

APPENDIX 1

CARLISLE CITY COUNCIL STANDARDS COMMITTEE – ASSESSMENT CRITERIA

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

A1 Where the complaint is about someone who is no longer a member of the city council or a parish council.

A2 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.

A3 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 considers that a request for review contains new information and should be considered by an Assessment Sub-Committee rather than the Review Sub-Committee).

A4 Where the complaint is about something that happened so long ago that there would be little benefit in taking action now.

A5 Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

A6 Where the allegation discloses a potential breach of the Code of Conduct, but the Committee considers that the complaint is too trivial to merit further action.

A7 Where the complaint appears to be malicious, politically motivated or tit-for-tat.

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

B1 Where the allegation discloses a potential breach of the Code of Conduct that the Committee considers sufficiently serious to justify the cost of an investigation.

C. 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 Sub-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. The Sub-Committee will consult its Monitoring Officer before reaching a decision to take this approach. If this approach is taken, the purpose of the action is NOT to find out whether the subject member breached the Code, and no conclusion will have been reached on whether the subject member failed to comply with the Code.

C1 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.

C2 Where it is apparent that the subject of the allegation has admitted making an error and the matter would not warrant a more serious sanction.

C3 Where it appears that even if the allegation were fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy.

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

D1 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 of the Council or a Group Leader, or a member of the Cabinet or Standards Committee.

D2 Where the Assessment Sub-Committee believes that the status of the complainant(s) would make it difficult for the Standards Committee to deal with the complaint. For example if the complainant is a group leader, member of cabinet or the Standards Committee, or the Chief Executive or a statutory officer.

D3 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.

D4 Where the Assessment Sub-Committee believes that 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.

D5 Where the case is so serious or complex that it cannot be handled locally.

D6 Where the complaint will require substantial amounts of evidence beyond that available from the authority's documents, its members or officers.

D7 Where the complaint relates to long-term or systematic member/officer bullying which could be more effectively investigated by someone outside the Council.

D8 Where the allegation raises significant or unresolved legal issues on which a national ruling would be helpful.

D9 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.

D10 Where there is substantial governance dysfunction in the authority or its Standards Committee.

D11 Where there are exceptional circumstances which would prevent the Standards Committee investigating the complaint competently, fairly and in a reasonable time, or where it would be unreasonable for local provision to be made for an investigation.