

STANDARDS COMMITTEE: MINUTES

Date: Friday 29th January 2010

Time: 2.30 p.m. – 4.25 p.m.

Place: Shire Hall, Cambridge

Present: Councillors P Downes and V Lucas

Independent members: Mr D Boreham, Dr K Gaseltine and Mrs M Sanders

Officers: Q Baker and M Brown

Apologies: Councillors K Churchill, J Powley and T Sadiq

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24. REPORT TO UPDATE THE STANDARDS COMMITTEE ON OTHER ACTION

The Committee received a report updating members on the Assessment Sub Committee's decision to request that the Monitoring Officer take "Other Action" in response to a complaint made against a member of the Council for an alleged breach of the Code of Conduct.

The Committee noted that the report had provisionally been designated as an exempt item for discussion in the absence of the press and public. The Committee discussed whether, on balance, it was in the public interest for the item to be considered in private session or whether the need for transparency and openness overrode the factors supporting discussion in private. The Committee agreed that the report should not be exempt and should be discussed in public session.

The Committee received a report setting out the details of a complaint made against Councillor L Wilson alleging that he had breached the Code of Conduct by failing to treat others with respect contrary to paragraph 3(1) of the Code of Conduct and may have caused the Council to breach equality enactments contrary to paragraph 3(2)(a). The complaint arose from a letter written by Councillor L Wilson about travellers which was published in the Camborne Crier. The Assessment Sub-Committee had considered the complaint and referred it to the Monitoring Officer with a request that he undertake "Other Action" comprising:

- Writing to Councillor L Wilson setting out the observations of the Sub-Committee in relation to the wording of the letter at the centre of the complaint.
- Inviting Councillor L Wilson to attend an awareness raising session focussed on the Members' Code of Conduct and the equality duty under S.71 of the Race Relations Act 1976.

- Inviting Councillor L Wilson to write an open letter to the Camborne Crier setting his earlier letter in an appropriate context.

The Committee received a report on the action taken by the Monitoring Officer in response to the Sub-Committee's request and Councillor L Wilson's response to the actions requested of him.

Members noted that subsequent to the publication of the letter in the Camborne Crier, Councillor L Wilson had written to the editor of Cambridge Evening News, setting his letter to the Camborne Crier in context. Whilst welcoming the clarification, the Committee considered that the two newspapers had different readerships and that Councillor Wilson's second letter should be directed to the newspaper which published his original letter i.e. the Camborne Crier.

Members noted that Councillor L Wilson had not responded to the request that he attend an awareness raising session and discussed the Monitoring Officer's view as to whether this would take place without a further request being made.

The Committee discussed the adequacy of Councillor L Wilson's response to the Monitoring Officer's requests and agreed that they fell short of what was required. Members noted that whilst Councillor L Wilson could not be required to undertake the action requested, failure to do so could give rise to a complaint that he had breached the Code of Conduct by bringing his office into disrepute.

It was resolved:

- (i) that the Monitoring Officer be requested to write to Councillor L Wilson repeating the request that he attend an awareness raising session focussed on the Members' Code of Conduct and the equality duty under S71 of the Race Relations Act 1976 and inviting Councillor L Wilson to write an open letter to the Camborne Crier setting his earlier letter in an appropriate context, as set out in paragraphs 5.2 and 5.3 of the original Decision Notice; and
- (ii) that the Monitoring Officer write to the complainant letting him know the outcome of the Committee's further consideration of his complaint.
(Action: Q Baker)

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CONFIDENTIAL – NOT FOR PUBLICATION It will be recommended that the Committee resolve that the following report be excluded from the press and public on grounds that it contains exempt information under Paragraph 7C¹ of Part 1 of Schedule 12A for the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed.

(Note: The Committee subsequently decided that on balance it was in the public interest for this report to be debated in public)

REPORT TO UPDATE STANDARDS COMMITTEE ON OTHER ACTION

To: Standards Committee

Date: 29th January 2010

From: Head of Legal Services & Monitoring Officer

Purpose: To consider the action taken by the Monitoring Officer in response to a direction to take other action and to consider whether to issue any further direction.

