

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 25

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 12th January 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor A Hansard considered a complaint concerning the conduct of Councillor K J Churchill, a Member of Huntingdonshire District Council.

The complaint alleged that Councillor Churchill had breached paragraphs 3(1), 3(2) (b) and 5 of the District Council's Code of Conduct which states that –

- "3 (1) you must treat others with respect;
- 3(2)(b) you must not bully any person; and
- 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 Churchill had conducted himself inappropriately at meetings with residents of Haweswater, Stukeley Meadows held on 2nd September, 4th November and 9th December 2009 regarding the Stukeley Meadows Skatepark. Specifically, the complainant alleged that Councillor Churchill had used his position as Chairman to intimidate and subdue the complainant, was untruthful about who had called the meeting and disrespectful to him whilst addressing the meeting.

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 allegations as no potential breach of the Code of Conduct was disclosed by the complaint.

Reasons for Decision

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

The Sub-Committee considered that it was the role of a Chairman of a meeting to exercise authority and maintain order, to invite attendees to speak at an appropriate stage in the proceedings and to ensure debate remained focused on the business at hand. As such it appeared to the Sub-Committee that Councillor Churchill had exercised these duties as Chairman in a reasonable manner and that he had not behaved "inappropriately, attempted

to intimidate or subdue or showed a lack of respect to speakers.” In particular it was clear from the complainant’s own statement that his demands regarding the number of residents attending and when he read his statement had ultimately been acceded to by the Chairman

In addition from the evidence submitted the Sub-Committee perceived that the residents of Haweswater had requested a meeting to discuss the Stukeley Meadows Skatepark, that the Council had acceded to this request and subsequently convened the meetings referred to. Whilst there might have been some ambiguity in the terminology alleged to have been used by Councillor Churchill, the Sub-Committee was of the view that the role of both parties in arrangements for the meeting(s) was clear and that Councillor Churchill had not misrepresented the purpose of them for his own advantage or conducted himself in a manner which could be regarded as bringing his office or authority into disrepute.

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:  **Date:** 16/1/2010

Mr M Lynch
Chairman of Sub-Committee