

<b>STANDARDS COMMITTEE</b>	<b>AGENDA ITEM 5</b>
<b>21 October 2009</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Helen Edwards, Solicitor to the Council	Tel: 01733 452539
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## **REPORT INTO THE LEAK OF STANDARDS COMMITTEE INFORMATION**

<b>RECOMMENDATIONS</b>
<b>FROM : SOLICITOR TO THE COUNCIL &amp; MONITORING OFFICER</b>
<p>That the Standards Committee:</p> <ol style="list-style-type: none"> <li>1. notes the contents of this report</li> <li>2. agrees the recommended actions at para 5</li> </ol>

### **1. BACKGROUND**

- 1.1 A standards committee pre-hearing sub-committee met on 3 June 2009 to consider the investigating officer's report into a complaint made against Councillor Darren Morley.
- 1.2 The meeting was held in private, with the press and public being excluded in accordance with the Council's Access to Information rules set out in its Constitution.
- 1.3 In mid June, the council was contacted by Lite FM, asking questions about the complaint, the date of the hearing, and whether it would be in public.
- 1.4 The council responded with a comment that it could neither confirm nor deny whether a complaint had been made against Councillor Morley at this stage, and that if a hearing was to be held in public, notification of a public meeting would be given in the usual way.
- 1.5 The following day Lite FM reported that they had, "had sight of" a report to the standards committee.
- 1.6 The only report that had recently been presented to the standards committee in respect of this matter was the report on behalf of the monitoring officer, to the pre-hearing sub-committee on 3 June 2009.
- 1.7 The Chair of the Standards Committee, Steve Boast, took the apparent leak of exempt information extremely seriously, and asked the monitoring officer to investigate.

### **2 THE INVESTIGATION**

- 2.1 The pre hearing sub-committee on 3 June 2009 had been made up of:
  - 2.1.1 David Whiles, independent member, who had chaired the sub-committee
  - 2.1.2 Councillor Sheila Scott, Conservative councillor and Cabinet representative on the standards committee
  - 2.1.3 Councillor Darren Fower, Liberal Democrat member
  - 2.1.4 Orlando Menendez, independent member.
- 2.2 Officers present were:
  - 2.2.1 Alex Daynes : Democratic Services

2.2.2 Amy Brown: Legal Services

2.3 On 15 June 2009 the Investigation team, with the support of the IT department, checked the Outlook accounts of all parties who had received an electronic copy of the report to the pre hearing sub-committee. This was done centrally, and is permissible under the council's IT user's policy. The following people had received an electronic copy from the investigating officer, Simon Lovell:

- 2.3.1 Councillor Scott
- 2.3.2 Councillor Fower
- 2.3.3 Amy Brown
- 2.3.4 Alex Daynes
- 2.3.5 Diane Baker, investigations manager (and line manager to Simon Lovell)
- 2.3.6 Helen Edwards

2.4 All of those people who had been present at the pre-hearing sub-committee were interviewed by the monitoring officer, about their involvement in the meeting,

2.5 On 10 June 2009 the result of the pre-hearing assessment committee was sent to Councillor Morley, and to the complainant. The complainant was not sent a copy of the investigator's report, he only received a summary of the findings. The draft report was sent to Councillor Morley.

### **3 FINDINGS**

3.1 The check of the council's outlook accounts referred to at para 2.3 revealed no evidence of anyone having forwarded an electronic copy of the investigation report to any other e mail account.

3.2 All of those interviewed confirmed that they had understood that the reports were exempt from the access to information rules, and must not be disclosed. Each denied that they had deliberately taken any action to send a copy of the report to Lite FM or to anyone else. They also confirmed that they had not taken the report anywhere it could inadvertently have been obtained by another. Apart for Councillor Fower, all those present returned their copies of the report to Alex Daynes at the end of the meeting.

3.3 Lite FM was questioned by the Communications team as to the source of their information, which they refused to reveal. There is no power to make them reveal their source in these circumstances.

### **4 CONCLUSION**

4.1 It has not been possible to identify from the investigations, the source of the leak of the exempt information to Lite FM.

### **5 RECOMMENDATIONS**

5.1 To prevent further inappropriate reporting of confidential information, it is recommended that the Standards Committee adopts the following process for handling exempt information:

5.1.1 No exempt reports will be distributed by e mail in advance of the meeting date

5.1.2 Exempt reports will be handed out to each person present at the start of a sub-committee

5.1.3 Each copy of the report will be given a unique reference number, and a signature will be required from each recipient

5.1.4 All copies of the report will be returned to the Democratic Services officer at the end of the meeting and they will be checked off against the named recipient

5.1.5 Spare copies will be confidentially destroyed by Democratic Services

5.1.6 The file copy will be kept in a locked cupboard

5.2 The Standards Committee will review this process after 6 months.

**6 FINANCIAL IMPLICATIONS**

There are no specific financial implications to this report.

**7 LEGAL IMPLICATIONS**

These are dealt with in the body of the report.

**8 WARD COUNCILLORS**

The contents of this report are not ward specific.

**9 BACKGROUND PAPERS**

In accordance with the Local Government (Access to Information) Act 1985, background papers used in the preparation of this report were:-

None.

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