

## The Assessment Sub-Committee

- 3.2 The Standards Committee will appoint an Assessment Sub-Committee, comprising four members, to be chaired by an independent member. The Sub-Committee will meet in closed session and its meetings are not subject to notice and publicity arrangements under Part 5 of the Local Government Act 1972.
- 3.3 Before the Sub-Committee begins its assessment, it should satisfy itself that a complaint:
- is against one or more named Members of the Council and that those Members were in office at the time of the alleged misconduct and the Code of Conduct was in force at that time;
  - if proven, would be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct.
- 3.4 If the complaint fails the tests above then it cannot be investigated and the complainant must be informed that no further action will be taken.
- 3.5 To ensure that all complaints are dealt with in a fair and even-handed manner, the Sub-Committee will ask itself the following questions and follow any further criteria which is subsequently agreed:
- Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation or other action?
  - 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 Assessment Sub-Committee wish to refer the complaint to the Monitoring Officer of that other authority?
  - 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?
  - Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - Is the complaint too trivial to warrant further action?
  - Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- 3.6 The Assessment Sub-Committee is required to reach one of the three following decisions on a complaint about a subject Member's actions in relation to the Code of Conduct within 20 working days:
- **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 for England (SE)** where issues in a case, or public interest considerations, make it difficult for the Council to deal with the case fairly and speedily;
  - **no action** should be taken in respect of the complaint.

- 3.7 The decision of the Sub-Committee will be made known in a written summary detailing the main points considered, the conclusion on the complaint and the reasons for that conclusion.
- 3.8 The written summary must be available for public inspection for six years once the subject Member has been sent a copy.
- 3.9 SE Consideration – should a complaint be referred to SE by the Assessment Sub-Committee SE will give careful consideration to the complaint and inform the Monitoring Officer within 10 working days whether the case will be accepted or referred back to the Standards Committee of the Council.
- 3.10 The Assessment Sub-Committee must again take an assessment decision and should complete this within 20 working days. This may be a decision:
- not to take any further action;
  - to refer the matter for local investigation, or to refer the matter for some other form of action (see 3.12 below). If the matter is to be the subject of a local investigation, the Monitoring Officer will decide who is to be appointed as the investigator.
- 3.11 As the Assessment Sub-Committee initially decided that the matter was serious enough to be referred to the Standards Board for investigation, it is likely that it will still think that it should be investigated. However, if the circumstances of the complaint have changed since the Assessment Sub-Committee's original decision, it may be reasonable to take a different decision. This decision will again need to be communicated to relevant parties in the same way as the original decision.
- 3.12 Other Action - It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The Assessment Sub-Committee must consult the Monitoring Officer before reaching a decision to take other action which will be dependent on the nature of the complaint but may include:
- referring the matter to the appropriate Whip's office for action;
  - arranging for the subject Member to attend a training course;
  - arranging for that Member and the complainant to engage in a process of conciliation;
  - instituting changes to the procedures of the Council if they have given rise to the complaint.