

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 24

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 1st December 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Cllr Mrs B E Boddington considered a complaint concerning the conduct of Cllr Mrs J Bird, a Member of St Neots Town Council.

The complaint alleged that Cllr Mrs J Bird had breached paragraphs 9, 10(1), 10(2) and 12 of the District Council's Code of Conduct which states that –

- "9 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;
- 10(2) You have a prejudicial interest in any business of your authority where that business affects your financial position or the financial position of a person or body described in paragraph 8 (includes a member of your family or any person with whom you have a close association);
- 12 Where you have a prejudicial interest in any business of your authority - you must withdraw from the room or chamber where a meeting considering the business is being held".

The complaint alleged that Cllr Mrs Bird, having declared a prejudicial interest in a planning application being considered by the Planning Committee of St Neots Town Council, failed to withdraw from the Moot Hall where the meeting was being held.

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 were mindful of several factors –

It appeared from the evidence submitted that Cllr Mrs Bird had made an attempt to declare an interest but that it was her lack of understanding rather than a deliberative and flagrant act to disregard the Code which resulted in her not leaving the room despite having declared a prejudicial interest. In any event, the Sub-Committee considered that Cllr Mrs Bird might not have a prejudicial interest in the business being considered by the Town Council’s Planning Committee, she did not have a clear view from her home address of the property at No. 3 The Paddocks where the development was proposed and it was unlikely to affect her financially.

The Sub-Committee were of the view, however, that it would be helpful to Cllr Mrs Bird if she was to receive training from the Monitoring Officer particularly given its importance in terms of her role as Chairman of the Town Council’s Planning Committee.

It was also the Sub-Committee’s expectation that the Town Clerk (or Clerk to the Committee) has a role in advising Councillors who have declared a prejudicial interest that they must withdraw from the room or chamber where a meeting considering the business is being held.

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 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:** 3/12/09
Mr M Lynch
Chairman of Sub-Committee