

CODE OF CONDUCT COMPLAINT – COUNCILLOR MAURICE LEEKE

To: Hearings Sub-Committee

Meeting Date: 12 August 2014

From: The Monitoring Officer

Electoral division(s): All

Forward Plan ref: Not applicable **Key decision:** No

Purpose: To hear the report of the Investigating Officer into a complaint made against Cllr Maurice Leeke alleging that he breached the Member's Code of Conduct and to decide whether a breach occurred and if so, what sanction (if any) is warranted.

Recommendation: It is recommended that the Sub-Committee consider:

- (i) the Investigating Officer's report and the Investigating Officer's submissions to the hearing; and
- (ii) the submissions of the Subject Member in response to the Investigating Officer's report and decide whether, on the balance of probabilities, the facts found by the Investigating Officer are established and if so, whether they support the conclusion that the Subject Member breached the Member's Code of Conduct.

If the Sub-committee concludes that a breach occurred, it should proceed to decide what sanction to impose.

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1 BACKGROUND

- 1.1 On 22 April 2014 the Constitution & Ethics Committee considered an Investigating Officer's report (attached at **Appendix 1**) into the allegations received from Cllr Count that Cllr Maurice Leeke ("Subject Member") had breached the Cambridgeshire County Council Member's Code of Conduct ("the Code"). The Constitution & Ethics Committee concluded that the matter should be referred for hearing by the Hearings Sub-Committee.
- 1.2 The Hearings Sub-Committee must now consider the Investigating Officer's report in the light of the representations made by the Subject Member at the pre-hearing stage and at this hearing itself. The Hearings Sub-Committee must establish whether on the balance of probabilities, the facts as set out in the Investigating Officer's report are established and whether, therefore, there has been a breach of the Code.
- 1.3 In preparation for this hearing, the Monitoring Officer has circulated a pre-hearing summary report (attached at **Appendix 2**) to all Members of the Sub-Committee, the Subject Member, the Investigating Officer and the Independent Person for consideration.

2 PROCEDURAL CONSIDERATIONS

- 2.1 During the hearing in front of the Sub-Committee the Subject Member has the opportunity to put his side of the case in relation to the complaint that has been made and to challenge the findings of fact contained within the Investigating Officer's report. The Subject Member may also submit arguments as to why the conclusions of the Investigating Officer are not correct. The Hearing also provides an opportunity for the Subject Member to raise any mitigating factors which may impact upon the Sub-Committee's decision regarding the appropriate sanction if a finding of a breach of the Code is made.
- 2.2 The proposed process for this hearing is set out in **Appendix 3**.
- 2.3 The task for the Sub-Committee may be divided into three elements
 - I. assess the facts found by the Investigating Officer in light of any submissions made by the Subject Member;
 - II. decide whether, on the basis of the facts found, a breach of the Code has occurred; and
 - III. if a finding of breach is made, what the appropriate sanction is (if any).
- 2.4 The evidential burden in these matters requires that the facts are established on the basis of the balance of probabilities (i.e. more likely than not).
- 2.5 In considering the appropriate sanction to impose on the Subject Member, the Sub-Committee may consider the Guidance set out in **Appendix 4**
- 2.6 The Sub-Committee may choose to deliberate in private, but will deliver its decisions and reasons in public session unless it considers that any information before it is confidential and should be protected from disclosure.

If this is the case, the Sub-Committee must resolve to exclude the press and public and give its reasons for doing so.

Source Documents	Location
1. <i>Members Code of Conduct</i>	http://www.cambridgeshire.gov.uk/info/20050/council_structure/288/councils_constitution
2. <i>Minutes of the Constitution & Ethics Committee: 22 April 2014</i>	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=737
3. <i>Investigating Officer's Report</i>	Appendix 1
4. <i>Pre-hearing Summary Report</i>	Appendix 2
5. <i>Hearings Procedure</i>	Appendix 3
6. <i>Guidance on Appropriate Sanctions</i>	Appendix 4

LGSS Audit & Risk Management Service

Report of an investigation into an allegation concerning an alleged breach of the members’ code of conduct by Councillor Maurice Leeke

Confidential

Client Cambridgeshire County
Council

Issued to Quentin Baker, Monitoring
Officer

Date 4th March 2014
Investigating Officer Darren Williams
Status of report Final

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1. Summary

- 1.1 On the 12th September 2013, a complaint was received from Councillor Steve Count (the Complainant) alleging that Councillor Maurice Leeke (Subject Member) had breached the Code of Conduct.
- 1.2 On 4th November 2013, following an initial assessment of the complaint by the Council's Monitoring Officer and Independent Person, it was concluded that the initial complaint warranted further investigation. On 1st November 2013 I was appointed by the Monitoring Officer to carry out an investigation into the allegation.
- 1.3 Councillor Leeke became a Cambridgeshire County Council Councillor in May 1985, standing down in 2005 and was re-elected in 2013.

The allegation

- 1.4 It is alleged that Councillor Leeke breached the members' code of conduct by disclosing confidential information and bringing his office or the authority into disrepute.

2 Relevant Legislation

- 2.1 The paragraphs of the Cambridgeshire County Council's Members' Code of Conduct that are relevant to this investigation are set out below:

General obligations

You must not:

2.2 - (e) *conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

3.1 - disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or

3.2 - *prevent another person from gaining access to information to which that person is entitled by law.*"

- 2.2 An additional guidance document on confidentiality is also held within the codes and protocols for members, titled "Members' Code of Conduct - Guidance on Confidentiality". The following paragraphs from this guidance are also relevant to the investigation.

"Information about the following matters should be regarded as confidential except in the circumstances outlined in paragraphs (i) - (v):

1. *Information which is marked as being confidential*
2. *Information where the recipient has been advised by a Council officer or member that the information is confidential*

3. *Information about individual service users or clients (past, present and prospective)*
4. *Information about individual employees or office holders (past, present and prospective)*
5. *Information relating to the names of tenderers, contractors, companies and the amounts and terms of contracts with the Council (past, present and prospective) prior to such information being released into the public domain when the tendering process has been completed*
6. *Information relating to potential or actual criminal proceedings*
7. *Information in documents which are circulated in draft*
8. *Personal information covered by the Data Protection Act 1998*
9. *Information relating to any court case or legal action which is not already in the public domain, unless there is specific legal advice to the contrary*
10. *Information supplied at Opposition lead member briefings, joint member meetings with the Strategic Management Team, and County Advisory Groups. Members will be advised whether the information may be made public.*

Information is not confidential if it is already in the public domain. This will be:

- (i) *Information contained in a published official document*
- (ii) *Information reported at a meeting which is open to the public*
- (iii) *Information on the Council's website (this does not include the Council's Intranet)*
- (iv) *Information where the member has been advised that it is in the public domain*
- (v) *Information to which the public have the right of access under the Local Government (Access to Information Act) 1985 which is not deemed to be exempt information.*

Members must seek advice from the Monitoring Officer on the disclosure of confidential information in advance of the information being disclosed."

3 Evidence Considered during the Investigation

3.1 I have considered evidence from the following people:-

- Cllr Count – interview on 5th December 2013
- Cllr I Manning – interview on 10th December 2013
- Cllr M Leeke – interview on 13th December 2013
- Lesley Innes, Liberal Democrat Press Officer – questions and responses via e-mail correspondence on 28th November 2013 and 2nd December 2013.

3.2 I have also considered the following documentary evidence during the course of my investigation:-

- E-mail received by Mark Miller (External Communications Manager) from Annie Green (Heart Radio) 11th September 2013 at 12.08 p.m. – containing the press release issued by Lesley Innes titled "Council high-earners could get pay rise as staff face pay squeeze"
- Agenda item 3 for the Appointment and Remunerations Committee 16th September 2013 titled – "Corporate Leadership Team Pay Review 2013/14"
- Transcript of radio interview 11th September 2013 – Radio Cambridgeshire Drive Time – Interview between Chris Mann (Radio Presenter) and Councillor Ian Manning.
- E-mail from Councillor Steve Count – 12th September 2013 – e-mail detailing the complaint raised.

