

## DECISION NOTICE: NO FURTHER ACTION

### Reference: Case No. 36

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 Mr S Clarke concerning the conduct of Councillor J Precious

The complaint alleged that Councillor J Precious of Holywell cum Needingworth Parish Council had breached paragraphs 3 (1) and 5 of the Parish Council's Code of Conduct which states that –

- 3 (1) you must treat others with respect; and
- 5 you must not bring your office or authority into disrepute while acting in your official capacity as a Member.

It was alleged that Councillor Precious had failed to treat the complainant with respect at a meeting of Holywell cum Needingworth Parish Council held on 7<sup>th</sup> September 2010 when he suggested in remarks addressed directly towards Mr Clarke that "he had had enough of me" thus also bringing his office as Councillor and 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 that no further action should be taken on the allegation.

### Reasons for Decision

In reaching their conclusion and whilst not condoning Councillor Precious' behaviour, the Sub-Committee noted that Mr Clarke had already been given an opportunity to speak on the matter in the public forum and exceptionally had been allowed a further opportunity to speak during the main meeting itself. However, the Sub-Committee did consider that the language allegedly used by Councillor Precious was inappropriate, that he should exercise greater care in the future when addressing the public in his capacity as Parish Councillor and that it should be the role of the Chairman and not an individual Councillor to control the meeting, to close a debate and direct public speakers, should it be necessary to do so in accordance with the Parish Council's Standing Orders. On balance, the Sub-Committee considered that it would not be expedient or prudent use of resources to request the Monitoring Officer to further pursue the complaint.

This Decision Notice is sent to the person making the allegation, to the Member against whom the allegation was made and to the Clerk to Holywell Cum Needingworth Parish 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:** ..... *M. Lynch* ..... **Date:** ..... *8/11/60* .....  
Mr M Lynch  
Chairman of Sub-Committee