

**CRITERIA TO BE USED BY THE STANDARDS COMMITTEE ASSESSMENT
SUB-COMMITTEE WHEN ASSESSING COMPLAINTS MADE ABOUT ELECTED
AND CO-OPTED MEMBERS OF EAST RIDING OF YORKSHIRE
COUNCIL/TOWN AND PARISH COUNCILS IN THE EAST RIDING OF
YORKSHIRE LOCAL AUTHORITY AREA**

1.1 The Standards Committee Assessment Sub-Committee will use the following criteria when considering whether an investigation should take place following the receipt of a complaint made about the conduct of a Member of a Council:-

- Is there prima-facie evidence of a breach of the Code of Conduct? Has the complainant submitted adequate information to satisfy the Sub-Committee of the complaint to justify action being taken?
- Does the complaint have the potential to damage confidence in local democracy? Is the complaint too trivial to warrant further action?
- Is the complaint part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of that Council and there are no other avenues left to deal with it apart from investigation?
- Would an investigation serve a useful purpose? Has a remedy already been agreed/put in place?
- Is the matter suitable for local investigation – is it something which it is possible to investigate? – or would ‘other action’ be more appropriate?
- Is the complaint about a Member who is also a Member of another 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?
- When did the conduct take place? Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- Does the complaint concern an incident that has occurred in the Member’s private life, when they were not carrying out the work of the authority or have not misused their position as a Member?
- Is the complaint really about dissatisfaction with a decision of that Council?
- Is the complaint related to a ‘technical’ breach of the Code? If so, has a remedy been agreed, or does understanding of the breach appear to have been demonstrated?
- Where the complaint has been made anonymously, is there sufficient documentary evidence or photographic evidence, which indicates an exceptionally serious or significant matter, which would merit referral for investigation/‘other action’?

- Complaints about the conduct of a parish councillor towards a clerk - Has the complaint been made by the chairman or by the parish council as a whole, rather than the clerk, or are there exceptional circumstances?
- Would an investigation be proportionate and in the public interest?

1.2 The Standards Committee Assessment Sub-Committee will consider referring the following matters, amongst others, for ‘other action’:-

- The same breach of the Code by many Members of the same authority indicating a poor understanding of the Code.
- A general breakdown of relationships at a Council.
- Misunderstanding of protocols and procedures.
- Misleading, unclear or misunderstood advice from officers.
- Behaviour indicating a lack of experience and training.
- ‘Tit for tat’ or retaliatory allegations from Members.
- Disputes over procedure at formal meetings.
- Complaints that may be symptomatic of more widespread guidance issues at the Council.
- Complaints which indicate that it would be beneficial to remind a Member/Members of the requirements of the Code of Conduct.
- Complaints which indicate that it would be beneficial to remind a Member/Members of matters that should be included in the Register of Interests.