

APPENDIX 2

LANCASTER CITY COUNCIL

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.

Formatted: Font: Not Bold

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 two reserves. 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

Formatted: Underline

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:

Deleted: ¶

Mrs S Taylor, Monitoring Officer, Lancaster City Council, Town Hall, Lancaster LA1 1PJ

An allegation may be sent by email to STaylor@lancaster.gov.uk. A form for this purpose is available on the Council's website 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, Cloughton, Cockerham, Ellel, Gressingham, Halton-with-Aughton, Heaton-with-Oxcliffe, Hornby-with-Farleton, Ireby and Leck, Melling-with-Wrayton, Middleton, Morecambe, Nether Kellet, Over Kellet, Over Wyresdale, Overton, Quernmore, Scotforth, Silverdale, Slyne-with-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. 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.

Procedure once an allegation is received

Deleted: ¶

Once an allegation is received, the Monitoring Officer will advise the member of the

allegation, and invite the member to make any comments. If the allegation relates to a parish councillor, acting as such, the Monitoring Officer will inform the clerk to the parish council of the allegation.

Deleted: will

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.

Deleted: seek informal resolution wherever possible.

If informal resolution is not possible, the Monitoring Officer will, in consultation with the Independent Person, the Chairman (or Vice-Chairman) of the Standards Committee, 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 Service Head, 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.

Deleted: .

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.

The Monitoring Officer will report to each scheduled Standards Committee meeting on the number and nature of complaints received and decisions taken on them.

If an allegation is not referred for investigation, the complainant has no right of appeal.

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) 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) 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.

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.

Deleted: (or a Sub-Committee)

Deleted: (or Sub-Committee)

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.

Monitoring Officer

October 2012

Deleted: June 2012