

Appendix 3a: Protocol between Lancashire Constabulary and the Monitoring Officer of Blackpool Council

1. Background

- 1.1 Section 34 of the Localism Act 2011, introduced summary offences relating to elected and co-opted members' failure to register / disclose and participate in meetings where they have certain 'Disclosable Pecuniary Interests'. These are detailed in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 [no 1464].
- 1.2 This Protocol sets out the framework for reporting and dealing with potential criminal offences arising from the failure to register or declare Disclosable Pecuniary Interests (DPIs) or from speaking and voting where a member has a disclosable pecuniary interest and has not first sought a dispensation.

2. Receipt of allegation

- 2.1 If the Lancashire Constabulary receives an allegation, then contact will be made with the Monitoring Officer of the Council, at the earliest opportunity and the code of conduct process will be followed, in accordance with this protocol.
- 2.2 If the Monitoring Officer receives a complaint regarding a potential DPI, they will make an initial assessment, considering factors including but not exclusively:
 - the public benefit in investigating the alleged complaint
 - whether the information submitted is sufficient to make a decision as to whether to refer for investigation
 - whether the subject member is still a serving member
 - is the complaint the same or similar to a previous complaint
 - the time passed since the alleged conduct occurred
 - does the complaint appear to be malicious, politically motivated or vexatious
 - whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
 - the severity of the complaint made
 - steps taken or proposed to remedy the action complained of.
- 2.3 If following the initial assessment, the Monitoring Officer decides to refer the matter to the Lancashire Constabulary, this will be done following consultation with the Council's independent person. The referral will be to the nominated Police Single Point of Contact (SPOC).
- 2.4 The Monitoring Officer may informally consult the Police SPOC to help inform any proposed course of action, which may or may not be a referral.

2.5 If a referral to the Police is made, then the SPOC will exercise professional discretion in accepting the referral for police investigation, taking into account the nature and quality of evidence in the referral, the sufficiency of evidence, proportionality of obtaining sufficient evidence, public interests factors in undertaking any investigation and as appropriate, the Crown Prosecution Service view.

3. Consideration of allegation if referred

3.1 Following consideration of the matter, the Lancashire Constabulary shall confirm its decision and any action or prospective action to the relevant Monitoring Officer and other appropriate person(s). This would normally be within 28 days of receipt of the referral.

3.2 If an investigation is to be held, the Council will fully support the Police in the investigation.

3.3 If Lancashire Constabulary decides not to prosecute in the public interest, they may consider less formal action, such as a warning or referral back to the Council to consider whether the complaint should be considered as a breach of the Code of Conduct through the relevant procedure. If referred to the Crown Prosecution Service then they could also decide to prosecute or could take no further action.

4. Signatories

Signed on behalf of Lancashire Constabulary: _____

Signed on behalf of Blackpool Council: _____
Mark Towers, Monitoring Officer