

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 12 (i) (b)

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 17th and 25th March 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs P L Bootham, (Chairman) and G Watkins and Councillor G S E Thorpe considered a complaint concerning the conduct of Councillor D C Youles.

The complaint alleged that Councillor Youles had breached paragraph 5 of the Parish Council's Code of Conduct which states that –

“5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your authority into disrepute.”

The complaint alleged –

that Councillor Youles had misled Yaxley Parish Council (and District Councillor Mrs M Banerjee) by giving inaccurate advice on the necessity for the submission of a planning application for posts and safety netting at Queens Park, the Parish Recreation Ground at Daimler Avenue, Yaxley. This advice had subsequently resulted in the Parish Council acquiring equipment which allegedly is not fit for purpose.

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 relating to disrepute as no potential breach of the Code of Conduct was disclosed by the complaint.

Reasons for Decision

Having regard to the evidence submitted and, in particular, to a copy of the Minutes of the Yaxley Parish Council Playing Fields Committee dated 28th October 2008, the Sub-Committee was satisfied that there was sufficient doubt in the minds of the Parish Council as to whether the safety netting constituted planning development or otherwise and whether its erection required the submission of a formal planning application. Therefore the Sub-Committee considered that any statements made to the Parish Council or individual Members by Councillor Youles about

the requirement for planning permission or otherwise could not be considered to be deliberate attempts to mislead. In addition, the Sub-Committee again observed that it was the decision of the Playing Fields Committee as a body and not individual Councillors to apply for retrospective planning permission. Taking these factors into account, the Sub-Committee concluded that Councillor Youles had not conducted himself in a manner which could be regarded as bringing his office into disrepute (paragraph 5).

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: **Date:**

Mr P L Boothman
Chairman of Sub-Committee