

City of York Council Joint Standards Committee Assessment Criteria for complaints

1. Background and Context

1.1 The Joint Standards Committee's arrangements for dealing with complaints are described in more detail in a separate document available from the Monitoring Officer and on the City Council's website.

1.2 The first decision to be made when a complaint is received is whether or not it should be referred for investigation. That decision is normally made by the Monitoring Officer but may be made by a Sub Committee of Members of the Standards Committee. In making the decision regard will be had to the following criteria.

2. Is the complaint covered by the Code?

2.1 Is the complaint about the conduct of a member?

The complaint must relate to one or more named elected or co-opted members of the district or parish councils covered by the Standard Committee i.e. within the City of York Council Area.

2.2 Was the named member in office at the time the alleged misconduct took place?

2.3 Does the allegation relate to the Member's conduct as a Councillor?

Complaints which relate to a Councillor's private life rather than their Council business are unlikely to be covered by the Code.

2.4 If the complaint is proven, would there be a breach of the Code under which the member was operating at the time of the alleged misconduct?

Codes of Conduct are concerned with Members' ethical behaviour. Sometimes complaints are received about decisions which Councillors have made or about the quality of service provided by a Councillor. These are unlikely to be covered by the Code.

2.5 If the complaint is not covered by the Code then it cannot be

investigated.

3. Sufficiency of Information

3.1 The complainant must provide sufficient information to show that there is a real possibility that there has been a breach of the Code of Conduct. If insufficient information is available the case will not normally be referred for investigation.

4. Seriousness of the Complaint

4.1 A complaint will not normally be referred for investigation or other action where the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.

5. Length of Time Which Has Elapsed

5.1 A complaint will not normally be investigated where the events took place more than 6 months prior to the complaint being submitted. An exception to this may arise where the conduct relates to a pattern of behaviour which has recently been repeated.

6. Public Interest

6.1 Consideration will be given as to whether the public interest would be served by referring a complaint for investigation or other action. They may consider that the public interest would not be served where, for instance, a member has died, resigned or is seriously ill.

6.2 The Standards Committee encourages informal resolution of complaints where it is in the public interest to do so. In some cases a speedy apology to the complainant may be the most effective outcome. In a case where the Code has been breached through ignorance an acceptance of fault from the Councillor together with an offer of training or a briefing from the Monitoring Officer, may be sufficient.

6.3 If the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or the subject of an investigation by other regulatory authorities, it is unlikely that it will be referred for investigation or other action unless it is evident that the public interest will be served by further action being taken.

7. Anonymous Complaints

7.1 Anonymous complaints will not normally be entertained unless there is additional documentary evidence to support the complaint.