

DECISION NOTICE: REFERRAL FOR OTHER ACTION

Reference: Case No. 40

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, all parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 10th February 2011, the Referrals (Assessment) Sub-Committee of this authority comprising of Messrs M Lynch and J B Alexander and Councillor A Hansard considered a complaint from Councillor M F Shellens concerning the alleged conduct of Councillor J J Dutton, a Member of Huntingdonshire District Council. We have set out a general summary of the complaint below:

The complaint alleged that Councillor Dutton had breached paragraphs 3 (1) and 5 of the District Council's Code of Conduct which states that -

- 3 (1) you must treat others with respect; and
- 5 you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

The complaint related to a meeting of the District Council's Development Management Panel on 17th January 2011. Councillor M F Shellens had registered to address the Panel as Ward Councillor for an application under consideration. Councillor Dutton pointed out that the development site was located in Huntingdon West Ward and not Huntingdon East, the Ward represented by Councillor Shellens and that he should not therefore be speaking as Ward Councillor. Although this assertion was accepted, Councillor Dutton accused Councillor Shellens of being a "liar" at a public meeting.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided not to refer the allegation for investigation but to refer the matter to the Monitoring Officer for other action.

Reasons for Decision

The Sub-Committee was of the view that Councillor Dutton had used inappropriate language to describe the complainant at a meeting of the Development Management Panel on 17th January 2011 at which members of the public were present. As the language used could amount to unacceptable and discourteous behaviour towards a colleague Member, the Sub-Committee was of the view that Councillor Dutton had failed to treat Councillor Shellens with respect and had not conducted himself in a manner expected of his office as District Councillor.

However, the Sub-Committee was made aware that Councillor Dutton had offered to apologise in writing to Councillor Shellens. In acknowledging this offer, the Sub-Committee requested that the form and wording of the apology be agreed in advance with the District Council's Monitoring Officer and that the Development Management Panel be advised of Councillor Dutton's apology to enable its receipt to be formally recorded in the Minutes.

This Decision Notice is sent to the person making the allegation and to the Member against whom the allegations was made.

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The Regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: *Michael Lynch* Date: *19/2/11*
Mr M Lynch
Chairman of Sub-Committee