

DECISION NOTICE: REFERRAL FOR OTHER ACTION

Reference: Case No. 39

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 Mrs L Johnson concerning the alleged conduct of Councillor N Gowler, a Member of Upwood and the Raveleys Parish Council.

The complaint alleged that Councillor Gowler had breached paragraphs 3 (1) and 5 of the Parish Council's Code of Conduct which state -

"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 alleged that Councillor Gowler had failed to treat the complainant and her husband with respect by addressing them both in a 'rude and confrontational tone' at the allotments in Upwood regarding their use of the allotment tap. By his actions, it also was alleged that Councillor Gowler had conducted himself in a manner which brought his office as Member of the Parish Council into disrepute.

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

In reaching their conclusion, the Sub-Committee was reminded that the Code of Conduct is applicable whenever an individual acts in his/her official capacity as a Councillor, whenever he/she conducts the business of the authority of which he/she is a Member, or acts, claims to give the impression that they are acting in an official capacity or as a representative of the Parish Council. On the basis of the evidence received and having regard to the content of extracts from Parish Council Minutes dated 4th November 1975, 20th January and 23rd March 1976 and 24th March 1977 which suggested that Councillor Gowler may have been factually incorrect when advising the complainant regarding use of the tap, the Sub-

Committee formed the view that he was acting or purporting to act as a Councillor in his exchange with the complainant and that, if correct, the allegations would constitute a failure to treat Mrs Johnson with respect. Whilst there was no evidence to suggest that Councillor Gowler's conduct was intentional, in the Sub Committee's opinion, the alleged incident would not have been serious enough to amount to bringing his office into disrepute. However, given the standard of behaviour expected of an elected representative, the Sub-Committee requested Councillor Gowler to apologise to Mrs Johnson in writing with the form and wording of the apology to be agreed in advance with the District Council's Monitoring Officer. Should the apology not be forthcoming, the Sub-Committee would wish to determine whether to pursue the allegation through to an investigation.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegations were made and to the Parish Clerk of Upwood and the Raveleys Parish 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