3. The relationship was a close association.
4. The relationship was characterised by its on and off nature.
5. The relationship should have been disclosed but the on/off nature of the relationship made it difficult to judge when that should have occurred. If it had been a consistent relationship it would have been much clearer when to disclose.
6. The use of the council electronic system for personal emails is accepted as evidence by the emails in the bundle provided between 3rd November 2017 and 12th February 2018.
7. The use of the council electronic systems for engaging in personal correspondence is accepted as evidence by the emails in the bundle provided between 3rd November 2017 and 12th February 2018
8. That emails were exchanged during working hours as evidenced by the timing and that officer time was used to respond. These emails were of a personal nature.
9. Periods of time were used to hold conversations described as the employee as 1 to 1 time and by Cllr Clifford as time spent getting to know one another and general conversations with someone you are trying to get to know better. These meeting were usually at lunch time or after work and probably no more than once a week during work time.
10. One day was spent at Morecambe Town Hall when the employee and Cllr Clifford were both working in the member's room. There were conversations during the day as they were co-located. Cllr Clifford describes himself as sociable.
11. Some of the conversations evidenced in the emails and between the individuals were flirtatious. The sexual references and innuendo of the conversations and emails did take place but were aspects of the flirtatious behaviour and do not indicate any other activity.
12. No inappropriate sexual activity occurred on council premises.
13. The suggestion that any Cllr Clifford stayed overnight on any council premises is denied. A spare shirt etc is kept at both town halls to facilitate evening meetings.

Signed:



Cllr Clifford

Dated:

8/6/2018

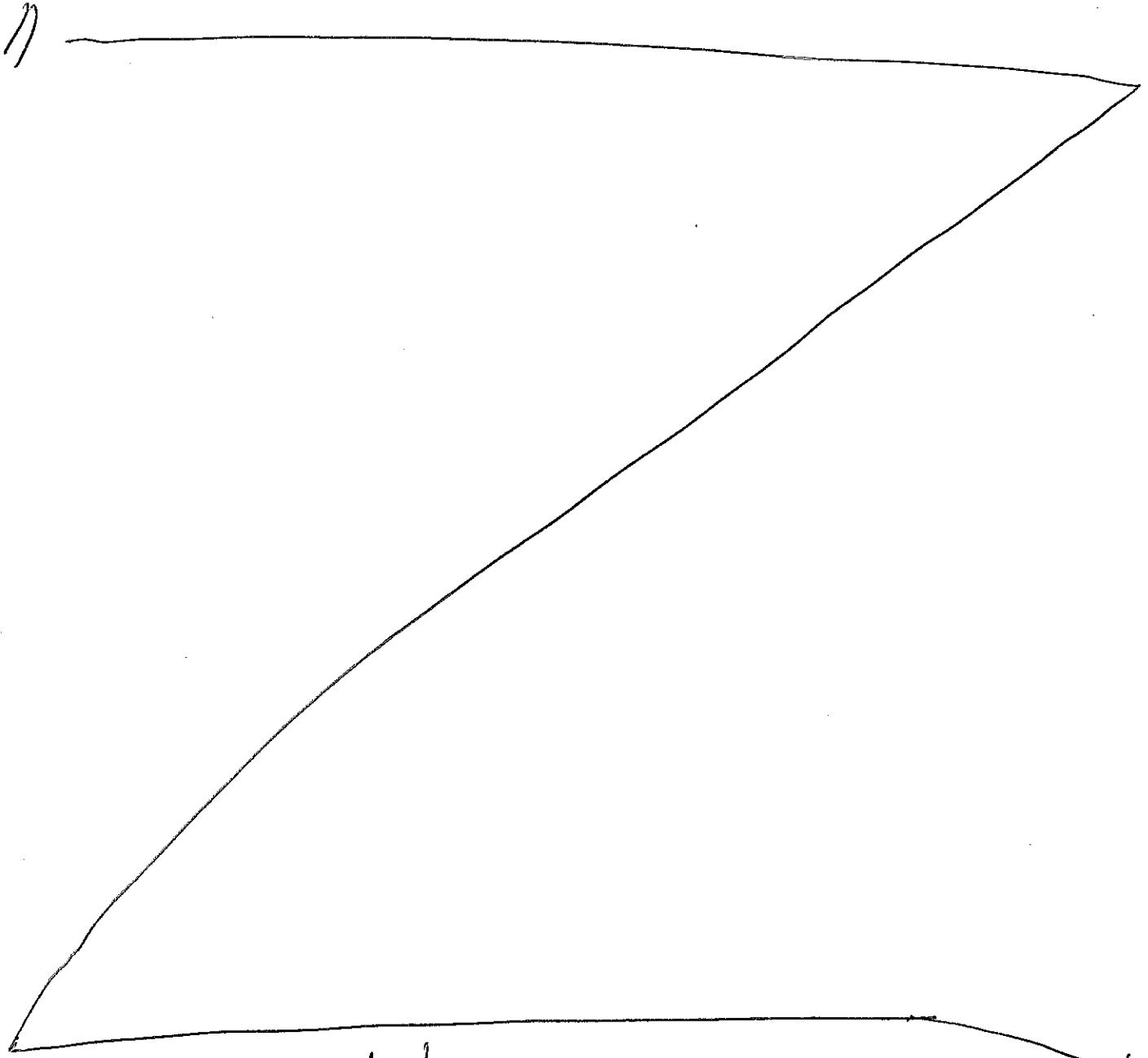
June 2018

14. Cllr Clifford stated he deeply regretted having done anything like this during work time and he regrets the entire episode. Cllr Clifford confirmed that it will not happen again and it was a sharp reminder of the interaction with staff.

15. Cllr Clifford expressed his concern for the employee who has been hurt the most and is substantially upset by the whole circumstances and outcome for her and that she is put at risk.

Signed: *James Clifford*

Dated: 8/6/2018



Signed: *James Clifford*  
Dated: 8/6/2018

Cllr Clifford  
June 2018

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