Recommendation: It is recommended that:-

The Standards Committee considers the action taken and either:-

- a) decides it is satisfied with the action taken or,
- b) issues a further direction

<i>Officer contact:</i>		<i>Member contact</i>	
Name:	Quentin Baker	Name:	Mr. David Boreham
Post:	Head of Legal Services & Monitoring Officer	Portfolio:	Chairman of the Standards Committee
Email:	quentin.baker@cambridgeshire.gov.uk	Email:	
Tel:	01223 727961	Tel:	

¹ As added by S.8(6) of the Standards Committee (England) Regulations 2008

1. Summary

- 1.1. On 21st October 2009 a complaint was received regarding a member of Cambridgeshire County Council alleging that they had breached the Council's Code of Conduct for members. The matter was duly reported to the Local Assessment Sub-Committee which considered the complaint at a meeting on 26th November 2009. The report relating to the complaint is attached at appendix A.
- 1.2. Following consideration of the report the Sub-Committee decided to direct the Monitoring Officer to take other action as set out in the attached decision notice at appendix B.
- 1.3. This report is intended to update members of the Standards Committee on the action I have taken and any response by the subject member in this case.

2. Background

- 2.1. A complaint, received on 21st October 2009, was referred to the Local Assessment Sub-Committee and was considered at its meeting on the 26th November 2009. The complaint arose from an article that appeared in the Cambourne Crier in its August 2009 edition. The Sub-Committee concluded that the matter was most appropriately dealt with by directing that other action be taken by the Monitoring Officer and the action is set out at paragraphs 5.1 to 5.3 of the decision notice.
- 2.2. The Standards Committee Regulations² require that where a direction for other action is made, the Monitoring Officer to whom the direction is made shall submit a written report to the Standards Committee within three months of the direction being made, giving details of the action taken to comply with the direction.
- 2.3. I can confirm the following actions; I wrote to Cllr L Wilson by letter dated 2nd December 2009 and I attach a copy of that letter as appendix C. As you will see my letter includes an invitation to Cllr Wilson to attend an awareness raising session and also invites him to write to the editor of the Cambourne Crier.
- 2.4. To date, I have not received any indication from Cllr Wilson as to whether he is willing to attend an awareness raising session and I assume that the absence of any response in this regard is an indication that he is not intending to do so.
- 2.5. Regarding the letter to the editor, I have received an email from Cllr Wilson attached to which was a copy letter which he confirms was sent to the editor of the Cambridge Evening News and to the complainant prior to the complaint being lodged. I attach these documents as appendix D and E.

² S.13(4)(C) of The Standards Committee (England) Regulations 2008

2.6. I am required to report back to the Standards Committee within three months of the date of receiving an instruction and this report is submitted in fulfilment of that requirement.

2.7. The following is an extract from the SFE guidance on other action:-

*If the standards committee or sub-committee **is** satisfied with the action described in the monitoring officer's report, it should give notice of this to all of the following:*

- *the subject member*
- *the person who made the allegation*
- *the standards committee of any other authority involved*
- *any parish council concerned*

The matter is then closed.

*If the standards committee or sub-committee is **not** satisfied, it must give another direction to the monitoring officer, which must again be to take some kind of other action. The standards committee cannot at this stage decide that the matter should be investigated. This is discussed further in the section below³.*

2.8. In view of the above I would ask that the Standards Committee consider the circumstances surrounding this matter and decide whether it wishes to issue a further direction or not.

Appendix A – Report to Local Assessment Sub-Committee

Appendix B - Decision Notice

Appendix C - Letter from Quentin Baker to Cllr L Wilson dated 2nd December 2009

Appendix D - Email correspondence between Q Baker and Cllr L Wilson

Appendix E - Copy letter from Cllr L Wilson

Source Documents	Location
None	Room 4B, Shire Hall, Cambridge

³ SFE Other Action Guidance page 11 paras 40-41

CONFIDENTIAL – NOT FOR PUBLICATION. The Committee will be recommended to resolve that the following report be excluded from the press and public on grounds that it contains exempt information under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed.

