

## Agenda Item 8

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# Report

**Subject** : Local Determination of Complaints  
**Report to** : Standards Committee  
**Date** : Monday 16 June 2008  
**Author** : Tim Revell, Interim Manager

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### 1. Report Summary:

This report deals with matters necessary to implement the arrangements for the local determination of complaints against district, parish and town councillors set out in the Standards Committee (England) Regulations 2008, SI 2008/1085 [‘the Regulations’]. It proposes changes to the role and function of the committee, changes to the determination procedure rules to reflect the new arrangements, the adoption of assessment criteria to be used in considering complaints and advises the committee of the administrative steps being taken to ensure compliance both with the Regulations and good practice as advised by the Standards Board for England.

### 2. Background:

The coming into effect of the Regulations on 8<sup>th</sup> May 2008 as reported to the Committee’s meeting on 21<sup>st</sup> April meant that a number of changes needed to be made to the arrangements for this committee and the determination of complaints. Many of these have already been implemented such as the establishment of sub-committees for the assessment of complaints and the review of assessment decisions and authority to recruit an additional parish council representative. However, work is ongoing to ensure that Salisbury’s arrangements comply both with legislation and good practice.

### 3. Role and Function:

3.1 The Role and Function (see appendix A) of this Committee as set out in the Constitution does not yet reflect the new arrangements for the local determination of complaints so that it is suggested the following be added:

- to assess complaints received about the conduct of members
- to consider and determine requests to review decisions not to act following assessment of a complaint
- to conduct determinations hearings



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3.2 An additional function not connected to local determination was added to the responsibilities of standards committees by section 202 of the Local Government & Public Involvement in Health Act 2007. This related to dealing with applications for exemption from the political restrictions imposed on certain categories of local government staff by the sections 1-3 of the Local Government & Housing Act 1989. This role was previously carried out by an Independent Adjudicator appointed by the Secretary of State but has now been devolved to local standards committees. It is therefore suggested that the following be added to this committee's functions:

- to deal with applications for an exemption from political restriction

#### **4. Determinations Procedure Rules:**

4.1 The determinations procedure rules previously drawn up are not entirely consistent with the Regulations as finally published so that amendments are suggested (see appendix A) to ensure consistency and reduce the possibility of challenge to the process. Proposed additions are in bold type and deletions are marked. Some are minor textual amendments but the significant changes in the following paragraphs have been made.

4.2 At the conclusion of a hearing a committee may make only one of three findings (para 8.12):

- that the Member has not failed to comply with the Council's Code of Conduct; or
- that the Member has failed to comply with the Council's Code of Conduct but no action needs to be taken with respect to the matters considered at the hearing; or
- that the member has failed to comply with the Council's Code of Conduct and that a sanction under paragraph 10.4 should be imposed.

4.3 The range of sanctions available to a standards committee is wider than before, the key change being the ability to suspend or partially suspend a member for up to six months (previously three months). The available sanctions, which may be imposed either on their own or in combination with other sanctions, are (para 10.4):

- censure of that member (this is the only form of penalty available when dealing with a person who is no longer a member of the Council);
- restriction for a period not exceeding six months of that member's access to the Council's premises or that member's use of the Council's resources provided that those restrictions:
  - are reasonable and proportionate to the nature of the breach; and
  - do not unduly restrict the person's ability to perform the functions of a member;
- suspension or partial suspension of that member for a period not exceeding six months;
- that the member submits a written apology in a form specified by the Committee;
- that the member undertakes such training as the Committee specifies;
- that the member participate in such conciliation as the Committee specifies;
- suspension or partial suspension for a period not exceeding six months or until such time as that member submits a written apology in a form specified by the Committee, or that member has undertaken such training or has participated in such conciliation as the Committee specifies.

4.4 The Committee must issue a written notice of its findings and the reasons for it as soon as reasonably practicable after making the finding to (para 11):

- (i) the member who is the subject of the finding;
- (ii) the Standards Board;
- (iii) the standards committee of any other authority involved;
- (iv) any parish councils concerned;
- (v) any person who made an allegation that gave rise to the investigation.

A summary of the notice must be published in a local newspaper and may be published on the web site.

