

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 21

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 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor Mrs B E Boddington considered a complaint from Mr G Mold concerning the alleged conduct of Councillor D P Stafford, a Member of Yaxley Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor D P Stafford had breached paragraphs 9, 10(1), 10(2) and 12 of the Parish 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 was submitted in response to the complainant's concerns over the alleged failure of Councillor Stafford to declare a personal and prejudicial interest in a contract submitted by D P Stafford Landscaping which had been accepted for landscaping works by Yaxley Parish Council at a meeting held on 14th July 2009. Councillor Stafford also failed to leave the room where the meeting considering the business 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 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 (paragraphs 9, 10[1] and 10[2]); and
- ◆ having a prejudicial interest and failing to act appropriately (paragraph 12).

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.

From the evidence submitted, it appeared to the Sub-Committee that Councillor Stafford may have a personal and prejudicial interest which he failed to declare. In addition, the Minutes of the meeting of Yaxley Parish Council held on 14th July 2009 had not recorded any declaration of interests from Councillor Stafford nor that he had left the room or chamber during the award of a contract to D P Stafford Landscaping; a business which it was believed was operated by Councillor Stafford's son. In these circumstances, the Sub-Committee considered that the complaint should be referred to the Monitoring Officer for investigation.

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:**

Mr M Lynch
Chairman of Sub-Committee