- E-mail from Mark Lloyd (Chief Executive) – 11th September 2013 to Councillors Maurice Leeke and Ian Manning – title “LD Press release re: Pay”.
- E-mail from Rob Turner (Unison Branch Secretary) – 15th September 2013, copy of e-mail that had previously been circulated to Councillors, prior to this date, detailing Unison views over the press release.
- Committee membership and circulation of the agenda papers for the Appointment and Remuneration Committee meeting on 16th September 2013 – received from Democratic Services.
- Internet WebPages for induction, policy and ongoing training for Council Members.

3.3 Information in this section of the investigation report is based upon documentary evidence or evidence from signed interview records. Much of the information is uncontroversial and not disputed. However, where it reflects personal opinions of witnesses which are not necessarily confirmed by all individuals interviewed, I have specified the source (e.g. Cllr X says.....). Where there is an apparent conflict of evidence which is relevant to my findings I have indicated my conclusions drawn from the evidence.

Background to the allegations

The following background information in paragraphs 3.4 to 3.7. is included because it is considered relevant for an understanding of the allegations; it does not form part of the specific allegations which are subject of the investigation.

- 3.4 Councillor Leeke is the County Councillor for Waterbeach. He is the leader of the opposition group and during interview highlighted that part of the role of an opposition Councillor is holding the council to account on the policies it makes.
- 3.5 From review of the membership of the Appointment and Remuneration committee I have confirmed that Councillor Leeke is a substitute member of the committee and hard copies of the committee papers would have been available to him as a substitute member.
- 3.6 In relation to understanding and knowledge of the member code of conduct, Councillor Leeke confirmed that he had signed up to the code upon election, and had recently attended an induction session which included the code of conduct.
- 3.7 In respect of the agenda papers for the Appointment and Remunerations Committee meeting of 16th September 2013, I have been able to confirm that the agenda and supporting papers were issued to both standing and substitute members of the committee, via hard copy, and was dispatched on Friday 6th September 2013.
- 3.8 Finally, during interview Councillor Leeke indicated that as the group leader he is consulted on the general policy of the council and attended a group leaders briefing which provided background on the confidential paper that was being presented at the 16th September committee Meeting.

4 Investigating Officer's Consideration of the Facts

Allegation 1 – Release of Confidential Information

4.1 Following discussions with the Complainant I sought to obtain a fuller understanding of the exact nature of the complaint. I have confirmed through interview that this element of the complaint relates to the release of information from the confidential committee report "Corporate Leadership Team Pay Review 2013/14" through a press release and a subsequent radio interview. This aspect of the complaint primarily related to the release of confidential information and also an alleged distortion of the facts, which in the complainants view implied that lower grade staff will get a pay cut and higher grade a pay rise.

4.2 I have confirmed that on the 11th September 2013 a press release was issued by the Liberal Democrat Press Officer to Cambridgeshire media organisations. The press release was titled "Council high-earners could get pay rise as staff face pay squeeze.

4.3 From review of the press release I have identified that whilst it does not contain any specific extracts from the actual confidential committee paper, it does include the following statements (in addition to the title of the press release mentioned in 3.7):-

"High-earning Cambridgeshire County Council officers could get a pay increase just weeks after the rest of staff were told they face a pay cut and even possible redundancy"

"The proposal to give the council high earners a pay rise has angered the county's Liberal Democrats who claim it is "devastating for staff morale"

"Members of the council's Appointments and Remuneration Committee are to discuss the proposal set out in the Corporate Leadership Team Pay Review 2013/14 on Monday (September 16) as the council faces making savings of £32 million in the next year"

4.4 The press release also contained the following quote from Councillor Leeke:-

"Cutting the pay of the lowest paid to give more to the high-earners cannot be justified in any organisation, and there is certainly no excuse for it in the public sector. This is an appalling example of double standards and will be devastating for staff morale"

4.5 As part of this review I investigated how the above press release was created through correspondence with the Liberal Democrat Press Officer and then through interviews held with Councillors Manning and Leeke.