CODE OF CONDUCT COMPLAINT 03/09

To: Standards Committee Assessment Sub-Committee

Date: 26th November 2009

From: Head of Legal Services & Monitoring Officer

Purpose: To consider an allegation that Councillor Lister Wilson has breached the provisions of the Members' Code of Conduct

Recommendation: The Sub-Committee is recommended to consider the complaint, in accordance with the procedure adopted by the Standards Committee, and decide which of the following options are appropriate:

- referral for investigation
- referral for other action
- decision to take no further action.

<i>Officer contact:</i>		<i>Member contact</i>	
Name:	Quentin Baker	Name:	
Post:	Head of Legal Services and Monitoring Officer	Portfolio:	
Email:	quentin.baker@cambridgeshire.gov.uk	Email:	
Tel:	01223 727961	Tel:	

Complaint Re Cllr Lister Wilson

1 Background

- 1.1 On the 21st October 2009 a complaint was received from Mr Gavin Clayton, (the Complainant), alleging that Cllr Lister Wilson, (Subject Member), had breached the Cambridgeshire County Council Members' Code of Conduct. The complaint relates to an article, attributed to Cllr Wilson, which appeared in the August 2009 edition of the 'Cambourne Crier'.
- 1.2 The text from the email containing the complaint and copy of the article which is at the centre of the complaint is attached, is attached at Appendix 'A'.

2 Summary of Allegation

- 2.1 The complainant alleges that Cllr Wilson wrote the article which appears at page 32 of the August edition of the Cambourne Crier. The article is entitled 'County Council on travellers' sites in South Cambridgeshire – A letter to the Crier'. The complainant alleges that the language used in the article is disrespectful to travellers and constitutes a breach of Para 3(1) of the members' code.
- 2.2 The complainant further alleges that the article is discriminatory and constitutes a breach of Para 3(2)(a) of the code because it renders the County Council in breach of its duties under S.33 of the equality Act 2006.

3 Documentation

- 3.1 The following documents are attached at Appendix 'A', for the purposes of the assessment of this complaint:-
- Extract of email received from the Complainant on 21 October 2009;
 - Extract from the August edition of the Cambourne Crier (P.32).

4 Jurisdiction

- 4.1 Before an assessment of the complaint commences the Sub Committee must be satisfied that it has jurisdiction to deal with this matter, in particular it must be satisfied of the following:-
- a) that the complaint is 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 and;

4.2 I can confirm that the Subject Member was a member of Cambridgeshire County Council at the time of the alleged breach and had signed the code of conduct.

4.3 The article was attributed to “Councillor Lister Wilson, Member for the Bourn Division, Cambridgeshire County Council”. In the circumstances, if proven, it would appear that the Subject Member was acting, claiming to act or giving the impression of acting as a representative of Cambs County Council.

5 Assessment

5.1 Where the Sub-Committee are satisfied that the matter falls within their jurisdiction they are required to undertake an assessment to determine whether the complaint appears to show that a breach of the Code may have occurred. If the Sub-Committee are satisfied in this regard it must decide whether or not the information submitted in support of the complaint warrants any action being taken, either an investigation or some other form of action, or whether no further action is warranted.

Provisions of the Code that are Potentially Engaged

5.2 Para 3(1) requires a member must treat others with respect. Guidance from the SFE has emphasised that this provision is not intended to stifle comment on matters of genuine public debate.

Paragraph 3(1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through members' arguments and public debate are an essential part of the cut and thrust of political life¹.

Although the provision is primarily directed at comments and actions directed at another individual, it may also extend to comments or actions directed to groups of people. The guidance states that a breach under this provision may be established by conduct ‘directed at a general class or type of person’².

5.3 Para 3(2)(a) require that a member does not do anything which may cause their authority to breach any of the equality enactments (as defined in S.33 of the Equality Act 2006). S.33 includes the Race Relations Act 1976, S.71 of which imposes a duty on local Authorities to;

- a) eliminate unlawful racial discrimination; and
- b) promote equality of opportunity and good relations between persons of different racial groups.

Having consulted the Equality and Human Rights Commission I can confirm that Irish Gypsies are a separate ‘racial group’ for the purposes of the Race Relations Act 1976.

¹ The Case Review 2007. SBE. P.23

² as above

Assessment of What Action, if any, is Warranted

5.4 Below I list the published criteria for the Assessment Sub-Committee to refer to in order to assist in making its decision as to whether any action is warranted. The criteria are not exhaustive and intended only as a guide for the Sub-Committee. The options for action are set out below in section 5.

