

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

### **Reference: Case No. 27**

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 2nd March 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs. M Lynch (Chairman) and J Alexander and Councillor Mrs B E Boddington considered a complaint from Councillor G S E Thorpe concerning the conduct of Councillor B S Chapman, a Member of St Neots Town Council. We have set out a general summary of the complaint below:

the complaint alleged that Councillor B S Chapman had breached paragraph 3(1) of the District Council's Code of Conduct which states that –

“you must treat others with respect”.

The complainant alleged that Councillor Chapman had failed to treat the Responsible Finance Officer and Acting Town Clerk, Officers of St Neots Town Council with respect when he had accused them, at a meeting of the Audit Committee on 20th January 2010, of “adding fat to the budget and padding it”. Councillor Thorpe considered that this action had been compounded by the fact that the statement had been made at a meeting when members of the public had been present.

### **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 in respect of the allegation as no potential breach of the Code of Conduct was disclosed by the complaint.

### **Reasons for Decision**

In reaching their conclusion, the Sub-Committee considered that Councillor Chapman, as a Councillor and in particular, as Chairman of the Audit Committee had a right to challenge the information presented by Officers and to establish the facts underlying the business being considered by the Audit Committee. The Sub-Committee did not consider that Councillor Chapman's action or opinion represented personal anger at or abuse of the Responsible Officer or the Acting Town Clerk and noted that it was the view of 'Standards for England' that councillors should be entitled to an extremely high degree of protection, in terms of freedom of expression given the importance of political expression to the maintenance of a democratic society and that the threshold for a failure to treat another with respect has to be set at a level that allows for the passion and frustration that often accompanies political debate and the discussion of the efficient running of Council.

However, the Sub-Committee were of the view that Officers and Members should seek to establish a good working relationship for the benefit of the community they serve and as such it might have been good practice for Councillor Chapman to give the Town Council Officers advance notice (if he had not already done so) of the questions/issues he was going to raise at the Audit Committee meeting.

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:** ..... *M. Lynch* ..... **Date:** ..... *5/3/10* .....

Mr M Lynch  
Chairman of Sub-Committee