

SOUTH RIBBLE BOROUGH COUNCIL STANDARDS COMMITTEE – INITIAL ASSESSMENT CRITERIA

A. Circumstances where the Assessment Sub-Committee may decide that no action should be taken in respect of the allegation:

A1 Where the complaint is about someone who is no longer a member of the borough council or a relevant parish council.

A2 Where insufficient information has been provided by the complainant to enable the Sub-Committee to make a decision. However, the complainant will be advised that it is possible to resubmit the complaint with further information.

A3 Where a substantially similar allegation has previously been made by the complainant to the Standards Board or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority (except where a Review Sub-Committee has taken the view that a request for review contains new information and should be considered by an Assessment Sub-Committee rather than the Review Sub-Committee).

The Sub-Committee will only refer the complaint for investigation or other action if it considers that there is a compelling reason to do so.

A4 Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now.

A5 Where the allegation is anonymous, unless it includes documentary, photographic or any other evidence which clearly indicates an exceptionally serious or significant issue.

A6 Where the allegation discloses a potential breach of the Code of Conduct, but the Committee considers that the complaint is not serious enough to merit further action

A7 Where the complaint appears to be malicious, politically motivated or tit-for-tat

B. Circumstances where the Standards Committee or Standards Sub-committee may decide to refer the allegation to the Monitoring Officer for investigation

B1 Where the allegation discloses a potential breach of the Code of Conduct that the Committee considers sufficiently serious to justify the cost of an investigation

C. Circumstances where the Standards Committee or Standards Sub-committee may decide to refer the allegation to the Monitoring Officer for training, conciliation or other steps as appear appropriate to the Standards Committee

Note This approach may be appropriate where the Sub-Committee believes that the conduct, if proven, may amount to a failure to comply with the Code, and that some action should be taken in response to the complaint. If this approach is taken, the purpose of the action is NOT to find out whether the subject member breached the Code, and no conclusion will have been reached on whether the subject member failed to comply with the Code. It should be noted that this approach may only be taken after consultation with the Monitoring Officer.

C1 Where the complaint suggests that there is a wider problem throughout the authority in question and it is appropriate to extend the action to other members who are not the subject of the complaint.

C2 Where it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and/or has apologised and the matter would not warrant a more serious sanction.

C3 Where it appears that even if the allegation were fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy

D. Circumstances where the Standards Committee may decide to refer an allegation to the Standards Board

D1 Where the Assessment Sub-Committee believes that the status of the member or members, or the number of members about whom the complaint is made, would make it difficult for the Standards Committee to deal with the complaint. For example if the complaint is about the Leader of the Council or a Group Leader, or a member of the Cabinet or Standards Committee.

D2 Where the Assessment Sub-Committee believes that the status of the complainant(s) would make it difficult for the Standards Committee to deal with the complaint. For example if the complainant is a group leader, member of Cabinet or the Standards Committee, or the Chief Executive or a statutory officer.

D3 Where the Assessment Sub-Committee considers that there is a potential conflict of interest of so many members of the Standards Committee that it could not properly deal with the matter itself.

D4 Where the Assessment Sub-Committee believes that that there is a potential conflict of interest of the Monitoring Officer and/or other officers, and that suitable alternative arrangements cannot be put in place to address the conflict

D5 Where the case is so serious or complex that it cannot be handled locally.

D6 Where the complaint will require substantial amounts of evidence beyond that available from the authority's documents, its members and/or officers

D6 Where the complaint relates to allegations of long-term or systematic member/officer bullying which could be more effectively investigated by someone outside the Council

D7 Where the allegation raises significant or unresolved legal issues on which a national ruling would be helpful

D8 Where the public might perceive the Council to have an interest in the outcome of a case. For example if the authority could be liable to be judicially reviewed if the complaint were upheld.

D9 Where there are any other exceptional circumstances which would prevent the authority or its Assessment Sub-Committee investigating the complaint competently, fairly and in a reasonable period of time, or where it would be unreasonable for local provision to be made for an investigation.