

# Code of Conduct

## PRELIMINARY TESTS – Independent Person

Complainant:

Councillor Complained of:

1.1 The complaint will be assessed by the Monitoring Officer, in consultation with the Independent Person, and the following assessment criteria applied:

	Criteria	Y/N	Reasons (if applicable)
<b>Initial Criteria</b>			
<b>The first step would be a jurisdictional test and would assess whether the complaint is:</b>			
A)	against one or more named councillors of the authority or of a parish or town council the authority is responsible for;		
B)	the named councillor was in office at the time of the alleged conduct;		
C)	the complaint relates to matters where the councillor was acting as a councillor or representative of the authority and it is not a private matter;		
D)	the complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.		
<b>Secondary Criteria</b>			
<b>The following non-exclusive factors may help an authority to develop local criteria</b>			
A.	Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?		

B.	Are there alternative, more appropriate, remedies that should be explored first?		
C.	Where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression.		
D.	Is the complaint in the view of the authority malicious, politically motivated, or 'tit for tat'?		
E.	Whether an investigation would not be in the public interest or the matter, even if proven, would not be serious enough to warrant any sanction and conducting a full investigation would have a disproportionate effect on both public money and officers' and Members' time.		
F.	Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration.		
G.	Whether a substantially similar complaint has been		

	submitted and accepted.		
H.	Does the complaint relate to conduct in the distant past? This would include consideration or any reason why there had been a delay in making the complaint?		
I.	Was the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting?		
J.	Does the complaint actually relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual?		
K.	Is it about someone who is no longer a councillor or who is seriously ill?		
L.	Are there any other matters that need to be considered in deciding whether to accept or reject the complaint?		

Recommendation: Accept/Reject\*(deletion)

Reasons:

Recommendation of the Independent Person on next steps of the Complaint:

Assessment completed by.....

Date of Assessment: