

Broxtowe Borough Council

Arrangements for dealing with standards allegations under the Localism Act 2011

1. Context

These “Arrangements” set out how to make a complaint that an elected or co-opted member of this Authority, or of a town or parish council within the Borough of Broxtowe, has failed to comply with the authority’s Code of Conduct, and sets out how Broxtowe Borough Council will deal with allegations of a failure to comply with that Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Authority, or of a town or parish council within the Borough of Broxtowe, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

The statutory arrangements provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member or co-opted of a town or parish council within the Borough of Broxtowe, against whom an allegation as been made.

These arrangements came into effect from 11 July 2012 and were adopted by a meeting of full Council on 11 July 2012.

2. The Code of Conduct

Broxtowe Borough Council has adopted a Code of Conduct for its members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council Offices.

Each town and parish council is also required to adopt a Code of Conduct. If anyone wishes to inspect a town or parish council’s Code of Conduct, they should visit any website operated by the town or parish council or request the town or parish clerk to allow inspection of the relevant Code of Conduct.

3. Definitions

The following definitions are used throughout these arrangements:

Complainant	The person who has raised the complaint. This might be a member of the public, an officer or another member.
Subject member(s)	The member against whom the complaint has been made.
Independent Person	The person appointed by the Council whose views must be sought by the authority before making a decision on an allegation.

Monitoring Officer	A senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.
Sanctions	The range of actions that can be taken against a member where it is concluded that they have failed to comply with the Code of Conduct.
Local Resolution	Local resolution may involve the subject member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority.

4. Making a complaint

If you wish to make a complaint, please write to:

The Monitoring Officer
 Broxtowe Borough Council
 Council Offices
 Foster Avenue
 Beeston
 Nottingham
 NG9 1AB

or email: complaints@broxtowe.gov.uk

In order to ensure that the Monitoring Officer has all the information which is needed to be able to process a complaint, the correct complaint form should be completed. The form can be downloaded from the authority's website www.broxtowe.gov.uk and is available on request from reception at the Council Offices.

A complainant will be required to provide their name, a contact address and where possible, an email address, so that the complaint can be acknowledged and the complainant kept informed of progress.

The Monitoring Officer will acknowledge receipt of a complaint within 3 working days of receiving it, and the complainant will be kept informed of the progress of the complaint.

5. Complaints against 'Dual Hatted' Members

A 'dual hatted' member is a member of an authority and who is also a member of another authority within the County. The member could be a serving County Councillor, Police Authority Councillor, District Councillor and Town or Parish Councillor.

Complaints against members are received by the Monitoring Officer for and on behalf of the authority. The Monitoring Officer will consider whether:

- The complaint relates to a 'dual hatted' member;

- The complaint clearly relates to incidents or circumstances which have occurred solely in that member's capacity as a councillor of the Authority;
- That no other countywide authority is involved; and
- That the conduct or actions complained of relate to possible failure to comply with the Member Code of Conduct.

If so, the complaint shall be processed by the Monitoring Officer in accordance with these adopted arrangements for dealing with complaints.

Where the complaint relates to:

- A 'dual hatted' member;
- In the view of the Monitoring Officer the complaint may impact on the capacity of the member as a member of another authority;
- The complaint may relate to incidents or circumstances which have occurred in the member's capacity as a councillor of the authority and of another authority;
- The conduct or actions complained of relate to a possible failure to comply with the Member Code of Conduct; and / or
- The complaint or a similar complaint may also have been received by another authority, the Monitoring Officer shall refer the complainant to any additional authority that could process the complaint and continue to deal with the relevant aspects of the case to be dealt with under the arrangements adopted by Broxtowe Borough Council.

6. Confidentiality

As a matter of fairness and natural justice, the subject member should be told who has complained about them. There may be occasions where the complainant requests that their identity is withheld. Such a request may be granted in circumstances that the Monitoring Officer considered to be exceptional, for example:

- a) The complainant has reasonable grounds for believing that they will be at risk of intimidation, victimisation or physical harm if their identity is disclosed.
- b) The complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment if their identity is disclosed.
- c) The complainant suffers from a serious health condition, which may be adversely affected if their identity is disclosed.

