



DECISION NOTICE: REFERRAL FOR INVESTIGATION

Friday 5 February 2010

Reference – 011/SY

In considering the alleged breach by Councillor Bill Lidgate of the Code of Conduct, the Referrals Sub-Committee took into account the following documents:

- (a) Formal complaint letter from Stephen Young to Anne Davies, Monitoring Officer dated 26 January 2010.
- (b) Copy of an email sent by Councillor Bill Lidgate to Stephen Young dated 11 July 2009.

Complaint

On Friday 5 February 2010, the Referrals Sub-Committee of this authority considered a complaint from Stephen Young, Area Co-ordinator, concerning the alleged breach of the code of conduct by Bill Lidgate, a Member of Buckinghamshire County Council. We have set out a general summary of the complaint below:

That the named Member:

- Showed a lack of respect.

In accordance with the Member/Officer protocol, the following areas were identified as possible areas where the Member has allegedly contravened the protocol.

- Officers can expect from Members respect, courtesy and dignified behaviour appropriate to the occasion.
- Members not to comment adversely on the conduct or capability of an individual Council employee at meetings held in public.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals Sub-Committee of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation.

Reasons for decision

The Referrals Sub-Committee read all the correspondence and they agreed that, based on the information in front of them, the matter should be referred to the Monitoring Officer for investigation.

Potential breaches of the Code of Conduct identified

The Referrals Sub-Committee identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct.

- Failing to treat others with respect

The investigator will determine which paragraphs of the Code of Conduct are relevant during the course of the investigation.

This decision notice is sent to the person making the allegation and the member against whom the allegation was made.

Terms of reference of the Referrals Sub-Committee (As approved by the Standards Committee)

"1. Terms of Reference

- a. The Referrals Sub-Committee is established to receive allegations that a member of the authority has failed, or may have failed, to comply with the authority's Code of Conduct.
- b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations
 - ii. refer the allegation to the Standards Board for England
 - iii. decide that no action should be taken in respect of the allegation, or
 - iv. where the allegation is in respect of a person who is no longer a member of the authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority,

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether –
 - i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - iii. the matter should be referred to the Adjudication Panel for determination
- d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1.b or 2.c above, the Sub-Committee shall state its reasons for that decision.”

What happens now?

- Investigation – please see attached guide on the investigation process. The Monitoring Officer will appoint an independent investigator to undertake the investigation and to provide a report of their findings which will be considered by the Referrals Sub-Committee.

Additional Help

Please contact either Anne Davies, Head of Legal and Democratic Services on 01296 383650 or Clive Parker, Democratic Services Manager on 01296 383685.

Signed **Date**

On behalf of the Chairman of the Referrals Sub-Committee