

Wiltshire Council

Standards Assessment Sub-Committee

XX XXXXXXXX 2020

Assessment of a complaint regarding the conduct of Councillor XXXXXXXX XXXXXX, a Member of XXXXXXXX Council

Purpose

1. To determine whether to refer for investigation, take no further action, or seek alternative resolution, in respect of a complaint against Councillor (insert councillor name), a Member of (insert council name) Council.

Background

2. On (insert date) the Monitoring Officer received a complaint from (insert complainant detail) ("The Complainant"), against Councillor (insert councillor name) ("The Subject Member"), a Member of (insert council name) ("The town/parish Council").
3. The complaint and any additional clarifying information (delete if not applicable) is included at **Appendix A**. The response of the Subject Member is included at **Appendix B**.

Alleged Breach

4. The Subject Member is alleged to (insert details of complaint here).
5. It is alleged that as a result they have breached the (insert council name) Code of Conduct under (insert relevant paragraphs of Code):

(insert details of relevant paragraphs of Code)

Main Considerations

6. The Assessment Sub-Committee ("The Sub-Committee") is required to assess the complaint in accordance with Protocol 11 of the Wiltshire Council Constitution, and using the Local Assessment Criteria approved by the Standards Committee and included within the agenda papers.

Initial tests

7. (Paragraph establishing whether the Subject Member is a Member of a particular council, if they are dual hatted and whether the complaint applies to one or both roles etc.)
8. (Paragraph relating to the initial tests. Was Code in force, were they in office at the time and does it relate to official business. If they are no longer a councillor say so – options section will then explain that sub-committee must decide whether to proceed.)

9. If the Sub-Committee is satisfied the initial tests above are met, it must determine whether it believes that the matters giving rise to the complaint would, if prove, be capable of breaching that Code.
10. The Sub-Committee should not make any determination as to the truth of any allegation, but must determine whether on the information as submitted the matter should be investigated as a potential breach of the relevant Code.

Details of complaint

11. (A number of paragraphs setting out the facts of the incident giving rise to the complaint)

Substance of complaint

12. (A number of paragraphs setting out in summary what the specific behaviours alleged to have been in breach are eg email alleged to be bullying, campaign of harassment,etc)

The Law

13. (if relevant include details of legal matters which arise from complaint and must be considered eg in relation to freedom of expression, breach of GDPR, and how this figures into a Code of conduct matter)

Other relevant points

14. (Such other points as may be relevant)

Independent Person

15. The Sub-Committee is required under the Localism Act 2011 to consider the views of an Independent Person before making its decision.

Conclusion

16. Taking into account the points above, the Sub-Committee should assess whether the complaint, if proven, would represent a breach of the relevant Code of Conduct and, if so, whether it was appropriate under the Local Assessment Criteria to refer the matter for investigation.

Options

17. The Sub-Committee is requested to reach one of the following decisions:
 - a. to take no further action on the complaint;
 - b. to refer the complaint to the Monitoring Officer for investigation or alternative resolution.

Ian Gibbons, Monitoring Officer

Report Author: (Insert report author details)

Date of Report: (insert report date)

Appendices

Appendix 1A – Original Complaint

Appendix 1B – Additional Information (if applicable)

Appendix 2A – Subject Member Response

Appendix 2B – Additional Information (if applicable)

Background Papers

None