

SUBJECT:	MEMBERS' INTERESTS AND CRIMINAL INVESTIGATIONS
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

1.1 To consider whether formal arrangements should be put in place regarding the relationship between the Council's Monitoring Officer and Lincolnshire Police with regard to any criminal proceedings in relation to the declaration of interests by members.

2. Background

2.1 Section 34 of the Localism Act 2011 created a number of criminal offences, including the failure to disclose pecuniary interests without reasonable excuse. These offences may make members liable to sanctions including fines and disqualification from office.

2.2 The responsibility for investigating offences lies with the police, while any decision to prosecute for an offence is the responsibility of the Director of Public Prosecutions.

3. Arrangements within Lincoln

3.1 The Council has already made contact with Lincolnshire Police and has put in place informal arrangements with regard to criminal investigations in relation to the declaration of interests by members.

3.2 There are, however, undoubted advantages to putting in place a written protocol. This would provide greater certainty to the Council, members, and the police with regard to how the Council should cooperate with the police so as to ensure each carries out its proper role as effectively as possible.

3.3 Attached as **Appendix A** is a draft protocol based upon that agreed between monitoring officers in Nottinghamshire and Nottinghamshire Police.

3.4 Members are therefore recommended to consider whether the Monitoring Officer should seek to put in place suitable arrangements between the Council and Lincolnshire Police.

4. Finance Implications

4.1 There are no direct financial implications arising from this report.

5. Legal Implications

5.1 Local authorities have no specific legal duty to put in place arrangements with local police forces in relation to this matter, although to do so may constitute good practice.

6. Recommendations

6.1 That the Committee consider whether the Monitoring Officer should seek to put in place a written protocol with Lincolnshire Police, either solely or in combination with other councils' monitoring officers, in relation to potential criminal proceedings regarding the declaration of interests by members.