

LOCAL ASSESSMENT CRITERIA

The following criteria shall be applied by the Standards Sub-Committee when considering allegations that a member has failed to comply with the Members' Code of Conduct. The first 5 criteria are also used by the Monitoring Officer in consultation with the independent persons to judge whether a complaint can be brought before a Sub Committee as a possible breach of the Members' Code of Conduct. The Sub-Committees however need to make their own decision on these 5 criteria if a matter is brought before them.

If an investigation is carried out and a Hearings Sub-Committee find there has been a breach of the Members Code of Conduct the only penalty available to that Sub-Committee is one of censure.

- 1) Is the complaint within the jurisdiction of the Committee?
- 2) Is it a complaint against one or more named members or co-opted members of the authority covered by the Members' Code of Conduct?
- 3) Was the named member in office at the time of the alleged conduct and the Code of Conduct was in force at the time?
- 4) Would the complaint, if proven, be a breach of the Code under which the member was operating at the time of the alleged misconduct?
- 5) Is the complaint really about dissatisfaction with a Council decision rather than an issue of Standards?

Note – If the complaint fails one or more of the above tests it cannot be investigated as the breach of the Code.

- 6) Is there a prima facie evidence of a breach of the Code?
- 7) Is it serious enough to require investigation?
- 8) Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it except investigation?
- 9) In considering the case the Sub Committee will take into account the time that has passed since the alleged conduct occurred relative to the nature of the complaint made.
- 10) Is the case suitable for local investigation?
- 11) There is not enough information currently available to justify a decision to take the matter further for investigation?

While anonymous complaints will not be accepted in exceptional circumstances the name of the complainant will not be disclosed to the Member that is the subject of the allegation applying the following factors.

- a) There are reasonable grounds for believing the complainant will be at risk of physical harm if their identity is disclosed.

- b) The complainant is an Officer who works closely with the Member and is afraid of the consequences to their employment if their identity is disclosed.
- c) There is evidence of medical risks associated with the complainant's identity being disclosed.
- d) Is it feasible for the complaint to be investigated without the complainant's identity being disclosed?
- e) Are there grounds to believe that disclosure of the complainant's identity and/or the provision of the written summary of the allegation may lead to intimidation of the witness or the destruction of evidence?