4.5 If a member wishes to appeal against a standards committee's decision they must first seek permission from the president of the Adjudication Panel and apply for the suspension of any sanction imposed until the appeal is determined. The president must receive this appeal within 21 days of the member receiving the notice of finding (para 12). If the president believes that there is a reasonable chance of the appeal being successful it will be referred to an appeals tribunal. Notice of this decision will be given to the member within 21 days of receipt of the application for permission to appeal.

4.6 The decision of the appeals tribunal is binding on the standards committee.

## **5. Assessment Criteria:**

5.1 In order to take a consistent approach to complaints received and to ensure fairness for both the subject member and the complainant it is necessary to develop criteria against which complaints are assessed and a decision taken on what action, if any, to take. Using established criteria also protects committee members from accusations of bias. There are two stages to the assessment process. Initially the assessment sub-committee will satisfy itself that it would be appropriately dealt with using the member complaints procedure (paragraphs 3 & 4). For example, the complaint, if proven, would need to be a breach of the Code of Conduct. The second stage (paragraph 5) involves a structured set of questions to be addressed in considering each complaint, which will allow the sub-committee to make a clear and robust decision. Suggested criteria are set out at appendix B.

5.2 The Committee may wish to consider whether a time limit for the submission of complaints should form part of the criteria. For example only considering complaints that are submitted within twelve months of the occurrence of the alleged misconduct unless there are exceptional circumstances. This would be consistent with the practice of other regulatory bodies such as the Local Government Ombudsman.

5.3 It should also be noted that the key issue to consider is whether there appears to be sufficient substance to the complaint to require investigation or other action. Although a complaint may be perceived to be politically motivated or malicious it should not be rejected on those grounds if there were sufficient information to justify an investigation.

5.4 After assessing a complaint the sub-committee must make one of the following decisions:

- referral of the complaint to the monitoring officer of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority;
- referral of the complaint to the Standards Board for England;
- that no action should be taken in respect of the complaint.

## **6. Other matters:**

6.1 The Council is required to publish a notice publicising the new arrangements for dealing with complaints against members. This was published in the Salisbury Journal in the week beginning 26<sup>th</sup> May and a press release has also been issued. The Council's web site has now been updated to reflect the new arrangements. A letter was sent to all parish council clerks on 29<sup>th</sup> May advising them

of the new arrangements. Wiltshire Association of Local Councils has been approached to nominate an additional parish council representative and will consider the matter at the meeting of its Executive on 1<sup>st</sup> September.

6.2 Work is continuing to produce a guide for complainants and a complaints form based on the Standards Board's template which will be available for download or submission electronically.

## **7. Recommendations:**

7.1 The Committee recommend to the council meeting on 23<sup>rd</sup> June 2008 that the role and function of the Committee be amended as set out in paragraph 3 above.

7.2 The Committee agree the revised Determinations Procedure Rules as set out in paragraph 4 above and appendix A.

7.3 The Committee agree the Assessment Criteria as set out in paragraph 5 above and appendix B.

7.4 The Committee note the ongoing work to implement the new arrangements.

7.5 The Monitoring Officer be authorised to amend the Committee's policy on the imposition of sanctions so that it is consistent with the Regulations.

## **8. Background papers:**

Only published works have been used in the preparation of this report.

## **9. Implications:**

- **Financial:** none
- **Legal:** these are dealt with in the body of the report
- **Human Rights:** compliance with the Regulations should address any Article 6 [right to a fair trial] and Article 8 [right to respect for private life] rights.
- **Personnel:** none
- **Community Safety:** none
- **Environmental:** none
- **Council's Core Values:** adoption of the recommendations will support the following core values:
  - provide excellent service
  - promote fairness and equality of opportunity of opportunity for all
  - communicate, especially listening and responding
  - be open and honest
- **Wards Affected:** all.

