

ASSESSMENT CRITERIA

Stage 1 Criteria

Before the assessment of a complaint begins, the Monitoring Officer or Assessment Panel must be satisfied at the date of assessment that the complaint meets the following requirements:

- (i) It is a complaint against one or more named serving Members of the Council or a Parish or Town Council within the area;
- (ii) The named Member or Members were in Office at the time of the alleged conduct and acting in their official capacity as a councillor or representative of the council; and
- (iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the time of the alleged misconduct.

If the complaint fails any one of these tests, it cannot be investigated as a breach of the Council's Code of Conduct and the complainant must be informed that no further action can be taken in relation to the complaint. If all three tests are deemed to be satisfied, then it will be assessed according to the criteria set out below.

Stage 2 Criteria

The Monitoring Officer or Assessment Panel is/are unlikely to refer a complaint for investigation where it falls into any of the following categories:-

- (a) The complaint appears to be relatively minor, vexatious, malicious, politically motivated, or tit-for-tat, or there are other reasons why an investigation may not be in the public interest.
- (b) The same, or substantially similar, complaint has already been the subject of assessment or investigation and there is nothing more to be gained by further action being taken.
- (c) It appears that the complaint concerns or is really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct.

- (d) There is not enough information currently available to justify a decision to refer the matter for investigation, or that the complainant has not submitted further information or evidence requested by the Monitoring Officer.
- (e) The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and therefore it is not in the public interest to pursue.
- (f) Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated.
- (g) Where the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.
- (h) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- (i) If it is considered that the subject Member has offered a satisfactory remedy to the complainant (for example by apologising) or the complaint is considered capable of other informal resolution such as mediation.
- (j) If it is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- (k) In all the circumstances there is no overriding public benefit or interest in carrying out an investigation.

RE-CONSIDERATION CRITERIA

The Investigating Officer may, following consultation with the Independent Person, refer an investigation to an Assessment Panel for re-consideration as to whether the investigation should proceed or its terms of reference expanded where:

- As a result of new evidence or information, the Investigating Officer is of the opinion that the matter is materially less serious than may have seemed apparent to the Monitoring Officer or Assessment Panel when the decision was made to refer the complaint for investigation, and a different decision may have been made had either the Monitoring Officer or Assessment Panel been aware of the new evidence or information;
- The Member who is the subject of the allegation has died, is seriously ill or has resigned from the Council concerned and in the circumstances the Investigating Officer is of the opinion that it is no longer appropriate to proceed with the investigation. If an investigation is terminated due to the resignation of the subject member, but that member later resumes office with the Council concerned or any other council within the jurisdiction of these Arrangements, an Assessment Panel may determine that the investigation be resurrected where it considers it in the public interest to do so.
- It becomes apparent to the Investigating Officer that the subject Member was not acting in their role as a councillor or as a representative of the authority, but rather in a private capacity, when the matters complained of arose;
- Evidence of other significant potential breaches emerges during the course of an investigation which go beyond the terms of reference given to the Investigating Officer during assessment. This may include referring the matter to the Police or another regulatory body for consideration, or
- Other circumstances arise, which in the reasonable opinion of the Investigating Officer, render it appropriate for the investigation to be referred to an Assessment Panel for re-consideration.

All parties will be informed of any referral for reconsideration and the outcome of these considerations.