

**Report to the Audit, Risk and Governance Committee**  
Meeting to be held on Monday, 27 January 2025

**Report of the Director of Law and Governance**

**Code of Member Conduct – Annual Report of Complaints**  
(Appendices A and B refer)

<b>Part I</b>	<b>Corporate Priorities:</b> Thinking differently
<b>Electoral Division(s):</b> N/A	
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**Summary**

**Purpose of the Report**

This report presents a summary of all complaints received in 2024 against county councillors under the Code of Member Conduct.

It is presented to support the Audit, Risk and Governance Committee in its role to consider the council's arrangements for discharging its duties in relation to promoting and maintaining high standards of conduct by members in accordance with the Localism Act 2011.

**Recommendation**

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

**Background**

1. Under the Localism Act 2011, the county council is required to have a Code of Member Conduct ("the Code").
2. The Code covers three elements:
  - Behavioural expectations, aligned with the Nolan Principles;
  - Requirements around registering and declaring interests; and
  - Requirements around gifts and hospitality.
3. Following the Political Governance Working Group's review of the Constitution, and Full Council's approval of the council's new Constitution in March 2024, the



Code now also includes the Code of Member Conduct Complaints Procedure and the Protocol on the Disclosure of Confidential Information.

4. The updated Code of Member Conduct can be viewed online:

[www.lancashire.gov.uk/council/constitution/8-councillors/code-of-member-conduct/](http://www.lancashire.gov.uk/council/constitution/8-councillors/code-of-member-conduct/)

5. Complaints that a councillor has breached the rules around the registration and declaration of pecuniary (financial) interests are a criminal matter and complaints of this nature 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.
6. All other complaints that a councillor has breached the Code are dealt with in accordance with the Code of Member Conduct Complaints Procedure, as set out at Appendix 'A'.
7. Wherever possible and in line with the government's intention when it revised the standards arrangements in the Localism Act 2011, the Monitoring Officer will seek to resolve complaints informally. This avoids lengthy and potentially resources intensive investigations into minor or vexatious complaints.
8. Local authorities must also appoint an independent person whose views must be sought 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. The county council has appointed three independent persons to fulfil this role to ensure that there can be appropriate separation between the roles of supporting the subject member and advising the Conduct Committee, if necessary.
9. The committee will note that the English Devolution White Paper, published on 16 December 2024, sets out the government's intention to review the current standards framework (as established under the Localism Act 2011). In line with its responsibility to consider the council's arrangements for promoting and maintaining high standards of conduct by members, the Audit, Risk and Governance Committee will receive updates at the appropriate point about any changes to the national standards framework or the council's powers. For more information, members can refer to section 4.2.4 (Audit, Insight and Standards) of the English Devolution White Paper:

[www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper](http://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper)

## Annual Update

10. Lancashire continues to receive relatively low numbers of complaints against county councillors. In the last year there have been very few complaints which required action to be taken by the Monitoring Officer and no complaints had to be escalated for consideration by the council's Conduct Committee. A full summary of the complaints received in 2024 is attached at Appendix 'B'.



11. The committee will note that there has been increase in the number of complaints received during 2024, compared with previous years' reports. This is likely to be related to heightened political activity in 2024 as a result of the local and general elections, and because the new Code of Member Conduct Complaints Procedure means a higher number of low-level complaints are now recorded, even when they are dismissed under the public interest test.
12. Although there continues to be no concerning patterns in relation to members' conduct, in relation to the complaints received, six (including one at the end of 2023) related to activity on social media and six were received from a county councillor against a fellow member. The committee may wish to consider whether any additional support or training is required, to support county councillors in relation to the Code of Member Conduct and with the aim of reducing the number of complaints of this nature.
13. Some learning from complaints received under the Code of Member Conduct has already been used to inform the training offered to county councillors, for example in relation to equality and diversity. This learning will also shape the induction programme for newly elected councillors following the election in May 2025.
14. The Audit, Risk and Governance Committee is asked to consider the report and make any comments or observations about the complaints received in 2024, or the process in place to manage and respond to complaints.

### **Options and Proposals**

15. The Audit, Risk and Governance Committee has a responsibility to consider the council's arrangements for discharging its duties in relation to promoting and maintaining high standards of conduct by members.
16. In relation to complaints received against members during 2024, the committee may wish to consider whether any additional support or training is required for members, with the aim of reducing the number of complaints. Any recommendations from the committee would be shared with the Councillor Support Steering Group.
17. The committee may also wish to consider whether and how county councillors could be encouraged to resolve complaints where both the complainant and subject member are county councillors through informal processes.

### **Consultations**

N/A

### **Context and Implications**

#### **Legal (including Human Rights)**

18. The Localism Act 2011 requires the county council to:



- a. Promote and maintain high standards of conduct by its members and co-opted members that are consistent with the Seven Principles of Public Life (known as the Nolan Principles) of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- b. Adopt a code of conduct which is consistent with the Seven Principles of Public Life and includes provisions relating to the registration and disclosure of pecuniary and non-pecuniary interests.
- c. Appoint an independent person whose views must be sought before a decision is taken (in Lancashire, by the council's Conduct Committee) in relation to an allegation of misconduct.

### **Financial**

19. There are no financial implications.

### **Equality and Diversity**

20. The Code of Member Conduct requires councillors to promote equalities.

21. In considering complaints received against councillors, the Monitoring Officer has due regard to the potential impact of a complaint on individuals or groups with protected characteristics under the Equality Act 2010.

### **Risk Management**

22. Failure to uphold the council's Code of Member Conduct and to fairly consider all complaints received against councillors risks undermining the public's confidence and trust in the council's elected members and its processes.

### **Appendices**

<b>Appendix</b>	<b>Title</b>
Appendix A	Code of Member Conduct Complaints Procedure
Appendix B	Summary of Code of Member Conduct Complaints 2024

### **List of Background Papers**

<b>Paper</b>	<b>Date</b>	<b>Contact/Tel</b>
None		

### **Part II Reason**

N/A