4.6 I have been able to identify that the press release was constructed by the Liberal Democrat Press Officer at the request of Councillor Leeke. The request from Councillor Leeke was made by e-mail and contained basic information to support the creation of the release and a quote to be included. The Press Officer confirmed that at no time was she given a copy of the confidential committee report "Corporate Leadership Team Pay Review 2013/14". The Press Officer confirmed that the following was provided by Councillor Leeke to inform the press release, via e-mail on the 11th September 2013.

The issue is the "Corporate Leadership Team Pay Review 2013/14" which is going to the Appointments and Remuneration Committee on Monday (16th Sept).

Our concern is that there is a proposal for a pay increase for the high-earners at the county council less than two months after the rest of the staff of the county council received a letter saying that they

faced a pay cut of between 2% and 3% - or the loss of a similar amount in changes to terms and conditions (such as sick pay, subsistence and pay increments).

"This will be devastating for staff morale," said Maurice Leeke, leader of the Liberal Democrats on Cambridgeshire County Council. "Cutting the pay of the lowest paid to give more to the high-earners cannot be justified in any organisation, and there is certainly no excuse for it in the public sector."

- 4.7 I also confirmed with both Councillor Leeke and Manning and the Press Officer that the final press release was authorised by both Councillor Manning and Leeke prior to release.
- 4.8 During the interview with Councillor Leeke I discussed whether he had received a copy of the confidential report at the time of providing his quote and whether he had shared the report. Councillor Leeke indicated that whilst he would have been sent a copy of the report as a substitute member, he did not actually read the report until after the committee meeting on the 16th September. Instead he had become aware of the report through a group leaders briefing. He was unable to re-collect what exact information was provided during the briefing, or any documents that he may have received. However, he did confirm that he was made aware that the information was confidential.
- 4.9 Councillor Leeke also added that his understanding was that the policy discussed at group leaders was confidential until it went to the committee and that any issue regarding an individual's pay would be permanently confidential. However he also commented that it was not acceptable for cabinet to hide behind a confidentiality clause for political expedience. Councillor Leeke also added that his responsibility as opposition leader is to hold the council to account and highlighted that those less well off are being asked to take a pay cut, whilst others are getting a pay rise. He highlighted that it would not have been appropriate not to have discussed these concerns.
- 4.10 During interview with the complainant I noted that following the County Council's communications office becoming aware of the press release, the Chief Executive, the complainant and other senior officers were asked for advice on how to respond. The Chief Executive subsequently sent an e-mail to both Councillor's Manning and Leeke explaining his concerns with the press release highlighting that he considered that it mis-represented the facts regarding senior staff and pay, specifically drawing attention to the fact that the proposal is to award senior managers an increase at only half the level of other staff, which is exactly the reverse of the what press release suggested. In addition, he highlighted that as the report is confidential it places the Council in significant difficulty in responding to the media enquiries. The Chief Executive concluded that he would be grateful for the withdrawal of the grossly misleading release, as in its current form it will result in misplaced public anger against senior staff who serve the Council well.
- 4.11 I confirmed that Councillor Leeke was unavailable at the time the above e-mail was sent and therefore the decision as to whether or not to retract the press release was made by Councillor Manning. This account of events has also been confirmed by Councillor Manning.
- 4.12 During interview I raised the question to Councillor Leeke as to whether the information he provided to the Liberal Democrat Press Officer and the

subsequent press release that he approved, in his view, contained confidential information. He indicated because it was a policy item and did not relate to named individuals he did not believe that the information was confidential.

4.13 As part of the “Members’ Code of Conduct - Guidance on Confidentiality”, it is concluded that:-

“Members must seek advice from the Monitoring Officer on the disclosure of confidential information in advance of the information being disclosed”

I confirmed during the interview with Councillor Leeke that no discussions were held with the Monitoring Officer prior to the e-mail to the Liberal Democrat Press Officer, or the issue of the press release. Councillor Leeke added that he did not believe this was required as the information was about a policy nature and was not identifying a named or identifiable individual.

4.14 **Investigating Officer’s conclusions on the facts:**

In relation to the allegation of the release of confidential information by Councillor Leeke I conclude that there is no evidence to indicate that he circulated the entire confidential committee report to any individuals either within or outside of the Council. It has however been confirmed Councillor Leeke shared sufficient information in respect of the confidential report to enable a formal press release to be created and published.