- How long ago were the events that led to the complaint;
- Were the events complained of an isolated incident or part of a series;
- How likely is a reoccurrence of the events complained of;
- How serious was the potential breach of the Code of Conduct;
- What sort of sanction might be imposed if the complaint were proven;
- Does the complaint appear to be malicious, politically motivated or tit-for-tat;
- Has the complaint has already been the subject of an investigation or other action relating to the Code of Conduct;
- Has the complaint been the subject of an investigation by other regulatory authorities;
- How difficult and costly would it be for any investigation to reach a conclusion on the facts relating to the complaint;
- Would the investigation of the complaint be in the public interest;

5.5 Having considered the information submitted by the complainant and any other information submitted by the Monitoring Officer the Sub-Committee is invited to decide on one of the four options for action set out below.

6 Options for the Assessment Sub-Committee

6.1 The Assessment Sub-Committee is required to consider the information submitted by the complainant and the further information included by the Monitoring Officer and decide on one of the following options for disposing of this matter:-

- Decide that no further action be taken or,
- Refer the matter for investigation either to the Monitoring Officer or to the Standards Board for England or,
- Refer the matter to the Monitoring Officer for 'Alternative Action'. (N.B. Subject to consultation with the Monitoring Officer).

6.2 The Sub-Committee is therefore asked to consider the information contained in the attached papers and decide on which option they feel is appropriate.

Quentin Baker
Monitoring Officer
18-11-09

Cambridgeshire County Council Standards Committee
Local Assessment Sub-Committee

Decision Notice¹: Direction to Monitoring Officer to take Alternative Action

Reference No: 011445 2009

Subject Member: Cllr Lister Wilson

1 Background

- 1.1 On the 21st October 2009 a complaint was received from Mr Gavin Clayton, (the Complainant), alleging that Cllr Lister Wilson, (Subject Member), had breached the Cambridgeshire County Council Members' Code of Conduct. The complaint relates to an article, attributed to Cllr Wilson, which appeared in the August 2009 edition of the 'Cambourne Crier'.
- 1.2 The complaint, contained in an email from the complainant, and a copy of the article giving rise to the complaint, were considered by the Local Assessment Sub Committee at a meeting on 18 November 2009.

2 Summary of Allegation²

- 2.1 The complainant alleges that Cllr Wilson wrote the article which appears at page 32 of the August edition of the Cambourne Crier. The article is entitled 'County Council on travellers' sites in South Cambridgeshire – A letter to the Crier'. The complainant alleges that the language used in the article is disrespectful to travellers and constitutes a breach of Para 3(1) of the members' code.
- 2.2 The complainant further alleges that the article is discriminatory and constitutes a breach of Para 3(2)(a) of the code because it renders the County Council in breach of its duties under S.33 of the equality Act 2006.

3 Evidence Considered

- 3.1 The sub-committee considered the following documents for the purposes of this assessment:-

¹ This notice is issued in accordance with Regulation 8(5) of the Standards Committee (England) Regulations 2008.

² Produced in accordance with S.57C(2) of the Local Government Act 2000 (as amended).

- Extract of email received from the Complainant on 21 October 2009;
- Extract from the August edition of the Cambourne Crier (P.32) containing an article attributed to County Councillor Lister Wilson.
- Confirmation that Cllr Lister Wilson had signed the declaration undertaking to abide by the Members' code of conduct.

4 Jurisdiction

4.1 The sub-committee was satisfied that:-

- 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. In this regard the sub-committee were persuaded by the fact that the article was attributed to County Councillor Lister Wilson.

5 Decision

5.1 The Sub-Committee decided to refer the matter to the Monitoring Officer (MO) with a direction that the MO write to the Subject Member setting out the observations of the Sub-Committee in relation to the wording of the Article at the centre of this complaint.

5.2 The Sub-Committee further directed the Monitoring Officer to invite the Subject Member to attend an awareness raising session focussed on the Members' Code of Conduct and the equality duty under S.71 of the Race Relations Act 1976.

5.3 The Sub-Committee also directed the Monitoring Officer invite the Subject Member to write an open letter to the Camborne Crier, setting his earlier letter in an appropriate context.