If the Monitoring Officer decides to refuse a request by the complainant for confidentiality, he will offer the complainant the option to withdraw the complaint, rather than proceed with disclosure of the complainant's identity.

As a matter of fairness and natural justice, the subject member should also be informed of the nature of the complaint. If however the Monitoring Officer considers that disclosure of details of the complaint to the subject member might prejudice the investigation, the Monitoring Officer can agree to delay notifying the subject member until consideration of the complaint has progressed sufficiently.

7. What will happen to the complaint?

There are 4 stages to dealing with complaints that are received as detailed below.

Opportunities are provided throughout these arrangements to enable local resolution between the complainant and the subject member.

The complainant can at any time request to withdraw a complaint, however the Monitoring Officer or Standards Assessment Committee, may decide that it remains in the public interest to continue to pursue the complaint through the process.

Stage 1 – Initial consideration of complaint

The Monitoring Officer will review every complaint received and will confirm which part of the Code of Conduct applies and inform the subject member and in the case of a complaint against a town or parish councillor, the Clerk to the town or parish council.

The Monitoring Officer will always seek local resolution in the first instance. If this resolves the matter, the Monitoring Officer will formally write to the complainant, the subject member and the relevant town or parish council to confirm that the matter is closed.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. If the complaint refers to failure to comply with the requirement to register a disclosable pecuniary interest, then the matter will be referred direct to the police (Localism Act, Chapter 20 Part 1, Chapter 7, Section 34 – Offences), in accordance with the local protocol attached at appendix 3.

Stage 2 – Formal consideration of complaint

If local resolution is not achieved, or not considered appropriate, the Monitoring Officer will consult with the Independent Person before progressing with the complaint.

The Monitoring Officer will then take a decision as to whether it merits investigation. If for any reason it proves inappropriate for the Monitoring Officer to make this decision, it will be referred to the Council's Standards Assessment Committee.

This decision will normally be taken within 20 working days of receipt of a complaint. When the Monitoring Officer has taken a decision, he will inform the complainant of his decision and the reasons for that decision. The subject member, and the town or parish council, will also be notified in writing of the Monitoring Officer's decision.

Where the Monitoring Officer requires additional information in order to come to a decision, he may go back to the complainant for such information, and may request information from the subject member. Where the complaint relates to a town or parish Councillor, the Monitoring Officer may also seek the views of the town or parish council before deciding whether the complaint merits formal investigation.

The Monitoring Officer may again seek to resolve by local resolution, without the need for a formal investigation. If this resolves the matter, the Monitoring Officer will formally write to the complainant, the subject member and the relevant town or parish council to confirm that the matter is closed.

Where the subject member makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer, in consultation with the Independent Person, will take account of this in deciding whether the complaint merits formal investigation.

In reaching their decisions on the complaint at Stages 1 and 2 the Monitoring Officer and the Independent Person will need to consider the assessment criteria and reasons for taking no further action outlined at Appendix Two.

Stage 3 - Investigation

The following procedure will be used for the investigation of misconduct complaints.

Investigating Officer

If the Monitoring Officer, in consultation with the Independent Person, decides that a complaint merits formal investigation, he will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Monitoring Officer may also write to the town or parish council and ask them to produce a statement report providing supporting evidence, statements, information and copies of relevant documentation.

The investigation process

The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint, to gain an understanding of events, to decide what additional documents need to be seen, and who else needs to be interviewed.

The Investigating Officer would normally write to the subject member again and provide them with a copy of the complaint, and ask the member to provide their explanation of events, to identify what documents the Investigating Officer needs to see and who they need to interview.

In exceptional cases, where it is appropriate to keep the complainants identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete their name and address from the papers given to the subject member, or delay notifying the subject member until the investigation has progressed sufficiently.

