

Protocol between City of York Council and North Yorkshire Police

Purpose – to agree a protocol for the reporting of potential criminal offences arising from complaints against elected members of City of York Council and its town and parish councils made to the City Council.

In particular the Protocol covers allegations of failure to register or declare disclosable pecuniary interests (DPI) or from speaking and voting where a Member has a disclosable pecuniary interest and has not first sought a dispensation. These are offences under s34 of the Localism Act 2011.

- 1) In the event that the Monitoring Officer receives a complaint regarding a potential DPI offence they will make immediate contact with the Police through the nominated single point of contact at North Yorkshire Police (*details to be added*)
- 2) Similarly if the Police receive a complaint from a member of the public that a member of City of York Council or of a town or parish council within the City Council area may have failed to register or disclose a DPI they will inform the City of York Monitoring Officer of the receipt of that complaint. (*details to be added*)
- 3) In the event that the Monitoring Officer receives a complaint regarding a breach of the City of York Code of Conduct (or relevant town or parish council Code) which may also in the view of the Monitoring Officer potentially be a criminal matter other than a DPI offence they will also follow the procedure below.
- 4) The Monitoring Officer and/or the Council's Joint Standards Committee will carry out an initial assessment of the complaint and if, following that assessment, both the police and the Council are satisfied that there is prima facie evidence that a criminal offence may have been committed, North Yorkshire Police will register the complaint and will advise the relevant Monitoring Officer if they wish to be involved at that stage. In undertaking an initial assessment as to whether there is prima facie evidence of a criminal offence the relevant Monitoring Officer may conduct an interview with the complainant but will not approach the Member who is the subject of the complaint until the Police have been advised of the matter and have indicated how they wish to proceed. In the event of a complaint being received directly by the Police rather than through the relevant Monitoring Officer, the Police will conduct an initial assessment of the complaint but may

approach the relevant Monitoring Officers for background information on the complaint.

- 5) If the Police decide not to prosecute in the public interest they will pass the relevant evidence to the Monitoring Officer so that the question of whether a Code of Conduct breach is to be pursued can be considered. To facilitate this, City of York Council and the Police will enter into a data sharing agreement. In the event that the City Council decides to pursue the matter further in terms of a Code of Conduct breach, they will inform the Police of their decision.

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