

## DECISION NOTICE: NO FURTHER ACTION

### Reference: Case No. 31

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 24th June 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor A Hansard considered a complaint from Councillor N Gowler concerning the conduct of Councillor D Paine, a Member of Upwood and The Raveleys Parish Council.

The complaint alleged that Councillor D Paine had breached paragraphs 5 and 6 (a) of the Parish 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;
- 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 Paine had, in his position as Chairman of Upwood and The Raveleys Parish Council appeared to influence favourably the acceptance of a tender for works procured by the Parish Council without there being a record that a proper tendering process had been completed.

### 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 had regard to Item No. 4 of the Minutes of the Parish Council meeting held on 7th September 2009 which clearly stated that the decision to accept a quotation from Mr L Gray for works to the cemetery entrance was one taken by the Parish Council as a whole not an individual Councillor.

Whilst the Sub-Committee does not have the jurisdiction to consider complaints against the quality of decision making by a Parish Council, Members expressed concern at the perceived procurement procedures practised by the Parish Council in this instance. The Sub-Committee further questioned whether the Parish Council had adopted Standing Orders or Financial Regulations which would assist them in regulating contracts for the supply of goods

or materials or for the execution of works, for securing competition and for regulating the way in which tenders are invited/accepted. Should these not be available to the Parish Council, the Sub-Committee recommended that such regulations be adopted in future given that they could be drafted in such a way to exempt small contracts from such rules or permit exemptions to avoid them being overly onerous. There may be examples which could be obtained from NALC or CPALC which might assist the Parish Council in this respect.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation was made and the Clerk to Upwood and The Raveleys Parish Council.

**Right of Review**

At the written request of the complainant, the authority can review and change a decision not 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:** ..... 5/7/10 .....  
Mr M Lynch  
Chairman of Sub-Committee