

Assessment Criteria

(a) Initial Tests

Before the assessment of a complaint begins the Committee must be satisfied that the complaint meets the following requirements:

(i) It is a complaint against one or more named members of the Council.

(ii) The named member was in office at the time of the alleged conduct and the Code was in force at the time.

(iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the relevant time.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code and the complainant should be informed that no further action can be taken in relation to the complaint. If it passes all three tests then it will be assessed according to the criteria set out below.

(b) Assessment Criteria

The Assessment Sub-committee will consider each case on its merits. It will however take into account the following criteria in deciding whether or not to refer a complaint for investigation or other action.

1. Where the complainant has not submitted enough information to satisfy the sub-committee that the complaint should be referred for investigation then unless or until further sufficient information is received no further action will be taken.

2. Where the complaint has already been the subject of an investigation or other action relating to the code of conduct or by other regulatory authorities then if it is likely that nothing more is to be gained by further investigation no further action will generally be taken.

3. Where the complaint ought to more properly be made to the Police or another regulatory authority, because of its nature and/or seriousness, then no action will generally be taken until the outcome of that investigation.

4. Where the complaint is about something that happened so long ago that there would be little benefit in taken action now or where the length

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of time which has elapsed is likely to prejudice the fair and effective investigation of the matter then no further action will generally be taken.

5. Where the complaint appears to be trivial, malicious, vexatious, politically motivated or tit for tat then it will not generally be investigated.

6. Where in all the circumstances of the case it is unlikely that the committee will be able to reach a conclusion in relation to a matter, for example where it is a case of one person's word against another with no other evidence, then no further action will generally be taken.

7. Where in all the circumstances of the case the sub-committee considers that it is not in the public interest to investigate the matter e.g. where the member concerned has resigned or is seriously ill.