

### PUBLIC INTEREST CONSIDERATIONS

The purpose of the Code of Conduct is to help councillors achieve the standard of conduct which meets public expectations. The aim is to support proper decision making and the proper use of public resources. Undertaking investigations that do not support these wider benefits is not in the public interest.

The resources should not be used to investigate matters which are trivial, or which have little or no impact on the public. Any decision to investigate an allegation or to hold a hearing will be a proportionate response to the issues raised when weighed against any likely sanction. It will take into account the wider public interest and the costs of undertaking an investigation.

Complaints will be investigated where the allegations have substance and are reasonably considered to be serious matters such as corruption, bullying and misuse of power in public office for example. Allegations are unlikely to be investigated where the matter complained about does not raise a significant matter of public interest.

There is no single definition of public interest which can cover a wide range of values relating to what is in the best interests of society. The public interest in local democracy is in there being widespread confidence and trust in the integrity of elected members and in good local decision making which makes the best use of public resources.

The public interest relates to something which has an impact on the public and is not merely a matter that the public find to be of interest or a matter that impacts on an individual (although an individual may be more directly impacted by the matter than the wider public). It is also not necessarily the same as the private interests of any person, though something which affects the private interests of a person may also impact on the wider public interest.

#### **1. Seriousness**

The more serious the alleged breach, the more likely it is that it will be investigated.

When deciding the level of seriousness of the allegation, relevant considerations are: the extent to which the councillor was responsible for or was to blame for the alleged breach; the circumstances of the complainant; and whether the alleged conduct caused harm to any person.

#### **a) To what extent was the councillor responsible for or to blame for the conduct complained of?**

Questions of responsibility or blame are likely to be determined by the councillor's level of involvement; the extent to which the alleged breach was premeditated and/or planned; whether they have previously been investigated for a similar matter, or have been sanctioned for a previous breach; whether the conduct complained of is ongoing, repeated or has escalated; the councillor's length of service; and level of experience/knowledge of the councillor in relation to the issue in question.

#### **b) What are the relevant circumstances of any person affected by the alleged breach and has the alleged breach caused harm to any person?**

In considering the seriousness of a breach, the circumstances of any person affected by the breach are relevant and must be taken into consideration.

Particular regard will be taken of whether the alleged breach was motivated by any form of discrimination against a person's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or the councillor showed hostility towards a person based on any of those characteristics. In deciding whether an investigation is

required in the public interest, the views expressed by the complainant, about the impact the alleged breach has had on them will be considered.

## **1. Proportionality**

Account must always be taken of the resource implications of any investigation and any adjudication, especially where it could be regarded as excessive when weighed against any likely sanction. No decision on the public interest will be taken based on resource alone, but it is a relevant consideration when making an overall assessment.

An investigation necessarily involves spending public money and for this reason the Monitoring Officer will ordinarily only recommend full investigation of alleged breaches of the Code that appear likely to be significant in their impact on public trust and confidence in elected members and local democracy. Allegations which appear more trivial, or vexatious or politically motivated are less likely to be referred for full investigation.

These considerations will help in identifying the public interest, but they are not exhaustive and not all are relevant in each case. In any event, consideration of the public interest is only one criterion that must be met in deciding whether to investigate a complaint or refer a matter for hearing: crucially the complaint must also be supported by evidence of a breach of the Code.