

Decision Notice

Reference SBE21816.08

The Complaint

The Standards Board for England recently received a complaint from Mr Christopher Gowers concerning the alleged conduct of Councillor Alan Armitage of Oxford City Council and Oxfordshire County Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

The complainant alleges that for an unknown reason Councillor Armitage lost his temper at a meeting of the North Oxford Neighbourhood Action Group, held on 19 March 2008.

It is alleged that during his rage Councillor Armitage made an abusive remark about the meeting and stormed out of the room. The complainant reports that due to the nature of the meeting, young schoolchildren were present and is concerned what impression Councillor Armitage's alleged conduct will have left on them. The complainant also stated this incident has had a "catastrophic" effect on him due to a medical condition.

Decision

The complainant's concerns regarding the alleged conduct of Councillor Armitage have been noted. Although the exact nature of Councillor Armitage's alleged abusive remark is unknown, the information provided by the complainant suggests that his alleged behaviour may disclose a potential breach of Paragraph 3(1) of the Code of Conduct, which requires members to treat others with respect.

On balance however, the Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe the alleged conduct is serious enough to justify an investigation. We have made no finding of fact at this stage and no judgment is being made about whether the alleged events actually occurred in the way the complainant says in the absence of any investigation.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and, if appropriate, the clerk to the parish or town council.

Review

At the request of the complainant, the Standards Board's Chief Executive or, in his absence, another senior officer can review and change a decision not to refer an

allegation for investigation. However, he will generally only do this if he is persuaded that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the Chief Executive to conduct a review has to be made in writing. We must receive the complainant's written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to all the parties mentioned above, notifying them of the outcome.

Terms of Reference

The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.

The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure.

Only the information provided by the complainant has been assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. We can supply copies of documents in large print, Braille, a taped transcript, or a translated version.

Signed  Date ...22/4/08.....

**Kathy Farrand – Head of Referrals
(On behalf of the Standards Board for England)**