It is evident that the press release refers to the existence of the committee paper and the fact that it is proposing a pay increase for “high earning Council Officers”. Whilst the press release does not contain any quotes or extracts from the committee paper, the fact that it referred to the existence of the report and a pay increase is confidential information as the comments could only be made from the content of the report.

The council’s Members Code of Conduct does not include any reference to “policy” decisions being exempt from the confidentiality rules for Members.

In respect of the subsequent communication from the Chief Executive, it is clear that concerns about the content of the press release and the confidential topic that it contained were sent to Councillor Leeke and Councillor Manning. However, I have also confirmed that Councillor Manning was unavailable at this time and the decision as to whether to re-tract the press release was made by Councillor Manning alone.

I have confirmed that no discussions were held with the Monitoring Officer prior to the request to the Liberal Democrat Press Officer to create the press release or the issue of the press release.

Allegation 2 – conduct which could reasonably be regarded as bringing your office or authority into disrepute

4.15 Following discussions with the Complainant I sought to obtain a fuller understanding of the exact nature of this aspect of the complaint. The complainant highlighted a number of specific comments or actions that he felt

supported this aspect of the complaint. I have sought to review each of the specific areas highlighted to us by the complainant within the paragraphs below:-

- 4.16 The complainant provided the following views during the interview on general concerns in relation to the press release and subsequent radio interview.

Mixing of two different stories

The complainant indicated that the press release sought to combine the future paper on the Corporate Leadership Team Review with a separate issue on work being undertaken on the Council budget, which was looking at savings requirements across the whole organisation. The complainant felt that in particular the press release and radio interview suggested that SMT / CMT were receiving a pay increase, whilst lower paid staff were getting a pay cut. Both items inferred that the 3% cuts were only limited to specific sections of the workforce, which was not the case. This subsequently resulted in Unison comments on how the press release had caused concern amongst some employees who had raised their concerns with UNISON.

- 4.17 During the interview with Councillor Leeke he indicated that in his view they were both related as were both talking about peoples pay and that there was an obvious contrast with a 3% pay cut and a pay rise for the high earners. Councillor Leeke believed that people would regard the two as related.

4.18 **Investigating Officer's conclusions on the facts:**

Whilst acknowledging the concerns raised by the complainant, and acknowledging that the press release does use two different issues, there is no evidence to suggest the clear intention to mix the two different issues.

Inaccuracies in the responses provided within the radio interview

The complainant highlighted several parts of a radio interview between BBC Radio Drivetime and Councillor Manning on the 11th September, in response to the press release, where he felt that the responses to questions provided inaccurate information. I have confirmed with Councillor Manning that Councillor Leeke did not have involvement within this interview and therefore I have not considered this area of the complaint in relation to Councillor Leeke.

Clarification from the complainant of how the Councillors conduct could reasonably be regarded as bringing their office or authority into disrepute

- 4.19 During the interview with the complainant I sought further clarification on why he felt that Councillors Leeke and Manning's conduct could reasonably be regarded as bringing their office or authority into disrepute. The complainant explained in his view there was a disparity between the facts and the story promoted. He felt that the Councillors knew that the facts were being misrepresented and that the Council's hands were tied in relation to responding to the press release as this was a confidential report. They were in a position to consider delaying the press release, but decided to continue with an inaccurate story in the press / on the radio knowing that the Council could not defend itself.

- 4.20 This investigation has confirmed that Councillor Leeke instigated the creation and release of the press release in respect to an item which he knew was confidential. Councillor Leeke has indicated that he is of the opinion that it was not acceptable for Cabinet to hide behind a confidentiality clause for political expedience.
- 4.21 The action of releasing details of a confidential item into the public domain is a clear by members of point 3.1 of the Members' Code of Conduct. It should be further noted that the Liberal Democrat party have two members who sit on the Appointment and Remunerations committee, and therefore would have had the full opportunity to debate and challenge the recommendations contained within the report, as part of the normal democratic process.
- 4.22 The uncontrolled release of information, particularly sensitive / confidential information can have significant damaging impacts on the reputation of the organisation, its Officers and Members, whilst also consuming valuable resources in repairing any damage caused. It is therefore vital that all individuals maintain compliance with the relevant Codes of Conduct, to ensure the highest levels of integrity and the maintenance of public confidence.

