

PROTOCOL BETWEEN MONITORING OFFICER AND THAMES VALLEY POLICE

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Wards affected: All

PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

To note and approve the draft protocol between Thames Valley Police and WDC for circumstances where the Monitoring Officer needs to refer a complaint about Councillor conduct under the Localism Act 2011 to the Police.

Reason for Decision

Having a protocol in place will help to ensure relevant parties understand and agree in advance the process and expectations in the event that it becomes necessary for a complaint about a potential criminal offence under the Localism Act 2011 to be referred to the Police. It also supports the Progress objective in the Corporate Plan by helping to practise good governance.

Corporate Implications

1. The Localism Act 2011 sets out the requirements for a Code of Conduct and complaints process regulating the conduct of Councillors and the Council's arrangements are compliant with this. Section 34 makes it an offence for councillors to fail to comply with their obligations to register Disclosable Pecuniary Interests (DPIs), or to participate in a discussion or vote in a matter in respect of which they have a DPI unless they have received a dispensation, or to take any steps or further steps in relation to the matter, except for the purpose of enable in the matter to be dealt with otherwise than by the member. If circumstances arise where an offence appears to have been committed, the investigation would be for the Police, not the Council (or its Monitoring Officer) to undertake. Subsequent prosecution, where pursued, would be undertaken by the Crown Prosecution Service, following referral from the Police.
2. Though it is not obligatory to have a protocol in place with the local police authority, having one will help to promote speed and understanding between the parties where circumstances justifying referral arise. The protocol has been based on others in place in other areas.

Executive Summary

3. The protocol between WDC and Thames Valley Police is recommended to be noted and approved for future use where necessary.

Sustainable Community Strategy/Council Priorities - Implications

4. Approving the protocol will help support the Council's Progress objective in the Corporate Plan, including the practise of good governance.

Background and Issues

5. Over recent months, and on behalf of and with the support of other Monitoring Officers across the county, the Monitoring Officer for Chiltern DC/South Bucks DC has been in contact with Thames Valley Police to agree in principle the content of a protocol to deal with referrals by Monitoring Officers to the police in circumstances where it appears an offence under the Localism Act 2011 may have been committed. All Monitoring Officers across the County have expressed satisfaction with the latest draft. Thames Valley Police initially requested some amendments and have now confirmed that they are content to sign up to it as currently drafted, as at Appendix 1. Monitoring Officers nationally have agreed that it is helpful (though not obligatory) to have a protocol in place, so it will be helpful to have one which applies consistently to the whole county.

Options

6. The alternative option is not to agree to the protocol. However, as the proposed protocol will help guide process and expectations if a referral does prove necessary in the future, and given that it has been agreed county-wide in principle and accords with similar protocols in place elsewhere in the country, this is not recommended.

Conclusions

7. Agreeing to the protocol is recommended.

Next Steps

8. The protocol will be followed in the event of the need for a referral to Thames Valley Police.

Background Papers

None.