

## **DECISION NOTICE: NO FURTHER ACTION**

### **Reference: Case No. 28**

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 31st March 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 J D Ablewhite concerning the conduct of Councillor B Luter, a Member of St Ives Town Council.

The complaint alleged that Councillor B Luter had breached paragraph 5 of the Town 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".

The complaint alleged that Councillor Luter had brought his office as Mayor into disrepute by disregarding the Town Council's Standing Orders and by failing to discuss, without apparent reason, Item No. C238.4 of the Agenda of St Ives Town Council held on 10th February 2010.

### **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 action should be taken in respect of the allegation.

### **Reasons for Decision**

In reaching their conclusion the Sub-Committee concurred with the complainant that whilst action taken by the Mayor at the meeting of the Town Council on 10th February 2010 may have been inappropriate, it was their expectation that the Town Clerk should have interceded at the appropriate point in the meeting to advise the Council how to conduct their business in this respect in accordance with the Town Council's Standing Orders.

It also appeared from the Minutes that the Town Council as a body and not simply Councillor Luter as an individual, at the very least, had tacitly accepted that the report on the loan sanction would be deferred to their next meeting. Given that the circumstances of the complaint had arisen as a result of a failure of the administrative process and not solely due to the action of the Councillor concerned, the Sub-Committee concluded that no action should be taken in respect of the allegation.

However, the Sub-Committee has expressed the view that the e-mail dated 10th February 2010 which was sent by Councillor Luter to notify all Members of the Town Council of the

withdrawal of Item C238.4 should, more properly, have been sent by the Town Clerk and it would be their expectation that changes of this nature to Council business should be managed by the Town Clerk and not Council Members.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation was made and the Clerk to the appropriate Town or 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:** .....  ..... **Date:** ..... 20/4/10 .....

Mr M Lynch  
Chairman of Sub-Committee