

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 29 (i)

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 and 20th 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 Mrs J Rickman concerning the conduct of Councillor D C Youles, a Member of Yaxley Parish Council.

The complaint alleged that Councillor D C Youles had breached paragraph 4 (b) of the Parish Council's Code of Conduct which states that –

“4 (b) You must not prevent another person from gaining access to information to which that person is entitled to by law.”

The complaint alleged that Councillor Youles had proposed without reasonable justification that the press and public be excluded from meetings of the Parish Council during discussion on matters connected with Queens Park, Yaxley. It was also suggested that Councillor D C Youles (and the Council) had held meetings with a planning consultant over the same matter to which access for the public had been denied.

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 on the allegation.

Reasons for Decision

In reaching their conclusion the Sub-Committee were mindful of several factors.

It is the role of the Clerk to administer Council business and to publish Agenda for meetings of the Parish Council. It is the duty of the Clerk and not Councillors to specify the business, which it is proposed that the Parish Council should transact and to advise Members should the inclusion of an item on an Agenda be inappropriate or require the exclusion by resolution of the public by reason of the confidential nature of the business to be transacted. As such, it would have been the decision of the Council as a body and not Councillor Youles, as an individual, to exclude the public from the meeting(s) when business concerning Queens Park was discussed. It was for this reasons that the Sub-Committee concluded that no action should be taken in respect of the allegation.

To assist in their assessment of the complaint, the Sub-Committee received copies of Minutes of various meetings of Yaxley Parish Council and its Committees. The Sub-Committee was of the view that the Minutes published by the Parish Council were insufficiently detailed and did not present an adequate record of the acts and decisions of the Council. It also would have been the Sub-Committee's expectation that the Minutes should contain a summary of those items considered in private session which provided a record of their proceedings without disclosing any confidential information.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation was made and the Clerk to Yaxley 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:** 29/4/10

Mr M Lynch
Chairman of Sub-Committee

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 29 (ii) (a)

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, all 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 and 20th 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 Mrs J Rickman concerning the alleged conduct of Councillor C Thorne a member of Yaxley Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor C Thorne had breached paragraphs 8, 9, 10 and 12 of the Parish Council's Code of Conduct which in summary state that –

- 8 (i) You have a personal interest in any business of your authority where either it relates to or is likely to affect –
 - (b) the well being or financial position of a member of your family or any person with whom you have a close association to a greater extent than the majority of other inhabitants of the parish.
- 9 (i) Where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- 10 (1) Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
 - (2) (a) You do not have a prejudicial interest in any business of the authority where that business does not affect your financial position or the financial position of a person or body described in paragraph 8.
- 12. Where you have a prejudicial interest in any business of your authority –
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held.

As Chairman of the Parish Council's Finance and General Purposes Committee, it was alleged that Councillor Thorne was present at meetings during which business relating to staff matters was discussed. It was suggested that Councillor Thorne's son is employed by

the Parish Council and that in these circumstances he should have declared a personal and prejudicial interest in the matters under consideration and left the room where the meeting was held. In failing to make the necessary declaration and to leave the room it has also been alleged that Councillor Thorne voted on matters upon which he had a personal and prejudicial interest, that he intimidated and bullied his colleague Members to such a degree that it discouraged them from reporting these omissions and affected their ability to exercise free decision making.

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 to refer the matter to the Monitoring Officer for investigation.

Potential Breaches of the Code of Conduct Identified

The Sub-Committee has identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. The Investigator will determine which paragraphs are relevant during the course of the investigation.

- Failing to declare a personal or prejudicial interest.

This Decision Notice is sent to the person or person(s) making the allegation, the Member against whom the allegation is made and to the Clerk of Yaxley Parish Council.

What happens now?

The Monitoring Officer will appoint an Investigating Officer to investigate the allegation of misconduct. Investigations are undertaken and a report completed within six months of the original complaint being assessed by the Referrals (Assessment) Sub-Committee.

Further information on the investigation process is available on the website of the Standards Board for England at www.Standardsboard.gov.uk

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 local 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: 29/4/10

Mr M Lynch
Chairman of Sub-Committee

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 29 (ii) (b)

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 and 20th 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 Mrs J Rickman concerning the conduct of Cllr C Thorne, a Member of Yaxley Parish Council.

The complaint alleged that Cllr C Thorne had breached paragraphs 3 (2) (b) and 3 (2) (c) of the Parish Council's Code of Conduct which states that –

“3 (2) You must not –

(b) bully any person;

3 (2) (c) You must not intimidate or attempt to intimidate any person who is or is likely to be –

(i) a complainant;

(ii) a witness; or

(iii) involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's Code of Conduct.

It was alleged that Councillor Thorne in his position as Chairman of the Parish Council's Finance and General Purposes Committee had intimidated and bullied his colleague Councillors sufficiently to discourage them from reporting his failure to declare a personal and prejudicial interest in matters discussed at the meeting and that this alleged behaviour had affected their ability to exercise free decision making.

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 on the allegations.

Reasons for Decision

In reaching their conclusion the Sub-Committee were mindful in respect of paragraph 3 (2) (b) – that the assertion had been made by a person who had not been present at meetings

and that no specific evidence had been presented or incidents identified to substantiate the allegation of bullying.

In terms of paragraph 3 (2) (c) - this relates to the intimidation of a person involved in an investigation or hearing relating to the Code of Conduct. As neither the complainant nor Councillor Thorne were involved in an investigation on this matter at the time of the complaint, no action can be taken in respect of this allegation.

In making this decision, the Sub-Committee had cause to inspect the Minutes of meetings of the Parish Council and were of the view that they were insufficiently detailed and did not present an adequate record of the acts and decisions of the Council. It also would have been the Sub-Committee's expectation that the Minutes should have contained a summary of those items considered in private session which provided a record of their proceedings without disclosing any confidential information.

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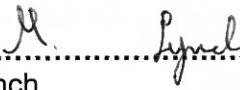
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Mr M Lynch
Chairman of Sub-Committee