

**Audit, Risk and Governance Committee**  
Meeting to be held on Monday, 31 January 2022

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|---------------------------------------|
| Electoral Division affected:<br>None; |
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**Code of Conduct - Summary of Complaints**  
(Appendix 'A' refers)

Contact for further information:  
Josh Mynott, Tel: (01772) 534580, Democratic and Member Services Manager,  
josh.mynott@lancashire.gov.uk

**Executive Summary**

This report presents a summary of all complaints received in 2021 against county councillors under the Code of Conduct.

**Recommendation**

The Audit, Risk and Governance Committee is asked to note the summary and comment as appropriate.

**Background and Advice**

Under the Localism Act 2011, the county council is required to have a Code of Conduct for Councillors ("the Code"). The Code has three elements:

- Behavioural expectations (principally aligned with the Nolan principles)
- Requirements around registering and declaring interests
- Requirements around Gifts and Hospitality

Complaints that a councillor has breached the rules around the registration and declaration of pecuniary (i.e. financial) interests are a criminal matter and complaints would be dealt with by the police. The county council is not aware of any allegations made to the police against Lancashire County Councillors in this regard.

All other complaints that a councillor has breached the Code are dealt with according to local arrangements, agreed by Full Council in 2012. There is a three-stage process:

1. An initial assessment by the Monitoring Officer. The Monitoring Officer determines whether the complaint is within the remit of the Code and not vexatious. If the Monitoring Officer identifies that a complaint is legitimate, informal resolution will be explored, such as an apology or explanation that will satisfy the complainant without unnecessary use of resources. At this

stage, a written response is sent to the complainant to advise them whether a complaint is dismissed as it is outside the Code, or not a breach of it, or if it is upheld and will be resolved informally. There is no right of appeal against the Monitoring Officer's decision at this stage.

2. Investigation. Where the Monitoring Officer is unable to resolve a complaint informally, a full investigation will be undertaken, including interviews and examination of evidence. The Monitoring Officer will either determine that there has been no breach of the Code, in which case the matter is at an end, or that there has been a breach, in which case it will be referred to the Conduct Committee for consideration.
3. Conduct Committee consideration. The committee will receive the report of the Monitoring Officer and determine what action to take. The councillor who is subject to the complaint will have the right to attend and make representations. The committee must take the views of the appointed "Independent Person" into account before reaching a decision.

The emphasis, in line with the government's initial intention in revising the Standards arrangements in the Localism Act 2011, is to reduce bureaucracy and seek informal resolutions where possible. This avoids lengthy and potentially resource intensive investigations into minor or vexatious complaints.

### **Independent Persons**

Local authorities must also appoint an "independent person" whose views must be sought by the local authority before a decision is taken in relation to an allegation of misconduct. Members who have had allegations made against them may, if they wish, also seek the views of the independent person. Lancashire has appointed three independent persons, to ensure that there can be appropriate separation between the roles of supporting the subject member and advising the committee, should it be necessary to do so.

### **Complaints 2021**

In general, Lancashire continues to receive relatively few complaints about county councillors. A full summary of complaints received in 2021 is attached at Appendix A, and this also includes a complaint originally made in 2020 and resolved in 2021.

Key messages:

- The level of complaints continues to be low
- Social media continues to be a source of complaints, but there were no breaches found. One complaint also highlights the issue of historical social media comments, and that comments made 10 or more years ago, perhaps before the individual became a councillor, can be found and highlighted. Good maintenance of social media accounts is encouraged, deleted old comments to ensure they are not found and taken out of context in the future. Training and advice are provided to all members on social media.

- The complaints this year, to a degree, highlight the boundaries of the code. The code only covers actions and behaviour when a person is acting as a county councillor, so even if a person is a councillor, the code does not apply in their personal or private life, or when they are acting in a different "public" capacity (e.g. work, as a district councillor etc).
- Councillors are politicians and are entitled and expected to express opinions and views on social media and in correspondence with the public and other politicians, although there is a point at which this could tip over into failing to show respect.

### **Complaints from 2020**

A number of complaints were received in 2020 relating to the same issue, which was how a councillor had responded to correspondence. The correspondence had taken the form of a coordinated campaign which invited individuals to submit a standard letter to the councillor.

This was a complex complaint and, given that efforts were focussed at the time on Covid, there was a delay in reaching a resolution, which is why it is included in this year's information.

The view of the Monitoring Officer was that there had been a breach, and that the councillor had acted without sufficient courtesy, regardless of their views of the campaign of correspondence. However, the councillor had already indicated that, whilst they accepted the view of the Monitoring Officer, they would not apologise and they felt their actions were justified. The Monitoring Officer's view was that, in these circumstances, there would be little to be gained from convening the Conduct Committee to make a formal finding. This finding was communicated to all complainants.

The Audit, Risk and Governance Committee are invited to note the report and make any comments or observations about the complaints received or processes around managing complaints.

### **Consultations**

N/A

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

The county council is required to have a Code of Conduct for councillors under the Localism Act 2011.

**Local Government (Access to Information) Act 1985  
List of Background Papers**

| Paper | Date | Contact/Tel |
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None

Reason for inclusion in Part II, if appropriate

N/A