The investigation report

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the subject member, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. Having received and taken account of any comments which they may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant, the subject member and where relevant, to the town or parish council and the

Standards Committee and give all a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider their report.

Conclusion – no failure to comply

If the report concludes that there has been no failure to comply, and the Monitoring Officer is satisfied with the content of the report, then all relevant parties (the complainant, subject member, Independent Person, Standards Committee and where relevant, the Clerk to the Town or Parish Council) will be notified in writing and the matter will be closed.

Conclusion – failure to comply

If the report concludes that there has been a failure to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then consult with the Independent Person. The Monitoring Officer will again seek local resolution, however if this does not resolve the matter, it will be sent for a hearing before the Standards Assessment Committee.

Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with the Independent Person and with the complainant and seek agreement on what is considered to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and where necessary the town or parish council for information, but will take no further action. **The Monitoring Officer's decision is final.**

Stage 4 – Standards Assessment Committee Hearing

If the report concludes that there has been a failure to comply and the Monitoring Officer considers that informal resolution is not appropriate or that informal resolution has failed to resolve the matter the Standards Assessment Committee (SAC) will be convened. The Monitoring Officer will report the Investigating Officer's report to the SAC which will conduct a local hearing before deciding whether the subject member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Standards Assessment Committee

The SAC will comprise of 5 elected members and be politically proportionate and avoid conflict of interests. The SAC should, at all times, be advised by the Monitoring Officer or his representative.

The Independent Person is invited to attend all hearings by the SAC and their views are sought and taken into consideration before the SAC takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any recommended action to be taken following a finding of failure to comply with the Code of Conduct.

Hearings will usually be held in public, unless the case has passed the confidentiality test as outlined at point 6 above.

Procedures for Hearings

Essentially, the Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give their response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the SAC may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the SAC. The subject member will then have an opportunity to give their evidence, to call witnesses and to make representations to the SAC as to why they consider that they did not fail to comply with the Code of Conduct.

Conclusion – no failure to comply

The SAC, with the benefit of any advice from the Monitoring Officer and the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

Conclusion – failure to comply

If the SAC concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the subject member of this finding and the SAC will then consider what action, if any, it should take or recommend as a result of the subject member’s failure to comply with the Code of Conduct.

In doing this, the SAC will give the subject member an opportunity to make representations and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

At the end of the hearing, the Chair will state the decision of the SAC as to how the subject member failed to comply with the Code of Conduct and as to any actions which the SAC resolves to take or recommend. As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the SAC, and send a copy to the complainant, to the subject member and to the town or parish council where applicable. The Decision Notice will be made available for public inspection through the Council website.

8. Sanctions

The Council has delegated to the Monitoring Officer and any SAC of the Standards Committee, such of its powers to recommend action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Monitoring Officer and SAC may:

1. Publish its findings in respect of the subject member’s conduct;

2. Report its findings to Council [or to the town or parish council] for information;
3. Recommend to the subject member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
4. Recommend to the Leader of the Council that the subject member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
5. Instruct the Monitoring Officer to [or recommend that the town or parish council] arrange training for the subject member;
6. Remove [or recommend to the town or parish council that the subject member be removed] from any or all outside appointments to which they have been appointed or nominated by the authority [or by the town or parish Council].

NB. If the subject member is acting in the capacity of a town or parish councillor, the SAC can only notify the town or parish council of its decision and only make a recommendation with regard to any sanctions considered appropriate. It is then for the town or parish council to take a final decision based on the recommendations of the SAC.

9. Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement, and is then appointed by a positive vote from a majority of all the members of Council. The Localism Act 2011 sets a number of criteria for the recruitment of the Independent Person and these can be found on Part 1, Chapter 7, Section 28.

Any changes to the appointment of the Independent Person must be in line with the recruitment processes outlined in the Localism Act 2011 and agreed by a positive majority of full Council.

10. Revision of these arrangements

The Council may by resolution agree to amend these arrangements.

