

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 38 (i)

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, 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 21st December 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Mr M Lynch (Chairman), Councillor A Hansard and Mr G Watkins considered a complaint from Councillor M Cusack concerning the conduct of Councillor Mrs P Taylor of Ramsey Town Council.

The complaint alleged that Councillor Mrs Taylor had breached paragraphs 5 and 6 (a) of the Town Council's Code of Conduct which states that –

- "5. you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute; and
- 6 (a) you must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage".

The complainant alleged that Councillor Mrs Taylor had brought her office as Mayor of the Town Council into disrepute by failing to rescind a decision taken by the Council at a meeting held on 9th September 2010 in respect of the proposed site for a BMX cycle track on King George V Playing Field in Ramsey. It was also suggested that Councillor Mrs Taylor had used her position as a Member improperly to secure an advantage for Councillor McFadyen by allowing him to participate in the debate and vote on the item knowing he had an interest in the business under discussion.

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 that no further action should be taken on the allegation.

Reasons for Decision

In reaching their conclusion, the Sub-Committee had regard to Section 15 of the Standing Orders of Ramsey Town Council which prescribes a procedure for the rescission of a previous resolution by the Council. It was the Sub-Committee's view that it was the role of the Town Clerk to advise the Council of the availability of this procedure which could have been invoked to rescind the previous resolution given also that this would only have involved

a written notice bearing the names of two Members of the Council. In terms of the allegation that Councillor Mrs Taylor, as Mayor allowed Councillor McFadyen to continue to participate in decision making on the location of the BMX cycle track, the Sub-Committee were mindful of the guidance of 'Standards For England' which states that, ultimately, it is the responsibility of an individual Councillor to take advice, where appropriate, to enable him/her to make a decision as to the most suitable course of action in terms of the declaration of personal and prejudicial interests. Accordingly it was considered that Councillor Mrs Taylor had no case to answer.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation was made and the Town Clerk, Ramsey Town Council.

Right of Review

At the written request of the complainant, the authority can review and change a decision not to refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision will undertake the review.

We must receive the complainant's written request within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will deal with it within a maximum of three months of receipt.

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:  **Date:** 23RD DECEMBER 2010

Mr M Lynch
Chairman of Sub-Committee