

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 37

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 Mr J Alexander and Councillor G S E Thorpe considered a complaint from Mr C M Saunderson concerning the conduct of Councillor Mrs G Dartford of Fenstanton Parish Council.

The complaint alleged that Councillor Mrs G Dartford had breached paragraphs 3 (1), 3 (2) (b) and 6 (a) of the Parish Council's Code of Conduct which states that –

- 3 (1) you must treat others with respect;
- 3 (2) (b) you must not bully any person; 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 other person, an advantage or disadvantage.

The complaint alleged that Councillor Mrs Dartford had, through communication with the complainant at a meeting of Fenstanton Parish Council and through Spectrum, the parish magazine failed to treat Mr Saunderson with respect, had engaged in bullying behaviour towards the complainant and used her position as a Member improperly to secure an advantage for herself. The matters concerned Mr Saunderson's involvement in a local speedwatch team.

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 terms of the documents presented, the Sub-Committee was of the view that Councillor Mrs Dartford appeared only to question the degree of Mr Saunderson's involvement in speedwatch, that there did not appear to be any suggestion in the article published in the parish magazine 'Spectrum' that the report had been prompted by Councillor Mrs Dartford and that the Minutes were the responsibility of the Parish Clerk and not an individual Councillor and should have been challenged at the subsequent meeting of the Council if considered to be incorrect. The Sub-Committee also noted that the review of the incident by

the Police appeared to suggest that Mr Saunderson had taken steps which were 'ill advised' and had emphasised the need for a 'professional' and 'neutral' stance from volunteers. Overall, the Sub-Committee considered that there was insufficient evidence to substantiate the allegation that Councillor Mrs Dartford had breached the Code of Conduct by failing to treat the complainant with respect, by bullying Mr Saunderson or by using her position on a parish councillor to secure an advantage for herself.

This Decision Notice is sent to the person making the allegation, the member against whom the allegation was made and the Clerk to Fenstanton 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: *8/11/10*

Mr M Lynch
Chairman of Sub-Committee