

ASSESSMENT CRITERIA**Initial Tests**

Before any assessment of a complaint begins, the Initial Assessment Panel must be satisfied that the complaint meets the following tests:

- It is a complaint against one or more named Members of Cheshire East Council or a Town or Parish Council within Cheshire East Borough;
- The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests 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.

If the above tests are met the Panel will have regard to the following criteria:

1. **Adequate information** – The Panel will want to be satisfied that it has sufficient information to decide whether the complaint should be referred for investigation or other action;
2. **Timescale** – The Panel will take into account when the events subject to the complaint took place and will not normally investigate or pursue other action if the events occurred more than 12 months prior to the complaint being submitted (except if it decides there are exceptional circumstances);
3. **Seriousness of the complaint** – The Panel will not normally refer a matter for investigation or other action if it is considered trivial, malicious, politically motivated or tit-for-tat;
4. **Public Interest** - If the complaint relates to an ex-Member of Cheshire East or one of its Town/Parish Councils who is now a Member of another Authority the Panel may refer the matter to that Authority for consideration. If the Member has resigned, is seriously ill or has died the Panel will only refer the matter for investigation or other action if it considers that the public interest will be served by so doing. If the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or has been investigated by other regulatory authorities it is unlikely to be referred for investigation or other action unless it is evident that public interest will be served by further action being taken.

The Panel has the option to make the following decisions on any complaint ;

- **That No Further Action be Taken in respect of the matter**
- **That the Matter be Referred to the Group Leader for Informal Action** – this will normally be only where the complaint relates to Cheshire East Councillors and will not generally be appropriate if the complaint is from a member of the public
- **That the Matter is Referred for Local Resolution** – this enables less serious complaints to be resolved speedily and cost effectively. The matter may subsequently be referred for formal investigation should it become apparent that the issues are more serious than was originally anticipated
- **That the Matter is Referred for Formal Investigation by an External Investigator-** this enables the most serious allegations to be thoroughly investigated. In most cases the Investigator will be expected to complete his investigation and produce a written report within 8 weeks of the referral.
- **That the Matter is Referred to the Police or other relevant Regulatory Agency** – this would be appropriate where it appears a criminal offence or breach of regulations may have taken place and in particular any failure to declare a Pecuniary Interest under s 30 -31 of the Localism act 2011

**Cheshire East Council
June 2012**