

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 33

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 28th July 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Mr M Lynch (Chairman), Councillor A Hansard and Mr J B Alexander considered a complaint concerning the conduct of Councillor N Mair of Bluntisham Parish Council.

The complaint alleged that Councillor N Mair had breached paragraphs 3 (1), 3 (2), 3 (2) (b) and (c) and 6 (a) of the Parish Council's Code of Conduct which state that –

- "3 (1) - You must treat others with respect;
- 3 (2) - You must not do anything which may cause your Authority to breach any equality laws;
- 3 (2) (b) and (c) - You must not bully any person including other Councillors, Council Officers or members of the public;
- 6 (a) - You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else."

It was alleged that Councillor Mair had failed to treat the complainant and her late disabled husband with respect by parking his car in a bay reserved for disabled people in the car park adjacent to the sports/football field in Bluntisham. It also was suggested that by his actions, Councillor Mair had caused his Parish Council to breach the equality laws, that he had bullied the complainant and used his position as a Parish Councillor to his own advantage.

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 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 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 Parish Council. The Sub-Committee also observed from information contained within his

Registration of Financial or Other Interests that Councillor Mair had an association with a local theatre group and that his actions in unloading pieces of scenery from his car for the purposes of a performance were, in all probability, connected with his involvement with that group and not his position as a Parish Councillor.

Whilst sympathetic to the complainant in terms of the alleged misuse of parking spaces reserved for the disabled, the Sub-Committee concluded that there was no evidence to suggest that Councillor Mair was acting or purporting to act as a Councillor when parking inappropriately in the disabled bay and therefore given the requirement of the Code of Conduct in this respect, that he had no case to answer.

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:** 2/8/10

Mr M Lynch
Chairman of Sub-Committee