

Cambridge City Council

Complaint against Councillor Colin Rosenstiel

Complainant - Mr David Monk (East of England Ambulance Service)

Chair of Standards Committee Hearings Panel – Dr Alan Clark (External Member)

Members of the Hearing Panel – Mr Mike Williams (External Member), Councillor Tim Bick, Councillor Neil McGovern, Councillor Russ McPherson

Cambridge City Council's Monitoring Officer – Antoinette Jackson

Standards Board for England Ethical Standards Officer – Hazel Salisbury

Clerk of the Hearing - Gary Clift, Cambridge City Council

Standards Board for England case reference – SBE 2025507

Date of Hearing - 11th February 2009

Date of Report – 16th February 2009

Summary of complaint:

Mr David Monk, the Clinical Fields Operations Manager of the East of England Ambulance Service, alleged that Councillor Colin Rosenstiel, a member of Cambridge City Council, obstructed an Ambulance Service emergency response vehicle on an emergency call when the vehicle, driven by an Ambulance Service Paramedic, was attempting to gain access to Jesus Green, Cambridge.

Sections of the Council's Code of Conduct covered by the Ethical Standards Officer's investigation

Failure to treat the Ambulance Service Paramedic with respect and by doing so failure to comply with paragraph 2(b) of the Council's Code of Conduct for Councillors.

Behaviour which brought the Councillor's office into disrepute and therefore failure to comply with paragraph 4 of the Council's Code of Conduct for Councillors.

Summary of the evidence considered and representations made

The evidence considered and representations made were set out in the City Council's Monitoring Officer's report namely:

The report of the investigation by the Ethical Standards Officer (SBE 20255.07)

A schedule of evidence taken into account by the Ethical Standards Officer in compiling her report (HS1-HS16)

The response from Councillor Rosenstiel to the findings of the Ethical Standards Officer

The response from the Standards Board to Councillor Rosenstiel's comments.

This information was made publicly available on the Council's website and placed on deposit on 28th January 2009.

The findings of fact and reasons for them

An amendment to paragraph 5.5 had been requested by Councillor Rosenstiel in his written response to the Ethical Standards Officer's report. At the Hearings Panel, the Standards Board for England accepted this change. As there was no other disagreement on findings of fact from Councillor Rosenstiel, the Hearings Panel agreed with the findings of fact as set out in paragraphs 5.1-5.9 (noting 5.5 as amended) of the Ethical Standards Officer's report.

The finding as to whether the member failed to follow the Code of Conduct and the reasons for that finding

The Hearings Panel noted that Councillor Rosenstiel had admitted his behaviour was in breach of the Code. The Panel found that by failing to treat the Ambulance Paramedic with respect, Councillor Rosenstiel failed to comply with paragraph 2(b) of the Council's Code of Conduct for Councillors.

With regard to paragraph 4 of the Code, the Hearings Panel heard from Councillor Rosenstiel's representative (Mr Gore) as to whether the Councillor was acting in a way which could be considered as bringing himself as an individual, but not his office, into disrepute. The Hearings Panel considered Mr Gore's analysis of the Mr Justice Collins judgement in the Livingstone case (copies were tabled at the Hearing) and in particular paragraph 40. The Hearings Panel was not persuaded in the circumstances of Councillor Rosenstiel's case. The uncontested evidence set out that Councillor Rosenstiel throughout his dealings with the ambulance paramedic and a police officer stated that he was acting in his capacity as a ward councillor. The Hearings Panel found that Councillor Rosenstiel's behaviour would inescapably be regarded as bringing his office into disrepute and therefore he had failed to comply with paragraph 4 of the Council's Code of Conduct for Councillors.

Sanction imposed

The Hearings Panel agreed that Councillor Rosenstiel should send a full personal, unqualified and unreserved written apology to the East of England Ambulance Service and the ambulance paramedic involved in the incident on 2 June 2007. The form of the apology was agreed with the Hearings Panel. The Hearings Panel requested that the apologies were made public. (The two letters were posted on the City Council's Website and in a news release on 11th February 2009)

With regard to the breach of paragraph 4 of the Code of Conduct, the Panel did not feel additional sanction was required in the light of their findings and the public nature of the hearing process.

Member's right to appeal

Councillor Rosenstiel has 21 days from the date of receiving the written decision to appeal which must be in writing to The President of the Adjudication Panel for England.