

Audit, Risk and Governance Committee
Meeting to be held on Monday, 30 January 2023

Electoral Division affected:
None;

Code of Conduct - Annual Report of Complaints
(Appendix 'A' refers)

Contact for further information:
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Brief Summary

This report presents a summary of all complaints received in 2022 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.

Detail

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 2022

In general, Lancashire continues to receive relatively few complaints about county councillors. A full summary of complaints received in 2022 is attached at Appendix A.

There were two significant complaints received:

- In one case, comments made by a councillor on Radio Lancashire relating to public behaviour during the pandemic lockdown generated a large volume of complaints. A total of 15 emails or letters were received, although in a couple of cases, the correspondence was more in the nature of a challenge back or criticism of the councillor rather than a complaint. The councillor in question quickly apologised and withdrew their comments, and therefore no further action was taken, although the council made clear, in the response to the complainants,



its appreciation of the efforts of the people of Lancashire in very difficult and sometimes distressing circumstances.

- In a second case, the Monitoring Officer has undertaken a full investigation into the behaviour of a councillor following a complaint. This is due to be considered by the Conduct Committee in the new year, and at the time of writing this report, the outcome is not known. It is, however, unusual for the Monitoring Officer to undertake a formal investigation into a complaint, it being the case that most complaints are able to be resolved informally.

The Audit, Risk and Governance Committee is 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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N/A

Reason for inclusion in Part II, if appropriate

N/A

