

DECISION NOTICE: NO FURTHER ACTION

Reference CORCOM 3556

Complaint

On 20 May 2009, the standards committee of this authority considered a complaint from Councillor DH Morgan concerning the alleged conduct of Councillors P Drake and R Hume, members of Cambourne Parish Council. We have set out a general summary of the complaint below:

It was alleged that Councillors Drake and Hume had breached the Code of Conduct of Cambourne Parish Council by posting messages on the Cambourne Forum website which could be perceived to be insulting and in some cases untrue.

The potentially relevant sections of the Code of Conduct were:

- 2 (1) You must comply with this Code whenever you
 - (a) conduct the business of your authority...(or)
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity shall be construed accordingly.

- 3 (1) You must treat others with respect.

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

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the assessment sub-committee of the standards committee decided that no action should be taken on the allegation.

Reasons for decision

The Panel concluded that, although Councillors Drake and Hume concluded their postings with notes that they were expressing personal views, they were acting, or giving the impression that they were acting, as representatives of Cambourne Parish Council.

The Panel read the lengthy transcripts of the online debate on the Cambourne Forum on the issue of the siting of the fair. They considered that both councillors had a perfect right to speak out and defend the decisions of the Parish Council in the way that they did. The Parish Councillors' comments were considered to be reasonable and not capable of giving offence to anyone (considered from an objective viewpoint).

The Panel felt this was a baseless and frivolous complaint and should never have been raised. It was considered to be an inappropriate use of the Standards legislation.

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the clerk to Cambourne Parish Council.

Right of review

At the written request of the complainant, the standards committee can review and change a decision not to 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. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

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 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.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed

Eric Reveu

Date

20/5/09

Chair of the Standards Committee Local Assessment Panel