

Tunbridge Wells Borough Council

Standards Committee Assessment Sub-Committee

Assessment Criteria

Does the complaint meet the following tests?:

- a) Is it a complaint against one or more named members of either Tunbridge Wells Borough Council or one of the parish councils within its district?
- b) Was the named member in office at the time of the alleged conduct and was the Code of Conduct in force at the time?
- c) Would the complaint, if proven, 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.

If it passes all these tests, then the following factors may be taken into account:

1. The prime objectives should be to promote and maintain high standards of conduct by Councillors and Co-opted Members and to ensure fairness for both the complainant and the subject member.
2. All complaints, no matter how they are framed or addressed, will be taken seriously and dealt with appropriately.
3. The Sub-Committee will be mindful that investigating a complaint or taking other action will cost both public money and officers' and members' time. This is a consideration which applies in all cases but becomes relatively more important when the matter complained of is minor.
4. In assessing complaints in a fair and balanced way, the Sub-Committee will take into account all the material which is available to them including any guidance issued by the Standards Board for England.
5. The Sub-Committee will carefully weigh the public benefit of investigating a complaint when it appears to them it is less serious, politically motivated, malicious or vexatious.
6. In assessing whether a matter should be referred to the Standards Board for England to be investigated by an Ethical Standards officer because of the issues in the case or the public interest considerations, the Sub-Committee will be mindful of any criteria the Standards Board for England have set out in their guidance for their acceptance of complaints.

In considering what decision is appropriate, the Sub-Committee may ask themselves the following questions:

- a) Has the complainant submitted enough information to satisfy the Sub-Committee that the complaint should be referred for investigation or other action?

- b) 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?
- c) 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?
- d) Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- e) Is the complaint too trivial to warrant further action?
- f) Does the complaint appear to be malicious, politically motivated, or tit for tat?
- g) Would it be appropriate to refer the complaint to the Monitoring Officer for training, mediation, and other action, rather than investigation?
- h) Is it appropriate to refer a complaint for investigation if the member is no longer a member

These assessment criteria will be made publicly available and will be reviewed periodically; however such review will not take place during the course of an assessment of a complaint by the Sub-Committee.

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