

INFORMATION FOR POTENTIAL COMPLAINANTS

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to Mark Lambert, Monitoring Officer, on Carlisle 817019 if you are not clear if the Assessment Sub-Committee can consider your complaint. The Assessment Sub-Committee of the Standards Committee will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the Assessment Sub-committee.
- The Code of Conduct came into effect on 5 May 2002, although some authorities adopted the Code of Conduct earlier. If your complaint concerns matters that occurred before 5 May 2002 you should contact either of the Officers mentioned above before making your complaint to check whether it is within the jurisdiction of the Assessment Sub-Committee to consider.
- Your complaint must be about one or more named members of the following authorities :

Carlisle City Council

Parish Councils -

Arthuret Parish Council
Beaumont Parish Council
Bewcastle Parish Council
Brampton Parish Council
Burgh-by-Sands Parish Council
Burtholme Parish Council
Carlatton and Cumrew Parish Council
Castle Carrock Parish Council
Cummersdale Parish Council
Cumwhitton Parish Council
Dalston Parish Council
Farlam Parish Council
Hayton Parish Council
Hethersgill Parish Council
Irthington Parish Council
Kingmoor Parish Council
Kingwater Parish Council
Kirkandrews Parish Council
Kirklington Middle Parish Council
Midgeholme Parish Council

Nether Denton Parish Council
Nicholforest Parish Council
Orton Parish Council
Rockcliffe Parish Council
Scaleby Parish Council
Solport and Stapleton Parish Council
St. Cuthbert Without Parish Council
Stanwix Rural Parish Council
Upper Denton Parish Council
Walton Parish Council
Waterhead Parish Council
Westlinton Parish Council
Wetheral Parish Council

- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at www.standardsboard.gov.uk. You may also contact the Officers named above if you require further information.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the standards committee.
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact Mark Lambert, Monitoring Officer, on Carlisle 817019 for assistance.

It is important to note that not every complaint that falls within the jurisdiction of the standards committee will be referred for investigation or other action. The Assessment Sub-Committee of the Standards Committee must decide whether this is appropriate. It will make this decision using referral criteria which can be obtained from the Monitoring Officer or accessed on the Council's website www.carlisle.gov.uk. If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

What happens once you submit your complaint?

When you submit your complaint we will write to let you know we have received it.

The Assessment Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we receive your complaint. Meetings of the Assessment Sub-Committee are 'closed', which means that you will not be able to attend. It is therefore very important that

you set your complaint out clearly and provide at the outset all the information you wish the Assessment Sub-Committee to consider.

The criteria that will be used to assess your complaint and decide whether it should be investigated can be accessed at www.carlisle.gov.uk.

When the Assessment Sub-Committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time we write to you, we will also write to the member(s) you have complained about [and the parish or town clerk (if applicable)]. We will send these letters within five working days of the Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

What is meant by ‘other action’?

The Assessment Sub-Committee may decide to refer your complaint for ‘other action’ instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the assessment sub-committee decides to refer your complaint for other action we will explain what this involves.

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. Unless the authority advises you otherwise, you will not be able to attend the meeting of the Assessment Sub-Committee.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the member(s) complained about has breached the Code of Conduct.

Sanctions available to Standards Committees

Extract from 2008 Regulations - Findings of Standards Committees

19.—(1) Following a hearing held under regulation 18, a standards committee shall make one of the following findings—

- (a) that the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned;
- (b) that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing; or
- (c) that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned and that a sanction under paragraph (2) or (3) should be imposed.

(2) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is no longer a member of any authority in respect of which it exercises any function under Part 3 of the Act, it shall censure that person.

(3) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is a member of an authority in respect of which it exercises any functions under Part 3 of the Act, it shall impose any one of, or any combination of, the following sanctions—

- (a) censure of that member;
- (b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions—
 - (i) are reasonable and proportionate to the nature of the breach; and
 - (ii) do not unduly restrict the person's ability to perform the functions of a member;
- (c) partial suspension(a) of that member for a period not exceeding six months;
- (d) suspension of that member for a period not exceeding six months;
- (e) that the member submits a written apology in a form specified by the standards committee;
- (f) that the member undertakes such training as the standards committee specifies;
- (g) that the member participate in such conciliation as the standards committee specifies;
- (h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;

- (i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
 - (j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
 - (k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.
- (4) Subject to paragraph (5) and regulation 21 any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.
- (5) A standards committee may direct that the sanction imposed under any of subparagraphs (b) to (k) of paragraph (3) or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.

Sanctions available to Adjudication Panel for England

Pursuant to section 79(4) of the Local Government Act 2000, as amended, a person found to have breached the Code of Conduct for Members may be:-

- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
- (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for a period of up to 5 years.