

**A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 31 OCTOBER 2014**

**To: Constitution & Ethics Committee**

**Date: 11 November 2014**

**From: The Monitoring Officer**

**Electoral division(s): All**

**Forward Plan ref: N/A**

**Key decision: No**

**Purpose:** To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 19 August 2014 to 31 October 2014 and to provide an update to the Committee on the non-compliance by Cllr Leeke with the sanction imposed by the Hearings Sub-Committee on 12 August 2014.

**Recommendation:** It is recommended that the Constitution & Ethics Committee note the contents of this report and determine what, if any, further action may be taken against Cllr Leeke in respect of his non-compliance with the Hearings Sub-Committee sanction.

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## **1. INTRODUCTION**

- 1.1. The Localism Act (“the Act”) places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2. The requirements of the Act are supported by Article 9 of the Constitution which also requires the Constitution & Ethics Committee to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution & Ethics Committee with an overview of the complaints received under the Code of Conduct from 19 August 2014 to 31 October 2014 and sets out what actions the Committee may consider taking in relation to the non-compliance by Cllr Leeke with the sanction imposed by the Hearings Sub-Committee on 12 August 2014.

## **2. OVERVIEW OF COMPLAINTS**

- 2.1. Between 19 August 2014 and 31 October 2014, two complaints were received by the Monitoring Officer.
- 2.2. The Monitoring Officer and Independent Person concluded that there had been no breach of the Members’ Code of Conduct in respect of one of the complaints. The other complaint is still under consideration and awaiting a final decision.
- 2.3. A detailed summary of the complaints is contained in Appendix 1.

## **3. NON-COMPLIANCE BY COUNCILLOR LEEKE**

- 3.1. At a meeting of the Hearings Sub-Committee of the Constitution & Ethics Committee on 12 August 2014 the Sub-Committee found that Cllr Leeke had breached the Members’ Code of Conduct by releasing confidential information in to the public domain. As a result of the finding of breach, the Sub-Committee imposed a sanction on Cllr Leeke requiring him to write a letter of apology to the Chief Executive.
- 3.2. To date, no letter of apology has been received by the Chief Executive from Cllr Leeke.
- 3.3. The Committee is invited to consider whether it wishes to take any further action against Cllr Leeke in connection with his non-compliance with the sanction imposed by the Hearings Sub-Committee. There are two options open to the Committee in this regard:
  - 3.3.1. To resolve that a further complaint should be made to the Monitoring Officer by a Member of the Committee under the Members’ Code of Conduct alleging that Cllr Leeke has brought his office into disrepute in failing to comply with the sanction imposed by the Hearings Sub-Committee; and/or
  - 3.3.2. The Committee could resolve to request that the Chairman of the Committee writes to Cllr Leeke to express disappointment at Cllr Leeke’s failure to comply with the sanction imposed by the Hearings Sub-Committee.

<b>Source Documents</b>	<b>Location</b>
Initial Assessment Report on complaint against Cllr Wisson dated 3 November 2014	Held by legal services, Shire Hall
Email complaint to Quentin Baker dated 26 October 2014 regarding Cllr Lay	Held by legal services, Shire Hall
Cllr Leeke – Sub-Committee Decision Notice dated 13 August 2014	<a href="http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=939">http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=939</a>
Cllr Leeke – minutes of the Sub-Committee meeting 12 August 2014	

## APPENDIX 1

### Report to the Constitution & Ethics Committee

#### Overview of complaints made against Members

19 August 2014 to 31 October 2014

#### Cllr Julie Wisson

<b>Complaint against:</b>	Cllr Julie Wisson
<b>Date of Complaint:</b>	29 September 2014
<b>Complainant:</b>	Mr Paul Jeffs
<b>Allegation:</b>	Cllr Wisson breached the Code of Conduct by involving herself in a private dispute between the Complainant and his neighbour. Cllr Wisson visited the Complainant at his home to discuss the neighbour dispute and also visited the Complainant's Landlord.
<b>Current Status:</b>	Decided
<b>Outcome:</b>	<p>On an initial consideration of the circumstances of this case, the Independent Person and Monitoring Officer concluded that there was no evidence that Cllr Wisson was acting in her capacity as a Councillor in becoming involved in this dispute. Cllr Wisson was known to be a personal friend of the Complainant and on arrival at the premises Cllr Wisson alleges that she told the Complainant she was not acting in her capacity as a Councillor.</p> <p>This initial decision was communicated to the Complainant on 21 October 2014. However, the Complainant has subsequently submitted further evidence to the Monitoring Officer which calls into question whether Cllr Wisson was in fact acting in her capacity as a Councillor when she visited the Complainant.</p> <p>On considering this further evidence the Independent Person confirmed that there was jurisdiction to consider this complaint. However, the Independent Person found that although Cllr Wisson's actions were unwise, there had been no breach of the Members' Code of Conduct as there was no evidence that Cllr Wisson had <i>improperly</i> used her position to secure for or confer on another person an advantage or disadvantage.</p>
<b>Date of final decision:</b>	3 November 2014

**Cllr Alan Lay**

<b>Complaint against:</b>	Cllr Alan Lay
<b>Date of Complaint:</b>	26 October 2014
<b>Complainant:</b>	Mr Lloyd Forster
<b>Allegation:</b>	Cllr Lay breached the Code of Conduct in writing a letter which was published in the Fenland Citizen which allegedly contained libellous remarks about the Complainant
<b>Current Status:</b>	Awaiting further information from the Cllr Lay
<b>Outcome:</b>	Awaiting further information in order to carry out an initial assessment of the complaint
<b>Date of final decision:</b>	N/A