

INITIAL ASSESSMENT OF COMPLAINT

DECISION NOTICE

Subject Member: Cllr Lucy Nethsingha – Cambridgeshire County Council

Background

1. A complaint was received on 24 January 2017 from Cllr Count as Leader of Cambridgeshire County Council (“the Complainant”) alleging that Cllr Lucy Nethsingha (“the Subject Member”) had deliberately and repeatedly misrepresented that Cambridgeshire County Council was a Conservative Council at full Council on 13 December 2016, during General Purposes Committee meetings on 10 and 24 January 2017, during an interview on Radio Cambridgeshire on 18 January 2017 and to local newspapers.
2. By doing so it is alleged that the Subject Member was breaching the Nolan Principles and thereby bringing her office or the authority into disrepute in breach of paragraph 2.2(e) of the Council’s Code of Conduct.

Evidence Considered

3. The following documents and information were considered for the purposes of this complaint:-
 - a) Email complaint dated 24 January 2017 Complainant to Monitoring Officer;
 - b) Minutes of the General Purposes Committee on 24 January 2017;
 - c) Newspaper article;
 - d) Details of radio interview as detailed by Council Communications Team;
 - e) Details of recording of Council meeting 16 December 2016;
 - f) Members Code of Conduct

Jurisdiction

4. 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.
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 1 above were in accordance with the Nolan Principles of Integrity, Honesty and Leadership* and if not whether this constitutes a breach of paragraph 2.2(e) of the Members' Code of Conduct as follows:

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

7. Based on the evidence available, the Independent Person has concluded the following:
- a) Whilst there may be considered some room for interpretation in most cases, it is important that the public are given information that is accurate.
 - b) That some of the evidence considered was not verified.
 - c) That the Subject Member could be deliberately misrepresenting the political makeup of the Council due to the repeated nature of her statements even after correction.
 - d) That the Nolan Principles of Honesty and Leadership could therefore be engaged. Similarly the Nolan Principle of Integrity could also be engaged but to a lesser extent.
8. The Independent Person accordingly concludes that as the Nolan Principles could have been engaged there was a potential breach of paragraph 2.2(e) of the Code of Conduct.

Further Action

9. The Independent Person considers a local resolution to be appropriate in this matter and recommends an acknowledgement of the political makeup of the Council is given by the Subject Member. Guidance on the level of acceptable debate and statements should also be provided to the Subject Member.

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

Dated: 23 March 2017

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Nolan Principle of Integrity: *Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.*

Nolan Principle of Honesty: *Holders of public office should be truthful.*

Nolan Principle of Leadership: *Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.*