

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 20 (ii)

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 3rd September and 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch and G Watkins and Councillor Mrs B E Boddington considered a complaint concerning the 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 Thorne had breached paragraph 3 (2) (b) of the Parish Council's Code of Conduct which states that –

“You must not bully any person”.

The complaint was submitted in response to the complainant's concerns over the alleged comments made by Councillor Thorne during a meeting of the District Council's Development Management Panel on 20th July 2009 at which an application submitted by Yaxley Parish Council had been determined.

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 breach of the Code of Conduct was disclosed.

Reasons for Decision

The Sub-Committee did not consider that the comments made by Councillor Thorne to the complainant constituted bullying behaviour having regard to advice contained within 'The Code of Conduct Guide For Members May 2007' published by the Standards Board For England.

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

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: **Date:**
Mr M Lynch
Chairman of Sub-Committee

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20\DECISION NOTICE - NO FURTHER ACTION .doc