

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 34

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 10th September 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Mr P Boothman (Chairman), Councillor Mrs B E Boddington and Mr G Watkins considered a complaint from Councillor K Churchill concerning the alleged conduct of Councillor S Van De Kerkhove of Huntingdonshire District Council.

The complaint alleged that Councillor Van De Kerkhove had breached paragraphs 5 and 6 (b) of the District Council's Code of Conduct which states that –

- "5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute; and
6. (b) You must when using or authorising the use by others of the resources of your authority –
- (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes)".

It was alleged that Councillor Van De Kerkhove had by his actions in not completing the required events application form, and by not undertaking a risk assessment for a proposed event at St Neots Riverside Park on 1st August 2010, conducted himself in a manner which could be regarded as bringing his office and authority into disrepute. Given these omissions, it was further suggested that Councillor Van De Kerkhove had failed to comply with the Council's reasonable requirements when using the resources of the authority and that these resources were used improperly for political purposes. The complainant also suggested that the Councillor had used the District Council's logo inappropriately on placards, banners and the website: www.savestneots.org.uk

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 noted that the Code of Conduct only applies whenever an individual acts in his/her official capacity as a Councillor, including whenever he/she conducts the business of the authority of which he/she is a Member, or acts, claims to act or gives the impression that they are acting in an official capacity or as a representative of the District Council. With this in mind and whilst expressing some concern, the Sub Committee considered that insufficient definitive evidence had been presented which proved, on balance, that Councillor Van De Kerkhove was acting in his official capacity as a District Councillor when participating in the organisation of and attending the march and rally in St Neots Riverside Park on 1st August 2010 (as opposed to a private or general political capacity).

Members were, however, disappointed at the behavior displayed by Councillor Van De Kerkhove in appearing to disregard the Council's procedures for the organisation of a public event. The Sub-Committee also considered that Councillor Van De Kerkhove had acted unwisely in his communications with District Council officers and could have placed them in an invidious position, by refusing to submit the event application and follow the Council's requirements, should serious difficulties have arisen during the march and rally event.

In terms of the inappropriate use of the District Council's logo, the Sub-Committee concluded that the website from which the images used on the posters and placards had been drawn, was established by another individual so responsibility in this respect could not be attributed to Councillor Van De Kerkhove.

Lastly, it had become apparent during the course of the Sub-Committee's deliberations that Councillor Van De Kerkhove had overlooked the necessity to declare his membership of St Neots Town Council and the Liberal Democrat Association on his declaration of financial and other interests and that he may not have declared any expenses he may have received in assisting his election to the office of District Councillor. The Sub-Committee requested that these matters also be drawn to the Councillor's attention for action as necessary.

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:  **Date:** 16.9.2010
Mr P Boothman
Chairman of Sub-Committee

