

**Appendix 2:** tracked changes excerpt from the Procedure for Allegations of Breaches of the Code of Conduct for Member Complaints  
(insertions underlined: deleted text ~~struck through~~)

### **5 Preliminary assessment**

5.1 Subject to paragraph 5.2, the Monitoring Officer will, in consultation with one of the Independent Persons, carry out a preliminary assessment in order to determine what action should be taken.

5.2 The Monitoring Officer reserves the right to refer the preliminary assessment to the Standards Panel in respect of any complaint.

5.3 The Monitoring Officer will seek to complete their preliminary assessment promptly and in any event within 28 days of receiving a valid complaint. This process may on occasion take longer if additional information is required from the complainant or subject member (or both) for a proper assessment to be made.

5.4 Pursuant to paragraph 5.3, the Monitoring Officer may – having regard to the views of the relevant Independent Person – undertake preliminary enquiries directly related to the complaint to help determine whether a formal investigation is required.

5.5 In the course of the preliminary assessment, the Monitoring Officer may decide **not** to progress the complaint, having first consulted with one of the Independent Persons and having applied the following two-part tests:

#### **a) can we investigate the complaint?**

- is the person being complained about currently a councillor?
- ~~Did the conduct occur within the last six months?~~
- Is the conduct that is the subject of the complaint something that is covered by the Code?

If, having applied a), the Monitoring Officer considers there to be a potential basis on which to progress the complaint, then they shall apply b):

#### **b) should we investigate the complaint?**

- Did the conduct occur within the last six months?
- Is the substance of the complaint of ongoing relevance to the public interest?
- Is there sufficient evidence to support the complaint?
- ~~Is the conduct something which it is possible to investigate?~~
- Is the complaint sufficiently serious to merit investigation?
- Would a formal investigation be proportionate and necessary in the public interest, bearing in mind all of the circumstances, including the nature of the complaint, the resource potentially involved and its impact on the public purse?