6 Reasoning

6.1 In considering the complaint the Sub-Committee focussed their minds on three provisions of the code of conduct as follows as these were thought to be the most relevant to the alleged conduct giving rise to the complaint;

- i) Failure to treat others with respect – Paragraph (1).
- ii) Action by the Subject Member that may cause their authority to breach any of the equality enactments as defined in S.33 of the Equality Act 2006, and in particular S.71 of the Race Relations Act 1976 – Paragraph 3(2)(a).

iii) Bringing ones office or authority into disrepute – Paragraph 5

- 6.2 The Sub-Committee considered the letter and formed the view that the wording used in some parts, in particular, that in paragraph 3, was ill advised given the status of the Subject Member as a County Councillor. In that role he was a focus for members of the community and his words may carry additional weight and influence because of it.
- 6.3 The Sub-Committee acknowledged the fact that travellers' sites and their activities were a matter of public interest and debate and the code of conduct was not intended to stifle public debate about matters of concern, even where that was controversial or contentious. However, the Sub-Committee formed a consensus, that the content of paragraph 3 was inappropriate and went beyond the bounds of acceptable language. The Sub-Committee concluded that the words were intemperate and when taken together, gave the impression of a diatribe directed towards travellers. The choice of words was thought to be unwise and on the border line of being disrespectful.
- 6.4 The Sub-Committee noted that the content of the letter was inflammatory in the sense that it implied that travellers, as a group, were more likely to behave unlawfully. The Sub-Committee were of the view that such generalisations were unhelpful to good community relations and could potentially place the County Council in breach of its duty to promote good relations between persons of different racial groups.
- 6.5 In the particular circumstances of this case including the nature of the available evidence and that likely to be elicited by any investigation as well as the borderline nature of the conduct, the Sub-Committee concluded that the most effective way of addressing the issues arising was to utilise its powers to direct the County Council's Monitoring Officer to take other action. The actions directed are listed above and were devised with the intention of raising the Subject Member's awareness of the potentially adverse impact of this piece of correspondence.

7 Right of review

- 7.1 At the written request of the complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Sub-Committee to that involved in the original decision will undertake the review.
- 7.2 The Standards committee must receive the complainant's written request within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If the committee receives a request for a review, we will deal with it within a maximum of three months of receipt. The committee will write to all the parties mentioned above, notifying them of the outcome of any such review.

8 Terms of reference

8.1 The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

8.2 The regulations set out the framework for the operation of a locally-based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

9 Additional Help

9.1 If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000. We can also help if English is not your first language.

Signed **Date**

Signed on behalf of:

David Boreham
Independent Chair of the Local Assessment Sub-Committee

My Ref: 9/QB//011445
Your Ref:
Date: 02 December 2009
Please ask for: Mr Q Baker
Direct Dial No: 01223 727961
Fax No: 01223 717074
E-mail: quentin.baker@cambridgeshire.gov.uk

Directorate of People, Policy and Law
Corporate Director: Stephen Moir

Cllr Lister Wilson
Wheatfield House
Royston Road
Littlington
Royston
SG8 0RL

Legal Services
Box RES 1001
Shire Hall
Cambridge
CB3 0AP

DX 137872 CAMBRIDGE 9

Dear Cllr Lister Wilson

Re: Complaint

I am writing to you following the recent meeting of the Local Assessment Committee at which the recent complaint against you was considered. As you will see from the attached decision notice, the Sub-Committee decided to refer the matter to me with a direction that I do a number of things as follows:-

- i) Write to you setting out the observations of the Local Assessment Sub-Committee in relation to the wording used in the article giving rise to this complaint.
- ii) Invite you to attend an awareness raising session focussed on the Members' Code of Conduct and the equality duty under S.71 of the Race Relations Act 1976.
- iii) Invite you to write an open letter to the editor of the Cambourne Crier setting your article in an appropriate context.

Regarding the first of these, from the decision notice you will see that whilst the members of the Sub-Committee did not feel that the complaint warranted referral for investigation, they did feel that some action was necessary because they felt that the wording used in parts of your article, most notably, paragraph 3.

