

STANDARDS COMMITTEE

PRESS PROTOCOL 25th April 2013

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable members to give further consideration to the draft Press Protocol presented at the last meeting of the Committee.

This report is public

RECOMMENDATIONS

- (1) **That the Committee approve the Protocol for dealing with press enquiries about complaints to the Standards Committee, appended to this report.**

1.0 Introduction

- 1.1 At its meeting on the 24th January 2013, the Committee considered a draft Protocol prepared by the Monitoring Officer for dealing with press enquiries about complaints to the Standards Committee. The Protocol reflected the comments that had been made by the Committee at its meeting in October 2012. A copy of the draft Protocol is appended to this report.
- 1.2 The Committee, in considering the draft protocol in January noted that later in the agenda for that meeting, there was an item where the appeals process had been used and members agreed that, in cases where standards complaints had been upheld against a councillor, the decision should not be made public until the person complained about had had the opportunity to go through the appeals process. In view of this, members considered adding wording to the protocol at the end of point 7: "...for release after any period for an appeal be lodged."
- 1.3 The Democratic Services Manager pointed out that the agenda item in question related to a complaint dealt with under an appeals process which was part of the old standards framework and this system had now been replaced. It was therefore agreed that the Democratic Services Manager should report back to members on whether or not an appeals process existed under the new framework and the protocol be brought back to the next meeting for consideration.
- 1.4 Members will recall that under the old standards regime there was a right of appeal to an external body, the Adjudication Panel for England, subsequently renamed the First Tier Tribunal (Local Government Standards in England),

against a finding by the Standards Committee of breach of the Code, or against any sanction imposed. That right of appeal no longer exists under the new standards regime implemented under the Localism Act 2011, and the sanctions that can be imposed are of course more restricted under the new regime. Whilst it is possible that a decision of the Standards Committee could be the subject of judicial review, this is perhaps unlikely, given the cost of such proceedings, and there is no other means of appeal.

- 1.5 Accordingly, the Monitoring Officer's advice is that the amendment to paragraph 7 of the Protocol, suggested at the last meeting is not necessary or appropriate, and the Monitoring Officer's advice would be that the Protocol be approved as drafted.

2.0 Conclusion

- 5.1 The Committee is asked to approve the draft Protocol as appended to this report.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Protocol seeks to balance the rights of those who may be the subject of a complaint, and the integrity of the investigation process, with the rights of freedom of speech and public interest in transparency.

LEGAL IMPLICATIONS

Under the Localism Act 2011 there is no statutory provision in respect of the complaints process, and any protocols are a matter for the Committee to determine.

FINANCIAL IMPLICATIONS

There are no financial implications directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her role as adviser to the Committee.

BACKGROUND PAPERS

None

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