11. Appeals

There is no right of appeal either as the complainant or the subject member against a decision of the Monitoring Officer or of the Standards Assessment Committee.

If it is felt that the authority has failed to deal with the complaint in accordance with these arrangements, a complaint can be made through the corporate complaints procedure (www.broxtowe.gov.uk) or the Local Government Ombudsman (www.lgo.org.uk).

Code of Conduct of Broxtowe Borough Council

As a member or co-opted member of Broxtowe Borough Council (the “Council”) I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles which aim to achieve best value for our residents and maintain public confidence in this authority:

- having regard to the principles of – selflessness, integrity, objectivity, accountability, openness, honesty and leadership
- championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me, and putting their interests first
- dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially
- not allowing other pressures to deter me from pursuing constituents' casework, the interests of the Council's area or the good governance of the authority in a proper manner
- never improperly conferring an advantage or disadvantage on any person or act to gain financial or other material benefits for myself, my family, a friend or close associate or place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of official duties
- when carrying out my public duties making all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit, exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority
- listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit
- being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents
- contributing to making this authority's decision-making processes as open and transparent as possible and being prepared to give reasons for those decisions and actions. Assisting residents to understand the reasoning behind those decisions and to be informed when holding me and other members to

account, but having due regard to the need to restrict access to information when the wider public interest or the law requires.

- declaring any private interests, as required by this Code of Conduct, that relate to my public duties and taking steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
- when using or authorising the use by others of the resources of the authority, I will ensure that such resources are not used improperly for political purposes (including party political purposes) and I will have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- behaving in accordance with all the Council's legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources
- valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
- always treating people with respect, including the organisations and public I engage with and those I work alongside
- providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority
- co-operating fully with whatever scrutiny is appropriate to office
- promoting and supporting high standards of conduct when serving in my public post, in particular as characterised by the above requirements, by leadership and by example.

Disclosable Pecuniary Interest

I have a Disclosable Pecuniary Interest if I, or my spouse or civil partner, have a pecuniary interest as listed in the national rules below.

If I have any of the following pecuniary interests, they are my **Disclosable Pecuniary Interests** under the national rules. Any reference to spouse or civil partner includes any person with whom I am living as husband or wife, or as if they were my civil partner.

The national rules are:

- Any employment, office, trade, profession or vocation carried on for profit or gain, which I, or my spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by me in carrying out duties as a member, or towards my election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when I tell the monitoring officer about my disclosable pecuniary interests following my election or re-election, or when I became aware that I had a disclosable pecuniary interest relating to a matter on which I was acting alone.
- Any contract which is made between myself, or my spouse or my civil partner (or a body in which I, or my spouse or my civil partner, has a beneficial interest) and the council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which I, or my spouse or my civil partner, have and which is within the area of the council or authority.
- Any licence (alone or jointly with others) which I, or my spouse or my civil partner, holds to occupy land in the area of the council or authority for a month or longer.
- Any tenancy where (to my knowledge) –
 - the landlord is the council or authority; and
 - the tenant is a body in which I, or my spouse or my civil partner, has a beneficial interest.

Action to be taken

If I am present at a meeting of the council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and I have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, I must not:

- participate in any discussion of that particular business at the meeting, or if I become aware of a disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

This authority requires members to withdraw from the room at this point to make clear to the public that I am not influencing the meeting in anyway and to protect the councillor from the criminal sanctions that apply should the councillor take part.

Where the interest I have declared is not on my Register of Interest Form then I will update the form with the relevant interest to the Monitoring Officer within 28 days.

In certain circumstances I can request a dispensation from these prohibitions

Pecuniary Interests

As a member, I will have a Pecuniary Interest in an item of business of the Council where:

- a. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of myself or a member of my family or a person with whom I have a close association to a greater extent than it would affect the majority of the council tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area, or
- b. it relates to or is likely to affect any of the Disclosable Pecuniary Interests as listed above, but in respect of a member of your family or a person with whom I have a close association

and that interest is not a Disclosable Pecuniary Interest.