The sub-Committee felt that the role of a County Councillor adds weight or credibility to the words of someone holding that position and as such care must be taken when issuing public pronouncements. In this case the Sub-Committee felt that, in places, the article was worded in such a way as to give the impression of a diatribe directed against a minority group. The language used was described as 'inflammatory and intimidating', and its focus on travellers gave

rise to a real possibility that it might encourage ill feeling towards this group as a whole. The comments referred to 'Travellers' as a group and implied that all travellers were likely to commit crime. This level of generalisation was felt to be unhelpful, particularly from a County Councillor who, by reason of their membership of the Council, must be mindful of the Council's statutory obligations to promote equality and good relations between persons of different racial groups.

Regarding the awareness raising session I would be most grateful if you would firstly confirm that you are content to attend the session and secondly, let me have your suggestions as to what might be convenient dates and times for you. As for timing, I do not envisage the duration of the meeting to be any longer than one hour.

As for the letter, I have drawn your attention to the Sub-Committee's request and if it would be of assistance, I would be very happy to provide additional guidance on what you might wish to include in the letter.

Yours sincerely

Quentin Baker
Head of Legal Services & Monitoring Officer

APPENDIX D

Copy of email correspondence with Cllr L Wilson

I wonder if the triumverate had been given the attached letter which I sent to the Cambridge News four days after a synopsis of my article appeared in the paper?

It would seem that this letter puts the original article in context and answers points which are made in the letters you've already sent to me.

Having said that I also sent a copy of this letter to the complainant long before he made his complaint but, it's as well to know, that he still went ahead with his complaint.

Regards

Lister

-----Original Message-----

From: Baker Quentin [<mailto:Quentin.Baker@cambridgeshire.gov.uk>]
Sent: 30 December 2009 11:50
To: Wilson Lister
Subject: RE: Re Complaint

David Boreham is the Independent Co-opted Chairman of the Standards Committee and he chaired the Local Assessment Sub-Committee which dealt with this matter. He was joined on the Sub-Committee by Cllrs Lucas and Downes.

Rgds
Quentin

-----Original Message-----

From: Lister Wilson [<mailto:lister@listerwilson.net>]
Sent: 30 December 2009 11:36
To: Baker Quentin
Subject: RE: Re Complaint

No problem. I'm working on it as I write this.

Hope that you had a pleasant Christmas too. By the way, I was going to say that I worked at the bottom of Queen Anne's Road for 10 years and that's how I was able to watch the daily progress building the Railway Museum.

I need to know who else was on the Local Assessment Sub Committee apart from David Boreham. And in that connection, who is David Boreham?

Regards

Lister Wilson

-----Original Message-----

From: Baker Quentin [<mailto:Quentin.Baker@cambridgeshire.gov.uk>]
Sent: 30 December 2009 11:32
To: Wilson Lister
Subject: Re Complaint

Dear Cllr Wilson,

I hope you had a pleasant Christmas.

I am writing as a follow up to our discussion before Council at the beginning of December. I understood that you were preparing a letter in response to mine and I thought it may be helpful to mention that the next meeting of the Standards Committee is scheduled for the 29th January and I shall be expected to give an update at that meeting. It would be helpful if I could have your response before that date.

Regards

Quentin

Quentin Baker
Head of Legal Services & Monitoring Officer Cambridgeshire County
Council
Tel: 01223 727961

APPENDIX E

The Editor
Cambridge News
Milton
Cambridge

29th. July 2009

Re: Travellers in Cambourne

Dear Paul

I need to balance the article in Tuesday's Cambridge News headed "Gypsy sites will hit house prices", before I'm targeted by the Travelling community for misrepresenting them.

As Chairman of the Health Scrutiny Committee at Cambridgeshire County Council for the last two years, I was increasingly drawn to the huge difference in health and life expectancy between the settled population and the Travellers. This was a theme of my original article which contained such facts as very high infant mortality (up to twenty times that of the settled population), astonishingly low life expectancy – around 35 years shorter, and health needs which go with that life style.

In Cambourne we already have settled Traveller families. Indeed this is the pattern we would welcome for any more and the Parish Council has said so. Housing, I contend, is the most basic right in a contented population. With permanent housing goes a near doubling of life-expectancy, a good education for good jobs and all one's children surviving. So I wonder why Travellers continue to travel when the disadvantages seem so clear.

