

ROSSENDALE BOROUGH COUNCIL STANDARDS COMMITTEE

Circumstances where the Assessment Sub-Committee may decide that no action should be taken in respect of the allegation:

1. Where the complaint is about someone who is no longer a Member of the Council or Parish Council. (Where the Member is no longer a Member of the Council or Parish Council, but is a Member of another Authority, the complaint will be referred to the Standards Committee of that other Authority to consider).
2. Where the information provided by the complainant is not sufficient to enable the Sub-Committee to make a decision as to whether the complaint should be referred for investigation or other action. However, the complainant will be advised that it is possible to resubmit the complaint with further information.
3. Where a substantially similar allegation has previously been made by the complainant to the Standards Board or the Standards Committee, or the complaint has been the subject of an investigation by another Regulatory Authority, (except where a Review Sub-Committee has taken the view that a request for review contains new information and should be considered by an Assessment Sub-Committee rather than the Review Sub-Committee). The Sub-Committee will only refer the complaint for investigation or other action if it considers that there is a compelling reason to do so.
4. Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.
5. Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.
6. Where the allegation discloses a potential breach of the Members' Code of Conduct, but the Sub-Committee considers that the complaint is not serious enough to warrant further action.
7. Where the complaint appears to be malicious, politically motivated or tit-for-tat.

Circumstances where the Assessment Sub-Committee may decide to refer the allegation to the Monitoring Officer for investigation

1. Where the allegation discloses a potential breach of the Code of Conduct that the Sub-Committee considers sufficiently serious to justify the cost of an investigation.

Circumstances where the Assessment Sub-Committee may decide to refer the allegation to the Monitoring Officer for training, conciliation or other steps as appear appropriate to the Standards Committee

Note This approach may be appropriate where the Sub-Committee believes that the conduct, if proven, may amount to a failure to comply with the Code, and that some action should be taken in response to the complaint. If this approach is taken, the purpose of the action is NOT to find out whether the Member, who is the subject of the allegation, breached the Members' Code, and no conclusion will have been reached on whether the Member failed to comply with the Code. It should be noted that this approach may be taken after consultation with the Monitoring Officer.

1. Where the complaint suggests that there is a wider problem throughout the Authority and it is appropriate to extend the action to other Members who are not the subject of the complaint.
2. Where it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction.
3. Where it appears that even if the allegation was fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy.

Circumstances where the Assessment Sub-Committee may decide to refer an allegation to the Standards Board

1. Where the Assessment Sub-Committee believes that the status of the member or members, or the number of Members about whom the complaint is made, would make it difficult for the Standards Committee to deal with the complaint. For example, if the complaint is about the Leader or Deputy Leader of the Council, a Group Leader or a Member of the Cabinet or Standards Committee.
2. Where the Assessment Sub-Committee believes that the status of the complainant would make it difficult for the Standards Committee to deal with the complaint. For example, if the complainant is the Leader or Deputy Leader, a Group Leader or a Member of the Cabinet or Standards Committee, or the Chief Executive or a Statutory Officer.
3. Where the Assessment Sub-Committee considers that there is a potential conflict of interest of so many Members of the Standards Committee that it could not properly deal with the matter itself.
4. Where the Assessment Sub-Committee believes that there is a potential conflict of interest of the Monitoring Officer or other Officers, and that suitable alternative arrangements cannot be put in place to address the conflict.
5. Where the case is so serious or complex that it cannot be handled locally.
6. Where the complaint will require substantial amounts of evidence beyond that available from the Authority's documents, its Members or Officers.
7. Where there is substantial governance dysfunction in the Authority or its Standards Committee.

8. Where the complaint relates to long-term or systematic Member or Officer bullying which could be more effectively investigated by someone outside the Council.
9. Where the allegation raises significant or unresolved legal issues on which a national ruling would be helpful.
10. Where the public might perceive the Council to have an interest in the outcome of a case. For example, if the Authority could be liable to be judicially reviewed if the complaint were upheld.
11. Where there are exceptional circumstances which could prevent the Authority or its Standards Committee investigating the complaint competently, fairly or in a reasonable period of time.