

LOCAL ASSESSMENT CRITERIA

The following criteria shall be applied by the Governance and Audit and Standards Initial Filtering Panel and the Governance and Audit and Standards Assessment Sub-Committee when considering allegations that a Member has failed to comply with the Members' Code of Conduct.

1. Is the complaint within the jurisdiction of the Panel or Sub-Committee?
2. Is it a complaint against one or more named Members or co-opted Members of the Council covered by the Members' Code of Conduct?
3. Was the named Member in office at the time of the alleged conduct and was the Code of Conduct 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?

NOTE If the complaint fails one or more of the above tests, it cannot be investigated as a breach of the Code.

5. Is there prima facie evidence of a breach of the Code?
6. Is it serious enough to warrant a sanction?
7. Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Council and is there no other avenue left to deal with it except investigation?
8. In considering the case, the Initial Filtering Panel and the Assessment Sub-Committee will take into account the time that has passed since the alleged conduct occurred.
9. Would an investigation serve a useful purpose?
10. Is the case suitable for local investigation?
11. Does it appear that the complaint is really about dissatisfaction with a council decision?
12. Is there enough information currently available to justify a decision to refer the matter for investigation?

Factors to consider when deciding whether the identity of the complainant and/or written summary of the allegation should be disclosed to the Member the subject of the allegation.

1 Are there reasonable grounds for believing that the complainant will be at risk of physical harm if their identity is disclosed?

2 Is the complainant an officer who works closely with the Member and afraid of the consequences to their employment if their identity is disclosed?

3 Is there evidence of any medical risks associated with the complainant's identity being disclosed?

4 Is it feasible for the complaint to be investigated without the complainant's identity being disclosed (eg where the allegation is bullying of the complainant)?

5. Are there reasonable grounds for believing that disclosure of the complainant's identity and/or the provision of a written summary of allegation, may lead to intimidation of witnesses or the destruction of evidence.