

DECISION NOTICE: REFERRAL FOR OTHER ACTION

Reference: Case No. 38 (ii)

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 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 alleged conduct of Councillor R McFadyen, a Member of Ramsey Town Council.

The complaint alleged that Councillor McFadyen had breached paragraphs 9,10,and and 12 of the Town Council's Code of Conduct which states that –

- "9. where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent;
10. where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest; you also have a prejudicial interest if that business affects your financial position or the financial position of a person or body connected to you through a personal interest or relates to the determination of any approval, consent, license, permission or registration in relation to you or any person or body (connected to you through a personal interest); and
12. where you have prejudicial interest in any business of your authority you must withdraw from the room or chamber where a meeting considering the business is being held."

The complaint alleged that Councillor McFadyen had failed to declare a personal and prejudicial interest by virtue of his appointment as Secretary to the organisation "Back on Track" and continued to participate in debate and the vote on an item relating to the proposed siting of a BMX cycle track at King George V Playing Fields, Ramsey; an item which was considered by Ramsey Town Council on 9th September 2010.

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, as Secretary to the organisation "Back on Track", Councillor McFadyen had held a personal and potentially a prejudicial interest in terms of the business considered by Ramsey Town Council on 9th September 2010 relating to the proposed location of the BMX cycle track on King George V Playing Fields, Ramsey. That Councillor McFaden failed to declare his interest when the business under consideration was being discussed was clearly a breach of the Town Council's Code of Conduct.

Whilst the Sub-Committee did not condone the Councillor's conduct there was evidence to suggest that he would benefit from training on the Code of Conduct. The Monitoring Officer was requested to make arrangements accordingly. It was further recommended that the Members of Ramsey Town Council and the Town Clerk also be invited to the training session to be arranged for this purpose.

It was also apparent that Councillor McFadyen had overlooked the necessity to declare his position as Secretary to "Back on Track" on his declaration of financial and other interests and the Sub-Committee asked that this matter also be drawn to the Councillor's attention for action.

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

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