Action to be taken

If I am present at a meeting of the council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and I have a pecuniary interest relating to any business that is or will be considered at the meeting, I must not:

- participate in any discussion of that particular business at the meeting, or if I become aware of my disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions do not apply to me speaking as a member of the public.

This authority does not require members to withdraw from the room at this point.

Non-pecuniary interests

A non-pecuniary interest is an interest which is not pecuniary (as defined above) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon my judgement of the public interest

Action to be taken

If I am present at a meeting of the council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and I have a Non-pecuniary interest relating to any business that is or will be considered at the meeting, I must:

- Declare the nature and extent of my interest including enough detail to allow a member of the public to understand it's nature.

I may stay, speak, vote and take a full part in the meeting.

Registering and declaring pecuniary Interests

I must, within 28 days of taking office as a member or co-opted member, notify the Authority's Monitoring Officer of any Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State, where the pecuniary interest is mine, my spouse's or civil partner's, or is the pecuniary interest of somebody with whom I am living with as a husband or wife, or as if we were civil partners.

If an interest has not been entered onto the authority's register, then I must disclose the interest to any meeting of the authority at which I am present, where I have a Disclosable Pecuniary Interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, I must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, I may not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State.

Additionally, I must observe the restrictions the authority places on my involvement in matters where I have a Disclosable Pecuniary Interest or Pecuniary Interest as defined by my authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

ASSESSMENT CRITERIA

In reaching their decisions on the complaint at Stage 1 and 2 the Monitoring Officer and the Independent Person will need to consider the following assessment criteria:

1. The extent to which the subject member is alleged to have failed to treat others with respect;
2. The extent to which the subject member is alleged to have acted in a way that may cause the authority to breach an equality enactment;
3. Whether the allegations relates to bullying, intimidating or attempting to intimidate a person involved in an allegation against a subject member;
4. Whether in disclosing confidential information the subject member failed to take or to heed advice;
5. The implications for the public perception or the reputation of the Council;
6. The implications for staff relations;
7. The seniority or position of influence of the subject member and public trust or confidence;
8. The consequences or the likely consequences of the subject members alleged actions;
9. The extent to which the Member is alleged to have used his or her position as a member improperly to confer or secure an advantage or disadvantage;
10. The extent to which the Member is alleged to have misused or abused the resources of the Council;
11. The detriment caused by acting against advice when reaching decisions;
12. The extent to which a failure to register or to declare interests resulted from a failure or refusal to seek or to follow advice;
13. The matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, e.g. the Local Government Ombudsman or the District Auditor, or the subject of proceedings in court;
14. That the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
15. That the complaint is too trivial to warrant further action;
16. That the complaint appears to be simply malicious, vexatious, politically motivated or tit-for-tat;
17. The public benefit in directing an investigation or other steps;

18. The costs and officer and Member time which could be incurred on an investigation or other steps;
19. Whether there is enough information currently available to justify a decision to refer the matter for investigation or to seek an informal resolution;
20. Whether the complaint is about someone who has died, resigned, is seriously ill or is no longer a member of the Council concerned and not in the public interest to pursue;
21. The complaint is such that it is unlikely that an investigation is likely to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain;
22. Whether the subject Member has already provided a satisfactory remedy (e.g. apologising); and
23. Whether the matter is suitable for informal resolution and the Member complained of is amenable to such an approach.

A DECISION TO TAKE NO FURTHER ACTION

Reasons for taking no further action include:

1. That the subject matter of the allegation is outside the jurisdiction of the Standards Committee;
2. That the allegation does not appear to disclose a failure by the member to comply with the Member's Code of Conduct when acting in that capacity;
3. The information submitted by the complainant is insufficient to enable the Monitoring Officer and the Independent Person to reach a decision;
4. The matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator or the subject of proceedings in court.
5. That the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
6. That the complaint is too trivial to warrant further action; or
7. That the complaint appears to be simply malicious and vexatious, politically motivated or tit-for tat.