

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

Jurisdiction and Local Assessment Criteria

Jurisdiction

Before assessment of a complaint begins, the relevant Standards Committee sub-committee should be satisfied that the complaint meets the following tests:

1. it is a complaint against one or more named Members of the authority or an authority covered by the standards committee;
2. the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
3. the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

Assessment Criteria

1. Sufficient Information

Has the complainant submitted enough information to satisfy the sub-committee assessing the complaint that the complaint should be referred for investigation or other action?

If the answer is **no**, the response of the sub-committee should 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 sub-committee is taking no further action on this complaint."

2. Current Membership

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 sub-committee wish to refer the complaint to the monitoring officer of that other authority?

If the answer is **yes**: "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."

3. Prior Investigation/Action

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 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."

4. Passage of Time

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 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.”

5. Triviality

Is the complaint too trivial to warrant further action?

If the answer is **yes**: “The matter is not considered to be sufficiently serious to warrant further action.”

6. Underlying Motivation

Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

If the answer is **yes**: “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”.

7. Anonymous Complaints

The relevant sub-committee may decide that an anonymous complaint should only be referred for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

Possible decisions

The sub-committee assessing a complaint is required to reach one of the three following decisions on a complaint about a member’s actions in relation to the Code of Conduct:

- 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.

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