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Date: 16th December 2021

Dear Sir/Madam,

Audit & Standards Sub-Committee – 20th December 2021

I refer to the meeting of the Audit and Standards Sub-Committee to be held on Monday 20th December 2021 at 6.00 p.m. and attach the **Assessment Criteria for Dealing with Complaints of Breaches of the Member Code of Conduct allegations under the Localism Act 2011** for consideration at the meeting of Audit and Standards sub-committee under agenda item 5.

Yours faithfully,

Brent Davis

Chief Executive

To: Members of Audit
and Standards
Sub-committee

Councillors B. Beetham, J. Kennaugh, N. Phillips,
R. Tromans and. H. Walmsley

APPENDIX 2

CRITERIA FOR DEALING WITH COMPLAINTS OF BREACHES OF THE MEMBER CODE OF CONDUCT ALLEGATIONS UNDER THE LOCALISM ACT 2011

The Monitoring Officer will assess every complaint against the following criteria and after consultation with the independent person:

Has the complainant submitted enough information to satisfy the Monitoring Officer that the complaint should be referred for investigation or other action?

If the answer is no, the complainant will be informed that there is insufficient information to enable an investigation to be carried out and that no further action will be taken unless or until further information is received within five working days. Upon receipt of the additional sufficient information from the complainant, request information from the Member who is the subject of the allegation and any other persons the Monitoring Officer considers appropriate.

Is the complaint against one or more named members of the Council?

If the answer is no, it cannot be investigated as a breach of the Code and the complainant will be informed that no further action will be taken with regards to the complaint.

Was the named Member in office at the time of the alleged misconduct and the Code of Conduct was in force at the time?

If the answer is no, the complaint cannot be investigated as a breach of the Code and the complainant will be informed that no further action will be taken in respect of the complaint.

Was the named member acting in the capacity of a Member at the time of the alleged misconduct?

If the answer is no, it cannot be investigated as a breach of the Code and the complainant will be informed that no further action will be taken in respect of the complaint.

Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?

If yes, does it merit taking further action in relation to the matter?

Has the complaint been the subject of an investigation by other regulatory authorities?

If yes, there would be no merit in taking further action in relation to the matter.

Is the complaint about something that happened so long ago that there would be little benefit in taking action now?

If yes, no further action will be taken.

Is the complaint not serious enough to warrant further action?

If yes, no further action will be taken on the complaint.

Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

If yes and the allegation is not sufficiently serious, then no further action should be taken.

Is the complaint anonymous?

If yes, no further action will be taken on the complaint.

Is the complaint from the same complainant and the same or similar to the one that has been previously judged as not having breached the code?

If yes, no further action is to be taken.

Is the complaint vexatious?

If yes, no further action is to be taken.