

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 35

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 22nd October 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and J Alexander and Councillor G S E Thorpe considered a complaint from Councillor S M van de Kerkhove concerning the conduct of Councillor K J Churchill, a Member of Huntingdonshire District Council.

The complaint alleged that Councillor K Churchill had breached paragraphs 3 (2) (b), 6 (a) and 6 (a) (i) and (ii) of the District Council's Code of Conduct which states that –

- 3 (2) (b) You must not bully any person;
- 6 (a) You must not use or attempt to use your position improperly to confer or secure for yourself or any other person an advantage or disadvantage; and
- 6 (a) (i) and (ii) You must, when using or authorising the use by others of the resources of your authority act in accordance with your authority's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes).

The case related to an earlier complaint submitted by Councillor Churchill which alleged that the action taken by Councillor Churchill under the procedure for considering breaches of the Code of Conduct amounted to 'bullying, intimidating and malicious' behaviour, that Councillor Churchill had used his position as an Executive Councillor and Member of the Cabinet to pursue enquiries to the disadvantage of the complainant and in so doing had used the authority's resources improperly for political purposes.

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 allegations.

Reasons for Decision

In reaching their conclusion, the Sub-Committee was of the view that Councillor Churchill was legally entitled to pursue, what he might have considered to be a potential breach of the Code of Conduct, in accordance with the process established for that purpose. Such action could not be considered to constitute either misuse of the Council's resources or bullying or intimidation. Indeed, no evidence had been submitted to substantiate the allegation that the procedure had been invoked for reasons other than those for which it had been established. In terms of the suggestion that Councillor Churchill had used his position of Executive Councillor improperly to the disadvantage of the complainant, the Sub-Committee considered that the questions asked of District Council Officers about arrangements for the event at St Neots Riverside Park on 1st August 2010 were legitimate and indicated a concern for the health and safety of those in attendance.

In general, the Sub-Committee also was mindful that the original complaint submitted by Councillor Churchill, whilst not pursued, had given rise to concerns being expressed regarding the apparent failure to follow Council procedures for organising a public event on its land.

This Decision Notice is sent to the person making the allegation.

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:

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Mr M Lynch
Chairman of Sub-Committee

Date:

8/11/10