

CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Tuesday 22nd April 2014

Time: 2.00pm – 4.00pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors S Kindersley (Chairman), D Brown, P Bullen, S Frost (substituting for Cllr Read), R Hickford, J Hipkin, M McGuire, L Nethsingha (substituting for Cllr Leeke), P Reeve, J Reynolds and A Walsh

Also in attendance: Councillor M Leeke

Apologies: Councillors M Leeke and P Read

Officers: Q Baker, M Rowe and R Yule

25. DECLARATIONS OF INTEREST

Councillor Hickford declared an interest in agenda item 4 (minute 28), but was advised that his interest was not significant as the report in question had been brought to Committee only as an item to note.

26. MINUTES – 23rd JANUARY 2014

The minutes of the meeting held on 23rd January 2014 were confirmed as a correct record and signed by the Chairman.

27. COUNCIL'S CONSTITUTION

a) Change of Governance Arrangements to a Committee System – proposed amendment

The Committee received a report setting out a proposed amendment to the new Constitution approved by Full Council on 11th December 2013 for implementation from 13th May 2014. The amendment concerned a change in approach to the consideration of recommendations in reports to committees, and suggested that officers' recommendations should be deemed to be moved and seconded before they were debated and voted on, rather than requiring members of the committee formally to propose and second recommendations.

Examining the amended Procedure Rules of Committee and Sub-Committee Meetings, members requested further clarification on other issues

- in Section 6, that a Member did not need to declare the existence and nature of an interest if it had already been declared in their declaration of Disclosable Pecuniary Interests and Non Statutory Disclosable Interests
- in Section 17, of the wording "These provisions do not apply where a committee or sub-committee is exercising a function which is judicial in nature."

It was resolved to recommend to Full Council

- that the amended Procedure Rules of Committee and Sub-Committee Meetings, as appended to the report before Committee and including the incorporation of additional issues raised at the meeting, be approved for inclusion in the Constitution with effect from 13th May 2014.

b) Motion to Council from Councillor I Manning

With the Chairman's consent, because the matter had been inadvertently omitted from the agenda for the meeting, the Committee considered as an urgent item of business the following resolution from full Council in relation to a motion proposed by Councillor Ian Manning:

To improve the transparency of local Government, Council resolves to:

- Ask the Constitution and Ethics Committee to recommend to Council to amend the current and new constitution, in operation from 13th May 2014, to have the individual voting records of Councillors published on the Council's website.

In the course of discussion, members raised the question of whether publishing individual voting records on the Council's website would supersede arrangements for taking a recorded vote set out in the Council Procedure Rules, in both the current and the May 2014 editions of the Council's Constitution. They also discussed whether voting by show of hands would continue, and how best to record any voting in the Council minutes.

The Committee concluded that it was important to retain Section 15.5 of the Council Procedure Rules relating to "Recorded Vote" in order to make clear the views of 14 members or more that an issue was of such importance that the vote should be recorded in the minutes. The Chairman would continue to have discretion to take a vote by show of hands, and the present method of recording votes and voting patterns in Council minutes would continue, with "Recorded Votes", but not all electronic votes, being detailed in appendices to the minutes.

It was resolved to recommend to Full Council

- that all electronic votes at Council be published as a PDF version of the notepad document (as produced by the voting system) on an appropriate page on the Council's website.

c) Cambridge Area Joint Committee

The Committee received a report on the proposal to establish a Joint Area Committee (JAC) with Cambridge City Council. Members noted that this proposal arose from Full Council's decision, in May 2013, to re-establish Area Joint Committees (AJCs) to deal with local decisions regarding traffic management matters within district council boundaries, where there was support from the relevant district council. Cambridge City had been the only district council to express a desire to support establishing such a committee.

Members raised the question of whether the membership of the JAC should be drawn from that of the Highways and Community Infrastructure Committee, and were advised that the JAC's membership would be drawn from those representing electoral divisions within the City Council area. Members noted that the JAC would be dealing solely with traffic management issues, and that the City Deal would be subject to entirely different governance arrangements, still to be determined.

It was resolved to recommend to Full Council

1. to establish a Joint Area Committee covering the county divisions within the Cambridge City Council administrative area
2. to approve the proposed Terms of Reference set out in Appendix 1 of the report before Committee
3. to authorise the Monitoring Officer, in consultation with the Chairman of the Constitution and Ethics Committee, to make any amendments to the Constitution and to the proposed Terms of Reference necessary or incidental to the establishment of this Joint Area Committee.

28. COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT, SEPTEMBER 2012 TO MARCH 2014

The Committee noted a report setting out the number and nature of the complaints received about members under the new Code of Conduct brought in under the Localism Act 2011.

