

Assessment Criteria for Breaches of Member Code of Conduct from 1st July 2012

Before considering the questions below:

Complaint Number:

Relevant Code of Conduct: Post July 2012

Has the member concerned given their views on the complaint? Yes

If "No" why not?

		Yes	No
Must be Yes			
1.	Is the complaint against a member covered by the Code of Conduct?		
2.	Was the member a councillor at the time of the alleged conduct?		
3.	Was the Code of Conduct in force at the time of the alleged conduct?		
4.	If the facts upon which the complaint is based are proved would it be a potential breach of the Code of Conduct under which the member was operating?		
5.	(a) Has the complainant and or member complained of submitted enough information for a decision to be made?		
	(b) If "no" then what further information is needed?		
6.	If the complaint appears to be malicious or politically motivated or tit-for-tat does it still have substance?		
Must be No			
7.	Is it too trivial to warrant further action? If Yes, is the matter suitable for other action?		
Proportionality – Take a view – How are these applied? N/a			
			Comment
9.	(a) Is the complaint really about dissatisfaction with a Council decision?		
	(b) If so is there also a genuine code of conduct issue?		
10.	(a) Is it a relatively trivial matter?		
	(b) If so is it serious enough to justify the range of sanctions available?		
11.	If the allegation relates to failure to declare disclosable pecuniary interests or seeking to obtain an advantage in relation to those interests is it in the public interest to refer the matter to the police?		
12.	Does the member accept that the behaviour fell below expected standard (if so would an apology be forthcoming?)		
13.	If the complaint has already been investigated, is a new investigation justified?		
14.	Is there a continuing pattern of less serious misconduct, which is unreasonably disrupting the business of the Authority or affecting others?		

Proportionality – Take a view – How are these applied? N/a		
		Comment
15.	(a) What has the impact been?	
	(b) If limited impact, is an investigation justified?	
16.	(a) Are the events complained about recent or have they recently come to light?	
	(b) Is there enough benefit in taking action now?	
17.	(a) Is the complaint anonymous?	
	(b) If so is there evidence that it is exceptionally serious or significant?	
18.	Is investigating the complaint in the public interest?	
19.	Is an investigation good use of public resources?	
20.	Will an investigation be proportionate?	
21.	Any other matter that may be considered relevant	
Issues to take into account if the complaint has requested confidentiality: N/a		
22.	Does the complainant have reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed?	
23.	Is the complainant an officer who works with the subject member and are they justifiably afraid of the consequences of losing their job if their identity is disclosed?	
24.	Does the complainant suffer from a serious health condition and there are medical risks associated with their identity being disclosed? Medical evidence maybe required.	
25.	If confidentiality is maintained is it possible to investigate the complaint?	
26.	Does the public interest outweigh the need for confidentiality?	

Has the matter been discussed with an Independent Person?

Please note that if the matter is to go to investigation the independent person must be consulted.

If Yes – Who? When? How? What was the view of the independent person?

If it is a parish matter has it been discussed with one of the Parish Reps? YES/NO

If Yes – Who? When? How? What was the view of the Parish Rep?

Decision:

Options available are:

- a. Take no action if there is no code of conduct issue
- b. Ask the Member to take some action (e.g. make an apology, attend training, correct an entry in a register)
- c. Refer to investigation if there is potentially a breach of the Code of Conduct
- d. Refer to the police if it is a criminal matter

(Action under c and d will only be taken in consultation with the designated independent person and a parish rep if complaint relates to a parish councillor.)