

INITIAL ASSESSMENT OF COMPLAINT

DECISION NOTICE

Subject Member: Cllr Ralph Butcher

Background

1. A complaint was received on 27 May 2016 from Cllr Alan Lay ("the Complainant") supported by Cllr Paul Clapp alleging that Cllr Butcher ("the Subject Member") had a general conflict of interest due to the fact that the Subject Member sits on the executive committee of the Fenland Association of Community Transport ("FACT") and is also the Chairman of the Highways and Community Infrastructure Committee of Cambridgeshire County Council.
2. No evidence of a specific meeting or situation which may have given rise to a specific requirement to declare an interest was provided.
3. The complaint was put on hold pending associated investigations but resumed once it was determined that neither the complaint nor the investigations would be compromised.

Evidence Considered

4. The following documents were considered for the purposes of this complaint:-
 - a) Email dated 27 May 2016 and the attachment titled "Serious doubts re undeclared pecuniary interests of some Councillors" from the Complainant to Quentin Baker as Monitoring Officer;
 - b) Subject Member's Register of Interests;
 - c) Email Subject Member to Maria Damigos dated 10 June 2016;
 - d) Members Code of Conduct

Jurisdiction

5. For a complaint to be considered in connection with the Member's Code of Conduct, the following test must be satisfied:
 - a) the complaint was made against a person who, at the time the alleged action took place, was a member of Cambridgeshire County Council; and
 - b) the Subject Member had signed up to the Members' Code of Conduct in force at the time the alleged action took place; and
 - c) 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.
6. The Independent Person has concluded all three limbs of this test are satisfied in this matter.

Initial Assessment Decision

7. The Independent Person has considered whether the actions of the Subject Member described in paragraphs 3 to 5 above constitute a breach of the following provisions of the Members' Code of Conduct:
 - a) Nolan Principle of Integrity; and
 - b) Nolan Principle of Honesty.
9. The Subject Member confirmed that he is a member of the board of FACT and that if anything relevant to FACT is on a Council agenda he is discussing as a councillor he

makes a declaration. It has also been verified that the Subject Member is not the Chairman of the Highways and Infrastructure Committee of the Council.

10. The Independent Person has noted that Members are permitted to have outside interests. Provided an appropriate declaration is made and relevant procedures are observed, an outside interest would not normally give rise to a breach of the Code of Conduct.
11. The Independent Person also notes that the Council appoints individuals to the board of FACT to provide an overview of the exercise of their services (see the Cambridgeshire County Council Appointments to Partnership Liaison and Advisory Groups).
12. The Subject Member considers the matter to be a Non Statutory Disclosable Interest as he would declare at a relevant meeting.
13. The Independent Person has concluded that there is insufficient evidence to contradict this and insufficient evidence to show that the Subject Member has breached the Nolan Principles of Honesty and Integrity or the declaration provisions of Code of Conduct.

Further Action

14. Given the potential seriousness of any conflict which may arise the Independent Person does consider it would be of benefit for the Subject Member to be reminded of the requirements for declarations of interests for the future.

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

Dated: 17 January 2017