29. REFERRAL OF INVESTIGATION REPORTS TO THE HEARINGS SUB-COMMITTEE

The Committee received a report enclosing the investigating officer's reports and the accompanying comments of the Independent Person arising from complaints made against three elected members. In each case, the Committee considered how to deal with the complaint, either by referring it for hearing by a hearings sub-committee formally established for that purpose, or by an alternative method.

Members first discussed the report and comments in relation to the complaint against Councillor Gordon Gillick. The Committee endorsed the Independent Person's view that there was little benefit to be derived from referring the matter for a formal hearing in the light of the remorse demonstrated by Councillor Gillick and his actions in issuing a written apology. Members noted Councillor Gillick's willingness to apologise to the young people concerned in person, and suggested that he might wish to write to them individually, but concluded that the manner of any further apology was a matter to be arranged between Councillor Gillick and the young people concerned in private.

The Committee then turned to the report and comments in relation to the complaint against Councillor Maurice Leeke.

Speaking at the Chairman's invitation, Councillor Leeke explained that he had stood down as a member of the Committee for the current meeting as it would be inappropriate for him to consider his own conduct. He assured the Committee that he had neither disclosed confidential information nor brought his office or the authority into disrepute; the information he had disclosed was not confidential but had appeared on the agenda sheet of the Appointments and Remuneration Committee for 16th September 2013.

In the course of answering questions of clarification from members of the Committee, Councillor Leeke further stated that

- he had not consulted other group leaders when drafting the press release of 11th September, because he had already pointed out to them the problem of cutting and increasing pay for different groups of staff
- in his view, the report submitted to the Appointments and Remuneration Committee – and subsequently published non-confidentially for the meeting of the Resources and Performance Overview and Scrutiny Committee held on 26th September – should never have been confidential
- the status of information brought to group leaders' meetings had not always been clear at that time, though procedures had now been changed to mark each agenda item as confidential or non-confidential
- at the time of the 11th September press release, he had believed the information the press release contained to be correct and not confidential; that a pay rise was being proposed for senior staff had been a guess that happened to correspond to the contents of the report
- he had not sought the Monitoring Officer's advice before issuing the press release because it did not disclose any confidential information.

Councillor Leeke then withdrew from the meeting, and the Committee considered what further action, if any, should be taken in relation to the complaint. In the course of discussion, a range of views was expressed, including that

- no further action should be taken because there had been confusion over the status of the information discussed at the group leaders' meeting; the press release had been based on the discussion at the group leaders' meeting and had not contained any confidential information
- the fact that the report was due to be considered by the Appointments and Remuneration Committee – which received a large number of confidential reports – should have raised a group leader's suspicions that the matter might be confidential
- a hearings sub-committee should be established to decide how to deal with the complaint, which concerned an ill-advised action by Councillor Leeke, rather than trying to arrive at a judgement in full committee
- the press release had gone beyond the content of the agenda front sheet and had wrongly juxtaposed two separate matters
- if Councillor Leeke were prepared to resolve the matter in a manner that satisfied the Chief Executive, for example by writing a letter of apology to him, it would not be necessary to convene a hearings sub-committee
- a hearings sub-committee would be the appropriate forum in which to examine further Councillor Leeke's total rejection of the investigating officer's report.

The Committee decided by a majority that a hearings sub-committee should be established to consider the complaint and report relating to the allegation that Councillor Leeke breached the Members' Code of Conduct.

Finally, the Committee discussed the report and comments in relation to the complaint against Councillor Ian Manning.

It was proposed that, because this was closely related to the complaint against Councillor Leeke, it would be inappropriate for the Committee to reach a decision before the complaint against Councillor Leeke had been determined. On being put to the vote, the Committee rejected this proposal. Members pointed out that Councillor Manning had offered to write a letter of apology to the Chief Executive and proposed that he been invited to write such a letter as outlined by the Independent Person. On being put to the vote, the Committee accepted this proposal by a majority.

The Committee resolved

- a) in respect of the complaint against Councillor Gillick, that no further formal action be taken, and that the manner of any further apology by Councillor Gillick should be arranged by him in private
- b) in respect of the complaint against Councillor Leeke, that the complaint and report be referred for hearing by a hearings sub-committee formally established for that purpose, the membership and meeting date of which were to be arranged by the Monitoring Officer in consultation with the Chairman
- c) in respect of the complaint against Councillor Ian Manning, that Councillor Manning be invited to write a letter of apology to the Chief Executive, which would close the matter.

DATE OF NEXT MEETING

The Committee noted that it was next due to meet at 2.00pm on 1st July 2014.

Chairman