My article listed nine breaches of the law, all traced to some Travellers and all featured at some time in the last 5 years in the Cambridge News. I did not make any accusations at all but others drew their own conclusions like Basil Burton of the Romany Rights Association and my colleague Councillor Kindersley. I wonder if either of them read what I wrote. The jobs market is collapsing for everyone but it's especially hard for Travellers as their traditional employment is overtaken by machinery or immigrant workers.

I know settled Travellers, I have bought their services and even employed them. So let's be very clear about this – life in even a luxury caravan has more drawbacks than living in a house. I know because I've done my homework. Welcome to a place of your own in Cambourne and a brighter future.

Yours sincerely

Lister Wilson
County Councillor for the Bourn Division
Cambridgeshire County Council

STANDARDS COMMITTEE: MINUTES

Date: Wednesday 28th April 2010

Time: 2.30 – 4.05p.m.

Place: Shire Hall, Cambridge

Present: Councillors C Carter (substituting for Councillor Sadiq) P Downes, G Harper (substituting for Councillor Churchill), V Lucas and J Powley.

Independent members: Mr D Boreham, Dr K Gaseltine and Mrs M Sanders

Officers: Q Baker and M Brown

Apologies: Councillors K Churchill, and T Sadiq

...

37. REPORT TO UPDATE STANDARDS COMMITTEE ON OTHER ACTION

The Committee received a report updating members on the Assessment Sub Committee's decision to request that the Monitoring Officer take "Other Action" in response to a complaint made against a member of the Council for an alleged breach of the Code of Conduct.

The Committee received a report setting out the details of a complaint made against Councillor L Wilson alleging that he had breached the Code of Conduct by failing to treat others with respect contrary to paragraph 3(1) of the Code of Conduct and may have caused the Council to breach equality enactments contrary to paragraph 3(2)(a). The complaint arose from a letter written by Councillor L Wilson about travellers which was published in the Camborne Crier. The Assessment Sub-Committee had considered the complaint and referred it to the Monitoring Officer with a request that he undertake "Other Action" comprising:

- Writing to Councillor L Wilson setting out the observations of the Sub-Committee in relation to the wording of the letter at the centre of the complaint.
- Inviting Councillor L Wilson to attend an awareness raising session focussed on the Members' Code of Conduct and the equality duty under S.71 of the Race Relations Act 1976.
- Inviting Councillor L Wilson to write an open letter to the Camborne Crier setting his earlier letter in an appropriate context.

The Standards Committee in January 2010 received a report on the action taken by the Monitoring Officer in response to the Sub-Committee's request and Councillor L Wilson's response to the actions requested of him. The Committee agreed that the Monitoring Officer be requested to write again to Councillor L Wilson repeating the request that he attend an awareness raising session focussed on the Members' Code of Conduct and the equality duty under S71 of the Race Relations Act 1976 and inviting Councillor L Wilson to

write an open letter to the Camborne Crier setting his earlier letter in an appropriate context, as set out in the original Decision Notice. The Committee believed that this was a constructive and proportionate response to the complaint.

The Committee received a further report setting out the response received from Councillor L Wilson which indicated that there was little prospect of Councillor Wilson being willing to attend an awareness raising session focussed on the Members' Code of Conduct and the Council's equality duty.

The Committee noted that it could not direct that Councillor Wilson attend the awareness raising session and expressed concern that Councillor Wilson's refusal to attend the session undermined the role of the Committee in securing compliance with the Council's Code of Conduct.

It was resolved:

That the Monitoring Officer be requested to take the following further action on the complaint by writing to Councillor Wilson expressing the Committee's concern and regret that Councillor had felt unable to attend the awareness raising session and commenting that such a failure could be perceived as being a potential breach of the Code of Conduct.

...