# Standards Committee

## 1. Role and Function

The Standards Committee will have the following roles and functions:-

- a. promoting and maintaining high standards of conduct by councillors, co-opted members;
- b. assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- c. advising the Council on the adoption or revision of the Members' Code of Conduct;
- d. monitoring the operation of the Members' Code of Conduct;
- e. to propose and keep under review changes in members' allowances (to be satisfied that the Independent Remuneration Panel has carried out its work properly);
- f. advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- g. to assess complaints received about the conduct of members**
- h. to consider and determine requests to review decisions not to act following assessment of a complaint**
- i. to conduct determinations hearings**
- j. granting dispensations to councillors and co-opted members from requirements relating to **prejudicial** interests set out in the Members' Code of Conduct;
- k. dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer.
- l. the exercise of (a) to (j) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.
- m. \*overview of internal and external audit;
- ~~n. Preliminary reports and investigations~~
- o. \*overview of the whistle blowing policy;
- p. \*overview of complaints handling and Ombudsman investigations;
- q. make payments or provide other benefits in cases of maladministration etc; and
- r. oversight of the constitution.
- ~~s. subject to any views the Standards Board may later form on this matter, the details of allegations of breaches of the Code of Conduct by members shall not be made public until such time as they have been dealt with by the Adjudication Panel for England and are being reported to the Standards Committee .~~
- t. that the Standards Committee be granted delegated authority to make any changes to the Standards Committee Determinations Procedure Rules that become necessary once they have been put into practice or if new guidance is issued by the Standards Board for England.**
  
- u to deal with applications for an exemption from political restriction.**

### Note:

The Committee's primary functions are set out at **a-i above**.

*\* as it affects ethical matters.*

## **2. Standards Committee Determinations Procedure Rules**

### **1. INTERPRETATION**

1.1 'Member' means the elected or co-opted Member of the **District Council or a parish or town council within the district** who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.

1.2 'Investigator' means ~~the Ethical Standards Officer who referred the report to the Council, and includes his or her nominated representative. In the case of matters that have been referred for local investigation,~~ References to the Investigator mean the Monitoring Officer or other investigating officer, and his or her nominated representative.

1.3 'Committee' also refers to 'a Standards Sub-Committee'.

1.4 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Committee. This will usually be the Monitoring Officer, unless he has a conflict of interest or is acting as the Investigator in which case another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.

### **2. RIGHT TO REPRESENTATION**

The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.

### **3. LEGAL ADVICE**

The Committee may take legal advice from its Legal Adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member and the Investigator if they are present.

### **4. PRE-HEARING**

4.1. The following pre-hearing process to deal with procedural matters will normally be carried out in writing. ~~, although exceptionally, a face-to-face meeting between the Chairman, the Member, the Legal Advisor and the Investigator and their representatives may be necessary.~~

4.2 As soon as reasonably practicable after receiving a copy of the Investigator's report from the Investigator, the Monitoring Officer shall send a copy of the Investigator's Report to the Member.

4.3 The Monitoring Officer in consultation with the Chairman of the Committee, will write to the Member, enclosing a copy of these Procedure Rules, to propose a date for the hearing and to explain the Member's rights. They will ask for a written response from the Member, within a set time usually 14 days, to find out whether or not he or she:

- disagrees with any of the findings of fact in the Investigator's Report, and if so, which ones and the reasons for any disagreements;
- wants to be represented at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Standards Committee, either verbally or in writing;

- wants to call relevant witnesses to give evidence on any disagreements as to the findings of fact or mitigation to the Standards Committee;
- wants any part of the hearing to be held in private;
- wants any part of the Investigator's Report or other relevant documents to be withheld from the public; and
- can come to the hearing.

~~**NOTE:** Members are encouraged to use the forms attached to this Part of the Constitution to identify any findings of fact that he or she disagrees with (Form A) and outline any further evidence that he or she believes the Standards Committee should consider (Form B).~~

4.4 The Monitoring Officer will ask the Investigator to comment on the Member's response, within a set time usually 14 days, to say whether or not he or she:

- wants to be represented at any hearing (and if so to indicate their availability to attend);
- wants to call relevant witnesses to give evidence to the Standards Committee;
- wants any part of the hearing to be held in private; and
- wants any part of the Investigator's Report or other relevant documents to be withheld from the public.

4.5 For the avoidance of doubt, should the Member and/or the Investigator fail to respond within the time set for a response they will be deemed to have agreed to the findings of fact or the Member's response as the case may be.

4.6 If necessary the Standards Committee will meet to consider any responses from the Member concerned and the Investigator and to decide whether any other witnesses should be present who it feels may help in determining the case, including the person who made the original allegation. However, no witnesses can be ordered to appear or give evidence. The Committee should then resolve any issues or disagreements about how the hearing should continue which have been raised but not resolved during the pre-hearing process.

