

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 30

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 29th April 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 Mrs M Clarke concerning the conduct of Councillor B Luter, a Member of St Ives Town Council.

The complaint alleged that Councillor B Luter had breached paragraphs 3(2)(b) and 5 of the Town Council's Code of Conduct which states that –

“3(2)(b) you must not bully any person;

5 you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”.

It was alleged that Councillor Luter had, in his position as Mayor of St Ives, exerted undue pressure and influence, tantamount to bullying, on Councillor Mrs M Clarke which resulted in her withdrawal from a Panel appointed to interview candidates for a vacancy on the Town Council establishment. It also was alleged that this conduct constituted behaviour which could reasonably have been regarded as bringing his office or authority 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 allegations.

Reasons for Decision

In reaching their conclusion, the Sub-Committee considered that Councillor Luter's actions in challenging Councillor Mrs Clarke to consider whether she should participate on the Interview Panel were legitimate and did not amount to bullying. Furthermore, it was their view that Councillor Luter had displayed concern for his colleague Councillor and tried only to be protective of her reputation and that of the Town Council. For these reasons the Sub-Committee considered that no action was necessary.

However, the Sub-Committee considered it would have been helpful if that the advice received from the Monitoring Officer in an e-mail sent to the Town Clerk on 25th January 2010 had been shared with Councillor Luter. It was suggested that if this advice had been made available to Councillor Luter, as Mayor, he would not have considered it necessary to

contact Councillor Mrs Clarke separately in respect of the matter and the circumstances which gave rise to the complaint might not have occurred.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation was made and the Clerk to St Ives Town 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 relates 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:** 29/5/10

Mr M Lynch
Chairman of Sub-Committee