

**HAMBLETON DISTRICT COUNCIL**

**Report To:** Audit, Governance and Standards Committee  
29 January 2014

**From:** Director of Corporate Services

**Subject: CODE OF MEMBER CONDUCT – ASSESSMENT CRITERIA FOR ALLEGATIONS**

All Wards

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**1.0 PURPOSE AND BACKGROUND:**

1.1 The Committee is responsible for the Council's Code of Member Conduct and all procedures under the Standards regime. The Council's procedures provide for initial allegations to be assessed by the Monitoring Officer to decide whether they should be forwarded for consideration by the Standards Hearings Panel. The Council has established criteria for the assessment of allegations. This report asks the Committee to consider amending the assessment criteria.

**2.0 THE ASSESSMENT CRITERIA:**

2.1 The assessment criteria for allegations are attached as an Annex to this report. These are used by the Monitoring Officer (in conjunction with the Independent Person) to determine whether an allegation should be forwarded to the Standards Hearings Panel for investigation.

2.2 The criteria aim to ensure that only appropriate cases go forward for investigation. Those cases which are not worthy of being investigated (e.g., because they are vexatious) will be filtered out at this stage.

2.3 There are other situations where it may be appropriate for allegations not to be forwarded for investigation:-

2.3.1 where the allegation does not, on its face, come within the matters covered by the Code of Conduct;

2.3.2 where the information provided does not provide at least an arguable case that there has been a breach of the Code.

It is recommended that these criteria be added to the list.

2.4 In addition, it is thought that under current criterion number 8, three years may be too long a period in which an allegation can be lodged. It should be noted that the Ombudsman will normally only consider allegations raised within one year of an incident occurring. It is therefore recommended that the period be reduced from three years to one year.

**3.0 RECOMMENDATION:**

3.1 It is recommended that the amendments contained in paragraphs 2.3 and 2.4 be adopted.

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**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.