

INITIAL ASSESSMENT OF COMPLAINT

DECISION NOTICE

Subject Member: Cllr Alan Lay – Cambridgeshire County Council

Background

1. A complaint was received on 3 November 2016 from Cllr Harford (“the Complainant”) supported by Cllrs Ashwood and Scutt alleging that Cllr Lay (“the Subject Member”) had made an inappropriate comment to an officer during a public meeting.
2. The Complainant alleges that during the public meeting in response to the Chairman asking if any members had questions for the officer, the Subject Member stated “yes, what’s she doing tonight?”

Evidence Considered

3. The following documents were considered for the purposes of this complaint:-
 - 3.1 Email complaint dated 3 November 2016 from Complainant to Monitoring Officer;
 - 3.2 Email response dated 17 November 2016 from Subject Member to Maria Damigos;
 - 3.3 Cambridgeshire County Council Members Code of Conduct;
 - 3.4 Cambridgeshire County Council Protocol on Member/Officer Relations;
 - 3.5 Equality Act 2010.

Jurisdiction

4. For a complaint to be considered in connection with the Member’s Code of Conduct, the following test must be satisfied:
 - 4.1 the complaint was made against a person who, at the time the alleged action took place, was a member of Cambridgeshire County Council; and
 - 4.2 the Subject Member had signed up to the Members’ Code of Conduct in force at the time the alleged action took place; and
 - 4.3 the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.
5. The Independent Person has concluded all three limbs of this test are satisfied in this matter.

Initial Assessment Decision

6. The Independent Person has considered whether the actions of the Subject Member described in paragraph 2 above constitute a breach of the following provisions of the Members’ Code of Conduct:
 - 6.1 Treating others with respect (paragraph 2.1);
 - 6.2 Not do anything which may cause the Authority to breach UK equalities legislation (paragraph 2.2(a))
 - 6.3 Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 2.2(e))
7. The Independent Person has noted that the Subject Member has not denied he made the comment.

8. The Independent Person also notes that there is no evidence relating to how the officer concerned felt or that she has made any complaint herself.
9. The Independent Person has concluded that:
 - 9.1 The comment made could be seen as focusing attention away from the Officer's work or from the quality of the presentation onto personal attractiveness and was inappropriate to be made in a public and formal Committee meeting and was disrespectful and therefore a breach of paragraph 2.1 (treating others with respect) of the Code of Conduct;
 - 9.2 As the views of the Officer concerned are not available, there is a *potential* breach of UK equalities legislation and therefore a potential breach of paragraph 2.2(a) of the Code of Conduct (not doing anything which may cause the Authority to breach UK equalities legislation);
 - 9.3 In the light of the above paragraph 2.2(e) of the Code of Conduct (bringing office or Authority into disrepute) could be engaged.

Further Action

10. The Independent Person concludes that the complaint can be dealt with by alternative action.
11. The Independent Person recommends that the Subject Member is offered, and undergoes, formal training/guidance, including being given detailed advice and guidance on discrimination.
12. If the Subject Member is not willing to take up the offer of formal training/guidance, the Independent Person considers this matter sufficiently serious to be referred to formal investigation.

Approved by: Gill Holmes (Independent Person)
Quentin Baker (Monitoring Officer)

Dated: 21 February 2017