4.7 Once the pre-hearing process has been completed Committee Secretary, in consultation with the Legal Advisor, should then write to everyone involved at least two weeks before the hearing to:

- set the date, time and place for the hearing;
- summarise the allegation;
- outline the main facts of the case that are agreed
- outline the main facts which are not agreed;
- note whether the Member or the Investigator will go to or be represented at the hearing;
- list those witnesses, if any, who will be asked to give evidence; and
- outline the proposed procedure for the hearing

4.8 The Committee meeting shall be called in the usual way and arrangements for the hearing made.

## 5. THE HEARING - SETTING THE SCENE

After all the Committee and everyone involved have been formally introduced, the Chairman should explain how the Committee is going to run the hearing.

## **6. ABSENCE OF THE MEMBER**

If the Member is not present at the time and place fixed for the hearing and the Committee is satisfied that he has been given notice of the hearing, the Committee may, unless it is satisfied that there is sufficient reason for the Member's absence, consider the allegation and make a determination in the absence of the Member concerned; or adjourn the hearing to another date.

## **7. EXCLUSION OF PRESS AND PUBLIC**

The Chairman shall ask the member, the investigator and the legal adviser to the Committee whether they wish to ask the Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

## **8. MAKING FINDINGS OF FACT AND DETERMINING WHETHER THERE HAS BEEN A BREACH OF THE CODE**

- 8.1 After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.
- 8.2 If there is no disagreement about the facts, the Committee will move on to the next stage of the hearing.
- 8.3 If there is a disagreement, the Investigator, if present, shall be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Investigator shall call any necessary supporting witnesses to give evidence. The Investigator shall also be invited to make representations as to why the Committee should decide that the Member has failed to follow the Code of Conduct.
- 8.4 The Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigator
- 8.5 The Member shall then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence. The Member shall also be invited to make representations as to why the Committee should not decide that he or she has failed to follow the Code of Conduct
- 8.6 At any time, the Committee may question any of the people involved or any of the witnesses, and shall allow the Investigator to challenge any evidence put forward by witnesses called by the Member.
- 8.7 The Member will, if present, be invited to make any final relevant points.
- 8.8 If the Member disagrees with any relevant fact in the Investigator's Report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may, if the Investigator is present:
  - continue with the hearing, relying on the information in the Investigator's Report; or



- allow the Member to make representations about the issue, and invite the Investigator to respond and call any witnesses, as necessary; or
  - adjourn the hearing to arrange for appropriate witnesses to be present.
- 8.9 Should the circumstances mentioned in paragraph 8.8 arise, and the Investigator is not present, then the Committee will consider also whether or not it would be in the public interest to continue in his or her absence. If the Committee decides that it is not in the public interest to continue, it shall adjourn the hearing to allow the Investigator to attend or to make further representations.
- 8.10 The Committee will usually move to another room to consider the representations and evidence in private. The Committee Secretary shall accompany the Committee to record their findings.
- 8.11 If at any time during their considerations the committee requires legal advice it shall return to the room where the hearing took place and shall be given that advice in the presence of both the Investigator and the Member.
- 8.12 The Committee **will** ~~may~~ make one of the following findings:-
- **that** the Member has not failed to **comply with** ~~follow~~ the Council's Code of Conduct; or
  - **that** the Member has failed to **comply with** ~~follow~~ the Council's Code of Conduct but no action needs to be taken with respect to the matters considered at the hearing; or
  - **that the member has failed to comply with the Council's Code of Conduct and that a sanction under paragraph 10.4 should be imposed.**
- 8.13 On their return, the Chairman will announce the Committee's finding ~~of facts and its decision as to whether or not the Member has failed to follow the Code of Conduct.~~
- 9. IF THE MEMBER HAS NOT FAILED TO FOLLOW THE CODE OF CONDUCT**
- If the Committee decides that the Member has not failed to **comply with** ~~follow~~ the Code of Conduct, the Committee will consider having regard to any verbal or written representations from the Investigator whether it should make any recommendations to the Council with a view to promoting high standards of conduct among Members.
- 10. IF THE MEMBER HAS FAILED TO FOLLOW THE CODE**
- 10.1 If the Committee decides that the Member has failed to follow the Code of Conduct and a sanction should be imposed, it will consider any verbal or written representations from the Investigator and the Member as to:
- ~~whether or not the Committee should set a penalty; and~~
  - ~~what form any penalty should take.~~
  - **the nature of the sanction to be imposed**
- 10.2 The Committee may question the Investigator and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
- 10.3 The Committee will then usually move to another room to consider **what sanction** ~~whether or not to impose a penalty on the Member and, if so, what the penalty should be.~~ The Committee **Secretary** ~~Administrator~~ shall accompany the Committee.

