

Committee: Standards Committee
Meeting Date: 18 November 2009
Report presented by: Monitoring Officer
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Contact No: 2202
Report Title: Dual Hatted Members Protocol



Purpose of Report

To consider the Committee's approach to dealing with allegations of misconduct against "dual hatted" Members and to approve a "Dual Hatted" Members Protocol








Summary

- See the attached Report.

Recommendations:

- 1 That the "Dual Hatted" Members Protocol and Flowchart as attached be approved.
- 2 That the written protocol to accompany the flow chart be submitted to the other Lincolnshire authorities for consideration and adoption as a standard approach to dealing with complaints against "dual hatted" members.

IMPLICATIONS

<p>Relationship to Community Strategy There is a need to ensure ethics, probity and standards issues are in place and visible to the community.</p>	
<p>Financial Impacts None</p>	
<p>Impact on Performance Improvement in performance could be achieved through adoption of the Protocol attached.</p>	
<p>Human Resources Staff and Member involvement in implementing standards issues.</p>	
<p>Equality Impact Assessment This is inherent in decision making.</p>	
<p>Risk Management Failure to comply with statutory obligation and good practice and consequences relating to reputation.</p>	
<p>Legal Considerations To have an awareness of the legislative and regulatory requirements.</p>	

APPENDIX NO.	TITLE
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BACKGROUND PAPERS	
Local Standards Framework SBE	
Title	Location
Monitoring Officer	

1.0 “DUAL HATTED” MEMBERS

- 1.1 At their meeting on 23 September 2009 the Standards Committee considered the flow chart for handling complaints against “dual hatted” members, where the member complained against is also a member of another Lincolnshire authority.
- 1.2 The flow chart prepared by Lincolnshire Police Authority was approved. However, the Committee requested that a written Protocol be prepared to accompany and explain the flow chart.
- 1.3 The written Protocol set out has been prepared for consideration and adoption.
- 1.4 If the Protocol is agreed it will need to be circulated to the other Lincolnshire Authorities for their consideration and adoption so as to ensure there is a standard approach to handling complaints against “dual hatted” members.

DUAL HATTED MEMBERS’ PROTOCOL

1 This Protocol has been prepared as guidance for the Standards Committee and Officers in handling complaints against “dual hatted” members. This Protocol should be read in conjunction with the attached Flow Chart.

2 A dual hatted member is a member of an authority and who is also a member of another Lincolnshire authority. The member could be a serving County Councillor, Lincolnshire Police Authority Councillor, District Councillor and Parish Councillor.

3 An effective procedure is required for handling the same or similar complaints made to one or more authorities against such “dual hatted” members.

4 Complaints against members are received by the Monitoring Officer for and on behalf of the Standards Committee. The Monitoring Officer should consider whether:-

- The complaint relates to a “dual hatted” member and
- The complaint clearly relates to incidents or circumstances which have occurred solely in that member’s capacity as a councillor of the Authority and
- That no other Lincolnshire authority is involved and
- That the conduct or actions complained of relate to possible breaches of the Member Code of Conduct.

If so the complaint shall be processed by the Monitoring Officer in according with the procedure for assessment of complaints.

5 Where the complaint relates to:-

- A “dual hatted” member and
- In the view of the Monitoring Officer the complaint may impact on the capacity of the member as a member of another Lincolnshire authority
- The complaint may relate to incidents or circumstances which have occurred in that member’s capacity as a councillor of the Authority and of another Lincolnshire authority
- That the conduct or actions complained of relate to possible breaches of the Member Code of Conduct.
- The complaint or a similar complaint may also have been received by another Lincolnshire authority

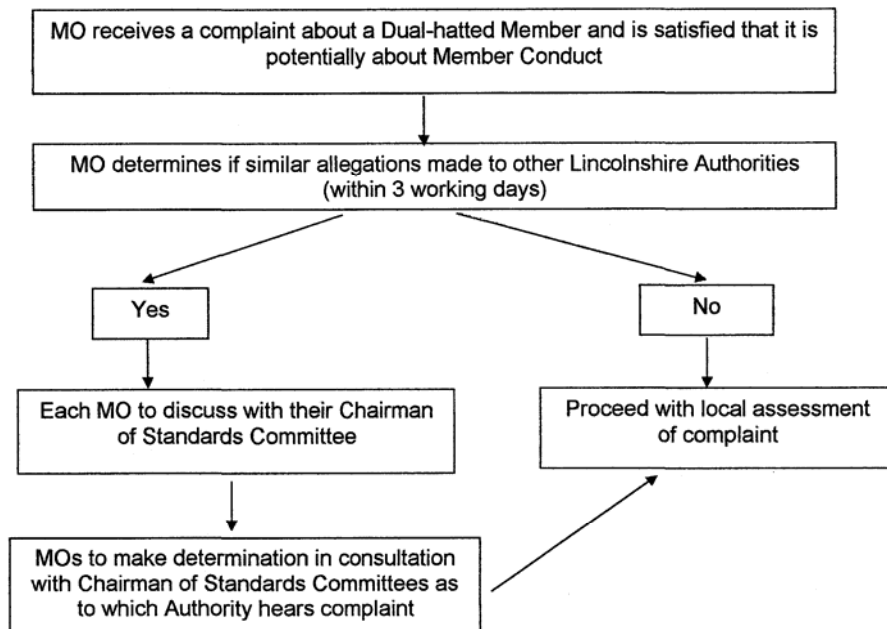
If so the Monitoring Officer shall through discussion with the fellow Monitoring Officer of that/those authorities ascertain in which authority that complaint should best be processed. Consideration will be given as to how that complaint relates to activities, evidence and actions that occurred within that authority and whether that member was conducting that authority’s business or its functions.

6 Following discussion between the appropriate Monitoring Officers, the Monitoring Officer shall consult and advise the Chairman of the Standards Committee as to which authority shall consider the complaint.

7 The Monitoring Officer, in consultation with the Chairman of the Standards Committee shall make the determination as to which authority should consider the complaint and that the complaint should be referred to the respective Monitoring Officer for processing.

8 Where a complaint is processed by one authority, the determination and outcome of the complaint shall, by way of courtesy, be notified by the Monitoring Officer to the Monitoring Officer of the other authority.

Dual-Hatted Member Protocol



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6 November 2009