

**HAMBLETON DISTRICT COUNCIL**

**Report To:** Audit, Governance and Standards Committee  
27 June 2012

**From:** Director of Corporate Services

**Subject:** **NEW STANDARDS REGIME – ASSESSMENT CRITERIA FOR CONSIDERING ALLEGATIONS**

All Wards

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**1.0 PURPOSE AND BACKGROUND:**

1.1 The Council has previously approved a new Standards Regime under the Localism Act 2011. One aspect of the new Regime is that allegations under the Council's Code of Conduct will initially be considered by the Monitoring Officer who will decide whether they should proceed to investigation. This report asks the Committee to approve assessment criteria.

**2.0 DECISION SOUGHT:**

2.1 It is recommended that the attached criteria be approved.

**3.0 CRITERIA FOR ASSESSMENT OF ALLEGATIONS:**

3.1 Under the new Standards Regime the Monitoring Officer will consider any allegations of breaches of the District Council's Code of Conduct. He will decide whether the allegations should go forward for investigation/adjudication by the Standards Hearings Panel. It is anticipated that he will take all relevant factors into account in coming to a decision, but, in order to provide as much consistency as possible, it is recommended that general criteria be also applied and these are contained in the Annex attached to this report.

3.2 It is envisaged that if the Monitoring Officer is minded to decline to allow the allegation to proceed then he will ask for the views of one of the three Independent Persons appointed by the Council. Although the Monitoring Officer will take into account the views of the Independent Person the Monitoring Officer will make the final decision based on the agreed criteria and all the circumstances of the case.

3.3 This process will not apply to allegations made against Parish Council Members. Individual Parish Councils will have to determine whether these allegations are to be investigated/adjudicated upon. The Monitoring Officer will have no role in those matters.

**4.0 RECOMMENDATION:**

4.1 It is recommended that the Assessment Criteria for Allegations attached as an Annex to this report be approved.

MARTYN RICHARDS

**Background papers:** None  
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**ASSESSMENT CRITERIA FOR ALLEGATIONS**

1. If a complainant has provided insufficient information to make a decision as to whether the allegation should be referred for investigation or other action then no further action may be taken on the allegation.
2. If the Member who is the subject of the allegation is no longer a Member of the Authority, but is still a Member of another Authority the allegation may be referred to the other Authority.
3. If the allegation has already been the subject of investigation or other action under the Code of Conduct or by another regulatory authority it may be considered that there is nothing more to be gained by taking further action.
4. If the allegation is trivial it may be considered not to be sufficiently serious to warrant further action.
5. If the allegation appears to be simply malicious or vexatious, politically motivated or tit-for-tat and not sufficiently serious it may be decided that no further action is warranted.
6. If the subject of the allegation happened so long ago that important information may not now be available it may be considered inappropriate to take further action on the allegation.
7. Anonymous allegations may only be acted upon if they include documentary or photographic evidence indicating an exceptionally serious or significant matter.
8. If the events forming the subject of the allegation happened more than 3 years before the allegation is made it is unlikely to be investigated.