- 10.4 The Committee **will impose** ~~may do~~ any one, or any combination of, the following **sanctions**:-
- censure **of that** the Member (This is the only form of penalty available when dealing with a person who is no longer a member of the Council);
  - **restriction for a period not exceeding six months of that member's access to the Council's premises or that member's use of the Council's resources provided that those restrictions:**
    - **are reasonable and proportionate to the nature of the breach; and**
    - **do not unduly restrict the person's ability to perform the functions of a member;**
- ~~; the Member's access to the Council's resources for up to three months, which could include limiting their access to the Council Offices.~~
- **suspension or partial suspension<sup>1</sup> of that member for a period not exceeding six months;** ~~or partly suspend the Member for up to three months.~~
  - **that the member submits a written apology in a form specified by the Committee;**
  - **that the member undertakes such training as the Committee specifies;**
  - **that the member participate in such conciliation as the Committee specifies;**
  - **suspension or partial suspension for a period not exceeding six months or until such time as that member submits a written apology in a form specified by the Committee, or that member has undertaken such training or has participated in such conciliation as the Committee specifies.** ~~or partly suspend the Member for up to three months on the condition that the suspension or partial suspension will end if the Member apologises in writing, receives any training or takes part in any conciliation that the Committee orders.~~

**10.5 Any sanction or combination of sanctions imposed will, subject to paragraph 12 below, commence immediately or on a date specified by the Committee within a period of six months from the imposition of the sanction.**

10.6 On its return, the Chairman will announce the Committee's decision.

## **11. THE WRITTEN DECISION**

11.1 The Committee will announce its decision on the day and provide a short written decision on that day. It will also issue a full written notice **of the finding and the reasons for it** as soon as reasonably practicable after **making a finding** ~~the meeting~~ to:

- (i) **the member who is the subject of the finding;**
- (ii) **the Standards Board;**
- (iii) **the standards committee of any other authority involved;**
- (iv) **any parish councils concerned;**
- (v) **any person who made an allegation that gave rise to the investigation.**

**11.2 The Committee will arrange for a summary of the notice under 11.1 to be published in at least one newspaper circulating in the area of every authority concerned and if considered appropriate on the web page of any authority concerned or in any other publication.**

**11.3 Where the finding was that the member had not failed to comply with the Code of Conduct then paragraph 11.2 shall not apply if that member so requests.**

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<sup>1</sup> this is defined in s83 (7) of the Local Government Act 2000 as, 'Any reference in this Part to a person being partially suspended from being a member or co-opted member of a relevant authority includes a reference to a person being prevented from exercising particular functions or having particular responsibilities as such a member or co-opted member.'

## 12. APPEALS

12.1 Where the Committee has made a finding that a member has failed to comply with the Code of Conduct whether or not a sanction has been imposed that member may by giving notice in writing to the president of the Adjudication Panel:

- (a) seek permission to appeal; and, if appropriate,
- (b) apply for the suspension of any sanction imposed under paragraph 10.4 above, until such time as any appeal is determined.

12.2 The notice specified in paragraph 12.1 must be received by the president of the Adjudication Panel within 21 days of the member's receipt of the notice under paragraph 11.1 and must specify:

- (a) the finding against which the member seeks permission to appeal;
- (b) whether the appeal is against the finding of failure to comply with the Code of Conduct, or against the sanction imposed, or both;
- (c) the grounds of the appeal;
- (d) whether any application for suspension of any sanction is made; and
- (e) whether or not the member consents to the appeal being conducted by way of written representations.

12.3 Applications for permission to appeal or suspend a sanction will be decided by the president (or deputy president) of the Adjudication Panel, usually in the absence of the parties. In deciding the matter the president will have regard to whether, in their opinion, there is a reasonable chance of an appeal being successful. The president will give notice of the decision within 21 days of receipt the notice given in accordance with paragraphs 12.1 & 12.2.

