

INITIAL ASSESSMENT OF COMPLAINT

DECISION NOTICE

Subject Member: Cllr Lawrence McGuire

Background

1. A complaint was received on 27 May 2016 from Cllr Alan Lay ("the Complainant") supported by Cllr Paul Clapp alleging that Cllr McGuire ("the Subject Member") and others had failed to declare an interest at a meeting of the Economy and Environment Committee on 24 May 2016.
2. 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.

Summary of the Allegations

3. The Complainant alleges that the Subject Member's membership of the executive committee of the Fenland Association of Community Transport ("FACT") is an interest that should be declared.
4. The complainant also alleges that the Subject Member should not participate in the item relating to FACT discussed at the meeting of the Economy and Environment Committee on 24 May 2016.
5. The Complainant further alleges that the Subject Member had a general conflict of interest due to the fact that they are a member of the executive committee of FACT.

Evidence Considered

6. 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) Minutes of the meeting of 24 May 2016;
 - d) Cambridgeshire County Council Appointments to Partnership Liaison and Advisory Groups ("the Appointments Document");
 - e) Members Code of Conduct

Jurisdiction

7. 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.
8. The Independent Person has concluded all three limbs of this test are satisfied in this matter.

Initial Assessment Decision

9. 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) Failure to declare a Disclosable Pecuniary Interests at a meeting (paragraph 8.1); and
- b) Failure to declare a Non Statutory Disclosable Interests ("NSDI") (paragraph 10.2).

Both provisions set out the rules on participation at meetings.

10. The Independent Person has noted that the Subject Member was appointed to the Board of FACT as the Council's representative by the Economy and Environment Committee (as per the Appointments Document). There is no evidence of any conflict as regards the meeting of 24 May 2016.

11. The Independent Person has also noted that a NSDI would arise where an item of business might reasonably be regarded as affecting their well-being or financial standing of the Subject Member, a member of their family or a person with whom they have a close association to a greater extent than others or it relates to or affects any interests listed in Appendix A of the Code but in respect of a member of their family of a person with whom they have a close association.

12. The Independent Person considers that as the appointment was made by the Council and was not for profit or gain it does not come within the definition of a Disclosable Pecuniary Interest.

13. In relation to the NSDI the definition of which is set out in paragraph 10.1 of the Code the Independent Person concluded that the Subject Member was a Council appointee for the purposes of oversight and representing the Council and has no particular personal or emotional interest in the organization and as such concluded that the provisions of paragraph 10.1 are not engaged. Therefore there was no breach of paragraph 10.2 of the Code for failing to declare or taking part in the meeting.

13. The Independent Person has concluded that there was no interest to declare and accordingly no breach of the Code of Conduct in relation to either declaration of interests or participation in meetings.

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

Dated: 17 January 2017