REPORT TO UPDATE STANDARDS COMMITTEE ON OTHER ACTION

To: **Standards Committee**

Date: **28th April 2010**

From: **Head of Legal Services & Monitoring Officer**

Purpose: **To consider the action taken by the Monitoring Officer in response to a direction to take other action and to consider whether to issue any further direction.**

Recommendation: **That the Standards Committee notes the action taken and the response of the Subject Member and considers whether to issue a further direction or to take no further action.**

<i>Officer contact:</i>		<i>Member contact</i>	
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1. Summary

- 1.1. On 21st of October 2009 a complaint was received regarding a Member of Cambridgeshire County Council alleging that they had breached the Council's code of conduct for Members. The matter was duly reported to the Local Assessment Sub-Committee which considered the complaint at a meeting on 26th November 2009. The report relating to the complaint was previously circulated to Members of the Standards as appendix 'A' to the report of the Monitoring Officer considered at the meeting of the Standards Committee held on 29th January 2010.
- 1.2. Following consideration of the report the Assessment Sub-Committee decided to direct the Monitoring Officer to take other action as set out in the decision notice dated 2nd December 2009, appendix 'B' to the report of 29th January 2010.
- 1.3. The Monitoring Officer reported back to the Standards Committee at its meeting on 29th January 2010 and following consideration of that report the Standards Committee decided to issue a further direction to the Monitoring Officer and a record of that decision is attached to this report at appendix 'A'.
- 1.4. This report is intended to update members of the Standards Committee on the action taken by the Monitoring Officer and any response by the Subject Member.

2. Background

- 2.1. A complaint received on 21st October 2009 was referred to the Local Assessment Sub-Committee and was first considered at its meeting held on the 26th November 2009. The complaint arose from an article that appeared in the Cambourne Crier in its August 2009 edition. The Sub-Committee concluded that the matter was most appropriately dealt with by directing that other action be taken by the Monitoring Officer.
- 2.2. The Monitoring Officer carried out the action requested by the Standards Committee and reported back to the Standards Committee at its meeting of the 29th January 2010.
- 2.3. The Standards Committee made a further direction to the Monitoring Officer who wrote, once again, to the Subject Member in accordance with the direction.
- 2.4. The Standards Committee Regulations¹ require that where a direction for other action is made, the Monitoring Officer to whom the direction is made shall submit a written report to the Standards Committee within three months of the direction being made, giving details of the action taken to comply with the direction.

¹ S.13(4)(C) of The Standards Committee (England) Regulations 2008

3. Actions Taken

- 3.1. On 12 February 2010 the Monitoring Officer wrote to the Subject Member enclosing the decision notice setting out the reasoning of the Committee and inviting the Subject Member to attend an awareness raising session. The letter, dated 11th February 2010, is attached as appendix 'B'.
- 3.2. The Subject Member responded to the letter in an email sent on 12th February 2010 which is included in the email trail attached as appendix 'C' to this report. In the email, the Subject Member states that he is not keen on attending an awareness session. He goes on to mention that he had written an article and sent it to the Cambourne Crier in time for publication in the latest edition but that the Cambourne Crier had not published it. A copy of the email from the Subject Member, with the article, is included in the email trail attached at appendix 'C' to this report.

4. Standards for England Guidance

- 4.1. The Monitoring Officer is required to report back to the Standards Committee within three months of the date of receiving an instruction and this report is submitted in fulfilment of that requirement.
- 4.2. The following is an extract from the SFE guidance on other action:-

*If the standards committee or subcommittee **is** satisfied with the action described in the monitoring officer's report, it should give notice of this to all of the following:*

- *the subject member*
- *the person who made the allegation*
- *the standards committee of any other authority involved*
- *any parish council concerned*

The matter is then closed.

*If the standards committee or subcommittee is **not** satisfied, it must give another direction to the monitoring officer, which must again be to take some kind of other action. The standards committee cannot at this stage decide that the matter should be investigated. This is discussed further in the section below².*

- 4.3. In view of the above the Standards Committee is requested to consider the circumstances surrounding this matter and decide whether to issue a further direction or not.

² SFE Other Action Guidance page 11 paras 40-41

Appendix 'A' – Decision Notice 11-02-10

Appendix 'B' - Letter dated 11-02-10 from Monitoring Officer to Cllr Wilson

Appendix 'C' - Email correspondence between 12-02-10 - 24-02-10, from Cllr Wilson to the Monitoring Officer with attached article.

Source Documents	Location
Report and minutes of the Standards Committee – 29/01/10	Room 114, Shire Hall, Cambridge