

## Standards Committee - Consideration Sub-Committee

Friday, 11th June, 2010

### PRESENT:

#### Independent Members

Philip Turnpenny (Chair)

#### Councillors

J Harper                      B Selby

#### Parish Members

Councillor Paul Cook              Parish Member

### **1 Appeals against refusal of inspection of documents**

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

### **2 Exempt Information - Possible Exclusion of the Press and Public**

In relation to agenda item 5 (Minute 5 refers), Appendix 1 (the final report and bundle of evidence of the investigating officer in relation to an investigation into a complaint against a Member), was classified as exempt under Access to Information Procedure Rule 10.4 (7c). Members of the Sub-Committee agreed that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as the report refers to the health of the subject Member, and a report on performance matters relating to an officer.

**RESOLVED** – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-

- Appendix 1 of agenda item 5 (Minute 5 refers).

### **3 Late Items**

There were no late items submitted to the agenda by the Chair for consideration.

#### **4 Declarations of Interest**

There were no declarations of personal/prejudicial interests for the purpose of section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.

#### **5 Final Investigation Report - Case Reference 0809019**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the findings of the Investigating Officer in a Code of Conduct investigation into a complaint against a Member. The investigation followed the submission of a complaint to the Assessment Sub-Committee, who had resolved to refer part of the complaint for investigation.

The Investigating Officer was present at the meeting to present his findings and to respond to any questions from Members.

Members agreed that through their actions, the Councillor had not:

- brought their office or authority into disrepute;
- failed to treat others with respect; or
- acted in such a way which compromised or was likely to compromise the impartiality of those who work for, or on behalf of, the authority.

It was also alleged that the Councillor had disclosed confidential information. The Investigator did not make a finding as to whether the information was confidential, however he concluded that if it was, the information was disclosed reasonably, in the public interest, in good faith and in compliance with the reasonable requirements of the Council. The Consideration Sub-Committee agreed with this finding.

Members therefore agreed to accept the Investigating Officer's finding that there had been no failure to comply with the Code of Conduct.

As a result of this case, the Consideration Sub-Committee decided to recommend that paragraph 27.2 of the Council's Access to Information Procedure Rules be amended to say that a Councillor 'must' rather than 'should' give the relevant Director reasonable notice of their intention to make such a disclosure.

**RESOLVED** – Members of the Consideration Sub-Committee resolved to:

- accept the Investigating Officer's finding of no failure; and
- recommend that paragraph 27.2 of the Council's Access to Information Procedure Rules be amended as above.