12.4 Where permission to appeal has been given the president will refer the matter to an appeals tribunal which shall conduct the appeal in accordance with the Standards Committee (England) Regulations 2008.

~~If the Member wishes to appeal then the Monitoring Officer will arrange for:~~

- ~~• All necessary information to be sent to the Adjudication Panel for England and any appeals tribunal which will hear the appeal~~
- ~~• The Council to be represented at any appeal by an officer and the member who chaired the hearing~~

12.5 The Monitoring Officer will report the decision of the appeals tribunal to the Standards Committee, which must comply with the decision.



### CRITERIA FOR THE ASSESSMENT OF COMPLAINTS AGAINST MEMBERS

#### introduction

1. The Local Government Act 2000 provides for people to make a written allegation to the Standards Committee that a member or co-opted member (or former member or co-opted member) of the district council or a town or parish council within the district has failed to comply with the relevant council's Code of Conduct ['the Code']. Following the commencement of section 185 of the Local Government & Public Involvement in Health Act 2007 ['the 2007 Act'] the Standards Committee is now responsible for the assessment of all allegations of misconduct against members of the district council and members of parish & town councils within the district. All complaints received will be considered against the criteria set out below before an initial assessment decision is made.
2. Detailed arrangements as to how misconduct allegations against members are to be dealt with are set out in the Standards Committee (England) Regulations [the Regulations] which came into force on 8<sup>th</sup> May 2008. In accordance with the Regulations, the Standards Committee has established a sub-committee to deal with the assessment of complaints. It will be chaired by one of the independent members and if the allegation concerns a parish or town councillor it will include one of the parish council representatives.

#### initial tests

3. Before assessment of a complaint begins the assessment sub-committee will satisfy itself that the complaint meets the following tests:
  - it is a complaint against one or more named members of the authority or an authority covered by the standards committee (ie a parish or town council);
  - the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
  - the complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct.
4. If the complaint fails one or more of these tests it will not be investigated as a breach of the Code and the complainant will be informed that no further action will be taken in respect of the complaint.

## assessment

5. In considering complaints which pass the initial test the assessment sub-committee will consider the following questions:

- **has the complainant submitted enough information to satisfy the sub-committee that the complaint should be referred for investigation or other action?**
- ◆ if the answer is **no** the response would be, “The information provided was insufficient to make a decision as to whether the complaint should be referred for investigation or other action. So unless, or until, further information is received, the assessment sub-committee is taking no further action on this complaint.”
  
- **is the complaint about someone who is no longer a member of the authority, but is a member of another authority? If so, does the assessment sub-committee wish to refer the complaint to the monitoring officer of that other authority?**
- ◆ If the answer is **yes** the response would be, “Where the member is no longer a member of our authority but is a member of another authority, the complaint will be referred to the standards committee of that authority to consider.”
  
- **has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?**
- ◆ if the answer is **yes**, the response would be, “The matter of complaint has already been subject to a previous investigation or other action and there is nothing more to be gained by further action being taken.”
  
- **is the complaint about something that happened so long ago that there would be little benefit in taking action now?**
- ◆ if the answer is **yes**, the response would be, “The period of time that has passed since the alleged conduct occurred was taken into account when deciding whether this matter should be referred for investigation or further action. It was decided under the circumstances that further action was not warranted.”
  
- **is the complaint too trivial to warrant further action?**
- ◆ if the answer is **yes, the response would be**, “The matter is not considered to be sufficiently serious to warrant further action.”
  
- **does the complaint appear to be simply malicious, politically motivated or tit-for-tat?**
- ◆ if the answer is **yes**, the response would be, “The matter appears to be simply malicious, politically motivated or tit-for-tat, and not sufficiently serious, and it was decided that further action was not warranted”.

## **publication**

6. These assessment criteria will be published on the Council's website and made available to parish council clerks.

## **assessment decisions**

7. After assessment of a complaint has taken place one of the following decisions will be made:
  - referral of the complaint to the monitoring officer of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority
  - referral of the complaint to the Standards Board for England
  - no action should be taken in respect of the complaint
8. If the decision of the Assessment Sub-Committee is to take no action the complainant has the right to request a review of that decision by the Review Sub-Committee.