

PROTOCOL FOR DEALING WITH PRESS ENQUIRIES ABOUT COMPLAINTS TO THE STANDARDS COMMITTEE

1. In 2008 the responsibility for investigating breaches of the Council's Code of Conduct was transferred from the Standards Board for England (SBE) to local standards committees. Previously the SBE had its own protocol for when information could be released to the media regarding the investigation of complaints. Whilst the SBE has produced guidance for local standards committees on how to handle publicity, it also suggests that it is good practice for them to have their own protocols.
2. Lancaster City Council has within its Constitution a "Protocol on Publicity for Complaints of Breach of the Code of Conduct made to the Standards Committee". This provides that Members should not make any public or press comment about any complaint which they have made, are aware of, or are the subject of, until the complaint has been resolved. The Protocol acknowledges, however, that it cannot bind members of the public, and that where a complaint is made by a member of the public, the complaint may become known to the public through the press or some other medium. In these circumstances, the Protocol does not preclude the Member who is the subject of the complaint from making a press comment, although the Member should carefully consider the appropriateness of so doing.
3. In accordance with the Standards Committee (England) Regulations 2008, the Standards Committee's procedures for dealing with complaints provide that a Member who is the subject of a complaint will not be informed of the complaint until after the Assessment Sub-Committee has met to consider the complaint.
4. However, if a situation arises whereby a press enquiry is received about a complaint which has not yet been considered by the Assessment Sub-Committee, and it is clear that the press are aware of the identity of the subject of the complaint, the Monitoring Officer is authorised to inform the subject Member of the complaint immediately.
5. Should the Council be approached by the press to confirm the details of a complaint before the Assessment Sub-Committee has met, such confirmation will be given only after the subject Member has been informed. This is in accordance with the SBE's recommended good practice. In the event that the subject Member cannot be contacted, no comment will be made to the press.
6. At this stage, the Council will only confirm the details of the complaint, as follows:
 - The name of the subject Member and the name of the authority to which they are elected (City or Parish Council)
 - The date the complaint was received
 - The type of person who complained (eg whether they are a member of the public, a council Member) but not their name
 - The part of the Code the potential breach refers to
 - The date the Assessment Sub-Committee will meet to consider the complaint
7. After the Assessment Sub-Committee has met, the Standards Committee (England) Regulations 2008 require that a written summary must be made available for inspection by members of the public. This must record the main

points considered and the Sub-Committee's conclusion as regards the complaint and the reasons for that conclusion. The summary may give the name of the subject of the complaint unless the Assessment Sub-Committee has concluded that such disclosure is not in the public interest or would prejudice any investigation.

8. Accordingly, after the Assessment Sub-Committee has met, the following may be confirmed should an enquiry be received from the media:
 - The name of the subject member (provided that the Sub-Committee has not taken the view that such disclosure is not in the public interest or would prejudice any investigation)
 - The date the complaint was received and the date of the Assessment Sub-Committee meeting
 - The type of person who complained (eg whether they are a member of the public, a council Member) but not their name
 - A brief outline of the complaint as set out in the written summary referred to above
 - The decision of the Sub-Committee (that is, to refer the allegation to the Monitoring Officer for investigation or for other action, to refer the allegation to the SBE, or to take no action)

Specifics of the allegation will not be entered into. A report providing an overview of complaints received will be regularly presented to the full Standards Committee, and the above information will be provided in response to any enquiries received following publication of such an overview report.

9. If the decision of the Assessment Sub-Committee is that no action should be taken, the complainant has the right to request a review, and this is undertaken by a Review Sub-Committee. The provisions of paragraphs 5-8 above will apply also to press enquiries received in relation to a request for a review.
10. If the decision of the Assessment (or Review) Sub-Committee is to refer a complaint to the Monitoring Officer for "other action", the information set out in paragraph 8 will be provided in response to enquiries after the first Assessment Sub-Committee meeting. Once the Assessment Sub-Committee has considered the Monitoring Officer's report after the action has been completed, a summary of that action will be provided in response to any enquiry. It will also be made clear in response to any enquiry about "other action" that referral for other action does not indicate that the Sub-Committee has made any finding of fact about the member's conduct, or that the member has or has not breached the Code.
11. If the decision of the Assessment Sub-Committee or the Review Sub-Committee is to refer a complaint to the Monitoring Officer for investigation, only the information set out in paragraph 8 above will be confirmed during the period of the investigation.
12. Once the investigation has been completed, the Assessment Sub-Committee will reconvene to consider the investigation report, and to consider whether a hearing is required. The normal access to information provisions contained in the Local Government Act 1972 will apply to that meeting, and it is likely that the report and the Sub-Committee's deliberations at that stage will be exempt by virtue of Paragraph 7C of Schedule 12A to the Local Government Act 1972 (information presented to a standards committee or sub-committee set up to consider any

matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008).

13. If the outcome at this stage is that the Sub-Committee accepts a finding in the investigation report that there has been no breach of the Code of Conduct, any subsequent press enquiry will be dealt with in consultation with the subject Member and the Monitoring Officer.
14. If the outcome at this stage is that there is to be a hearing of the matter before a Hearing Sub-Committee, this will be confirmed in response to any press enquiry, and the date of the hearing, once arranged, will be provided.
15. The hearing is likely to be held in public, although the press and public may be excluded if any exempt or confidential information would be disclosed. The press and public will also be excluded during the Sub-Committee's deliberations.
16. The Standards Committee has a duty to publicise the outcome of the hearing. In addition to placing a public notice in a local newspaper, a case summary will be produced along with a press release. The press release may contain a quote from the chairman of the Sub-Committee, in line with the Council's media guidelines.
17. Currently all news releases are included on the Council's website, and there is no expiry date for releases and they are all archived onto the website system. However, it is possible for an expiry date to be set. The Standards Board for England has the following guidelines for the length of time case summaries appear on its website. These are:
 - if there is no evidence of a breach, the summary is removed six months after the case is closed
 - If the Code has been breached, but no further action needs to be taken, the summary is removed two years after the case is closed
 - If the case is referred to the Adjudication Panel for England or a local standards committee, the summary is removed two years after the case is closed, or two years after the end of any sanction if one is imposed

These guidelines will be adopted for press releases regarding the outcome of hearings.

18. Where the subject Member is a member of a parish council, the City Council will inform the clerk to the relevant parish council of any press enquiry received at any stage of the procedure and how it is being dealt with.
19. The foregoing is a general summary of how the Council will deal with press enquiries relating to complaints received by the Standards Committee. It should be noted that the Standards Committee (England) Regulations 2008 contain detailed provisions concerning the publication of summaries and notices and these will be complied with. Any information that may be provided to the press may depend on the particular circumstances of a complaint. The Council will seek to balance the public interest in openness and transparency with the need to uphold natural justice and human rights, to protect confidential information and safeguard the integrity of any investigation