Investigating Officers conclusions on the facts:

It is evident that Councillor Leeke was aware of the confidentiality of the item prior to taking the decision to issue a press release, whilst also being made aware of the concerns raised by the Chief Executive, in view of the potentially misleading messages and the confidential nature of the report. Releasing known confidential information into the public domain is a direct breach of the Members' Code of Conduct.

5 Allegation 1 - Reasoning and Finding

Allegation 1 - Release of Confidential Information

- 5.1 Paragraph 3.1 of the member code of conduct provides specific guidance to members that information marked as confidential information must not be disclosed with any specific exceptions to this being listed. Additional guidance is also provided to members in a separate document titled "Members' Code of Conduct - Guidance on Confidentiality".
- 5.2 In respect of the paper titled "Corporate Leadership Team Pay Review 2013/14" it is clearly evident that this paper is marked as confidential and as a result members would need to comply with paragraph 3.1 of the code and seek advice from the Monitoring Officer prior to releasing the content of this report.
- 5.3 In relation to the above report Councillor Leeke has indicated that whilst available to him, he did not review the report in advance of creating the press release. Instead the press release was created from the information he received during a group leaders briefing. I can confirm that during our investigation there is no evidence to suggest that he actually released the full report to any individuals within or outside of the Council.
- 5.4 Furthermore, Councillor Leeke has stated that he considered that it is his role hold the Council to account and Cabinet should not hide behind a confidentiality clause.

The Liberal Democrat party do however have two Members who sit of the Appointment and Remuneration committee and therefore the opportunity to raise concerns and challenge the recommendations contained within the report was available to these Members, in accordance with the proper democratic process.

- 5.5 Councillor Leeke has however confirmed that he did instigate the creation and publication of a press release in respect of this confidential report. Point 3.1 of the Members' Code of Conduct states that "You must not disclose information given to you in confidence...." Therefore by disclosing the theme of a confidential item which was to be discussed at a forthcoming meeting, Councillor Leeke has not complied with Point 3.1 of the Members' Code of Conduct.
- 5.6 Within my investigation I have confirmed that the press release was produced at the request of Councillor Leeke and it was signed off jointly between Councillor Manning and Leeke. Whilst Councillor Manning did sign off the press release, it would not be possible to prove that he was aware of the any elements that were confidential as he did not supply these specific elements.

5.7 Investigation Officers Finding:-

On the bases of the points above it is concluded that Councillor Leeke has breached Point 3.1 of the Members' Code of Conduct

6 Allegation 2 – Reasoning and Finding

Allegation 2 - Conduct which could reasonably be regarded as bringing your office or authority into disrepute

- 6.1 The member code of conduct under paragraph 2.2 (e) prescribes that members must not "*conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*".
- 6.2 In respect of investigating this area of the complaint I note that the Member Code of Conduct is not specific in respect of identifying what constitutes "bringing his office or authority into disrepute" and therefore I clarify below the basis that I am using to make an assessment on whether this element of the code has been breached.
- 6.3 The Oxford English Dictionary defines disrepute as "a lack of good reputation or respectability, discredit". A member's behaviour in office will bring the member's office into disrepute if the conduct could reasonably be regarded as reducing the public's confidence in that member being able to fulfil their role or as adversely affecting the reputation of members generally in being able to fulfil their role. Conduct by a member which could reasonably be regarded as reducing public confidence in the ability of the authority to fulfil its functions and duties, or which harms the reputation of the authority, will bring the authority into disrepute.
- 6.4 The test however is whether or not the member's conduct "could reasonably be regarded" by an objective observer as having these effects. This test is an objective one and does not rest on any one individual's perception. Disrepute will usually (but not exclusively) involve some sort of personal gain or deceitful behaviour. One would

also need to be persuaded that any misconduct is sufficient to damage the reputation of the member's office or authority, as opposed to simply damaging the reputation of the member concerned.

