

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 23

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 Mr M Lynch (Chairman), Mr G Watkins and Councillor Mrs B E Boddington considered a complaint from Mrs A Dickinson concerning the alleged conduct of Cllr C Saunderson a Member of St Ives Town Council. We have set out a general summary of the complaint below:

The complaint alleged that Councillor Saunderson had breached paragraph 3(1) of St Ives Town Council's Code of Conduct which states that –

“you must treat others with respect”.

The complainant had suggested that Councillor Saunderson had referred to her in a derogatory manner using inappropriate language following a meeting of St Ives Town Council on 7th September 2009.

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 treat others with respect (paragraph 3[1]).

This Decision Notice is sent to the person or person(s) making the allegation, the Members against whom the allegations were made and to the Clerk of St Ives Town Council.

Given the evidence submitted, the Sub-Committee considered that Councillor Saunderson was acting in his official capacity when he allegedly used derogatory and inappropriate language to describe the complainant in a public place and in the presence of four colleague Councillors and the Deputy Town Clerk. The Sub-Committee considered that the language allegedly used could amount to unacceptable and discourteous behaviour towards the

complainant and failure to treat Mrs Dickinson with respect. Given the conduct expected of an elected representative, the Sub-Committee agreed to offer Councillor Saunderson the opportunity to apologise to Mrs Dickinson for failing to comply with the Town Council's Code of Conduct with the form and wording of the apology to be agreed in advance with the District Council's Monitoring Officer. As this apology has not been forthcoming, the Sub-Committee authorised the Monitoring Officer to pursue the allegation through to an 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 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