

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

1. A new standards regime was introduced by the Localism Act 2011, replacing the previous statutory regime under the Local Government Act 2000.
2. Lancaster City Council has within its Constitution a “Protocol on Publicity for Complaints made to the Standards Committee”. This recommends 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 there may be situations where a complaint becomes 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. The Standards Committee’s arrangements for dealing with allegations of breach of the Code of Conduct enable the matter to be resolved informally at the outset if possible. Otherwise, a complaint will be assessed by the Monitoring Officer in consultation with the Independent Person, the Chairman of the Standards Committee, and, if appropriate, the Chief Executive. In some cases the Monitoring Officer may ask the full Standards Committee to assess a complaint. The assessment process will determine whether the complaint is to be referred for investigation, or whether no action is to be taken. If the press become aware of a complaint at this assessment stage, and make enquiries of the Council, the response will be given that it is not the Council’s policy to comment on whether or not a complaint has been made, but that all complaints are considered in accordance with the arrangements approved by the Standards Committee. Accordingly, no confirmation will be given, prior to assessment, as to whether a complaint has been received or not.
4. The Standards Committee will at its scheduled quarterly meetings receive a report on the complaints received and the action taken on them. This report will be exempt from publication under paragraph 1 of Schedule 12A of the Local Government Act 1972, and information will not be provided to the press.
5. Where no action is to be taken on a complaint and the press become aware of the identity of the member complained of, the Monitoring Officer will liaise with the member complained of as to what response should be given.
6. Where a complaint is referred for investigation, no comment will be made on behalf of the Standards Committee until after the matter has been resolved, other than to confirm that a complaint is being investigated. The member who is the subject of the complaint/investigation will be informed of the press enquiry, and may consider whether or not to comment, in accordance with the Members’ Protocol on publicity for complaints to the Standards Committee (see para 2 above).
7. Following an investigation, a complaint will generally be resolved after consideration of the investigation report by the Committee. If the investigator’s finding is that there has been a breach of the Code of Conduct, there will be a hearing before the Committee. 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. Where a complaint is resolved after investigation, the Committee will consider, as part of its deliberations, whether a press statement should be made by the Committee.

8. Where the Member complained of 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.
9. The foregoing is a general summary of how the Council will deal with press enquiries relating to complaints received by the Standards Committee. 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.