

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

### **Reference: Case No. 22**

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 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 S J Wright concerning the alleged conduct of Councillor R J Hodge, a Member of Earith Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor R J Hodge had breached paragraph 3 (1) of the Parish Council's Code of Conduct which states that –

“You must treat others with respect.”

The complaint arose at a meeting of Earith Parish Council held on 2nd July 2009 during which the complainant addressed the Council as a member of the public under Item No. 4 – Open Forum. It was alleged that Councillor Hodge had been disrespectful to Mr Wright and used offensive language – “what a load of crap” in commenting on his presentation to the Open Forum.

### **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**

In reaching their conclusion, the Sub-Committee was of the view that whilst they would not condone the language used by Councillor Wright and would have expected a higher standard of behaviour from an elected representative, the language used was not directed towards Mr Wright as an individual, but was a strong expression of disagreement with a statement of opinion expressed as part of the democratic process, within which it is essential to maintain a freedom to disagree with the views and opinions of others.

This Decision Notice is sent to the person or person making the allegation, the Member against whom the allegations were made and to the Clerk of Earith 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