- 6.5 It is clear that Councillor Leeke requested and supplied information in order for the press release into the confidential report to be produced and published. The action of releasing confidential information is a clear breach of point 3.1 of the Members Code of Conduct. Further, the Liberal Democrat party have two members who sit on the Appointment and Remunerations committee, and therefore would have had full opportunity to debate and challenge the recommendations contained within the report as part of the normal democratic process.
- 6.6 The uncontrolled release of information, particularly sensitive / confidential information can have significant and damaging impacts on the reputation of the organisation, its Officers and Members, whilst also consuming valuable resources in repairing any damage caused. It is therefore vital that all individuals maintain compliance with the relevant Codes of Conduct, to ensure the highest levels of integrity and the maintenance of public confidence.

6.7 Investigating Officers Finding

By releasing into the public domain information in respect of a confidential item is a breach of the Members Code of Conduct. The report concerned had not been discussed by the Committee and the Council was required to take steps to manage any potential damaging effects on employee relations with Cambridgeshire County Council.

The action taken has the potential to further damage the relationship between Senior Officers and members', specifically in respect of trust and confidence when presented with confidential or sensitive information. I would therefore conclude that this action was in breach of the general provision 2.2 of the Code of Conduct. Specifically conducting yourself in a manner which could be reasonably regarded as bringing your office or authority into disrepute.

7.0 Response Received from Councillor Leeke

- 7.1 In accordance with point 5 of the arrangements for dealing with allegations of breaches of the Members' Code of Conduct, Councillor Leeke was sent a copy of the draft investigation report on the 25th February 2014. Councillor Leeke provided a response to the report, also on the 25th February 2014. And this is outlined in full in Appendix 1 of the report.
- 7.2 Councillor Leeke disagrees with the conclusion of report and further considers that the disclosure was reasonable and in the public interest. Councillor Leeke also raises two further points being:
- There is no mention in the report of the fact that the report to the Appointments and Remuneration Committee, was previously presented as a non-confidential item at the Resources and Performance Overview and Scrutiny Committee 26th September 2014; and

- There is no mention in the report or the investigation to justify or explain whether there were sufficient reasons for the original report to be confidential.

7.3 Investigation Officers Response

7.4 The scope of the report was to investigate the allegation that Councillor Leeke had breached the Members' Code of Conduct, following the release of confidential information. The key point taken into consideration was that the report to be presented to the Appointments and Remuneration Committee had been determined as a confidential item and Councillor Leeke was aware of this. It is not the role of the investigator to determine after the event, if it was justified for the report to be a confidential item. In view of this it is not considered relevant for this line of enquiry to be incorporated within the scope of the review.

7.5 Furthermore, the minutes of the Resources and Performance Overview and Scrutiny held on the 26th September 2013, provide significant detail relating to the challenge made by the Committee, in respect of the original report to the Appointments and Remuneration Committee being a confidential item. The minutes also clearly identify how the democratic process has been followed for a number of points to be raised with the Constitution and Ethics Committee in respect of this challenge.

7.6 In view of the above and the fact that Councillor Leeke took the decision for the press release to be created and published prior to the report being considered by the Appointments Committee on the 16th September. It is not deemed relevant to take into consideration within the conclusion, that at a later meeting the report was not subsequently treated as a confidential item.

Appendix 1 – Response received from Councillor Leeke in respect of this report.

As outlined above, Councillor Leeke provided an emailed response to the draft investigation, which is included in full below:

Received from Councillor Maurice Leeke at 13.44 on the 25th February 2014.

I disagree with the whole conclusion of the report. The "disclosure" was reasonable and in the public interest. It is significant that there is no mention in the report of the fact that the report to the Appointments and Remuneration Committee, which has been represented as being so confidential, was presented as a non-confidential item at the Resources and Performance Overview and Scrutiny Committee on 26th September.

Nowhere in the attached report is there any justification, explanation or investigation of whether there were sufficient reasons for the original report to be confidential.

It is clear from the attached report, and the officer comments reported therein, that the Cabinet wished to hide their shameful double-standards with regards to staff remuneration.

I regard the attached report as a whitewash. Needless to say I will contest it at every stage, and use each opportunity to highlight the injustice of the original decisions.

Maurice Leeke