



**Committee:** STANDARDS COMMITTEE

**Date:** TUESDAY 10<sup>th</sup> JUNE 2014

**Venue:** LANCASTER TOWN HALL

**Time:** 10.00 A.M.

## A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To elect a vice-chairman for the municipal year 2014/15.

3. **Minutes**

Minutes of meeting held on 24<sup>th</sup> April 2014 (previously circulated).

4. **Items of Urgent Business authorised by the Chairman**

5. **Declarations of Interest**

To receive declarations by members of interests in respect of items on this agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the council's register of interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, members should declare any disclosable pecuniary interests which they have already declared in the register, at this point in the meeting.

In accordance with part B section 2 of the code of conduct, members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the code of conduct.

6. **Alleged Breach of the Code of Conduct** (Pages 1 - 46)

## ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors

Councillors Roger Mace (Chairman), Chris Coates, Paul Gardner, Billy Hill, Roger Sherlock, Joyce Taylor and David Whitaker

**(ii) Substitute Membership**

Councillors

Councillors Shirley Burns, Roger Dennison, Melanie Forrest, Kathleen Graham, Peter Williamson and Labour vacancies.

**(iii) Queries regarding this Agenda**

Please contact Peter Baines, Democratic Services - telephone 01524 582074 or email [pbaines@lancaster.gov.uk](mailto:pbaines@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Members' Secretary, telephone 582170, or alternatively email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Monday 2<sup>nd</sup> June 2014.

**STANDARDS COMMITTEE****ALLEGED BREACH OF THE CODE OF CONDUCT  
10th June 2014****Report of the Monitoring Officer****PURPOSE OF REPORT**

To enable the Committee to consider the Investigating Officer's report in complaint 9/13.

**This report and appendix 1 are public, but appendix 2 (the investigating officer's report) is exempt from publication by virtue of paragraph 1 (information relating to any individual) of Schedule 12A to the Local Government Act 1972. The Committee will consider at the commencement of the meeting whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**RECOMMENDATIONS**

- (1) That the Committee consider whether it is appropriate and in the public interest for the hearing to take place in public, with the Investigating Officer's report being made available to the public.
- (2) That the Committee consider the Investigating Officer's report in accordance with the Standards Committee's Hearing Procedure, and determine whether or not there has been a breach of the Code of Conduct, and, if so, the appropriate sanction.

**1.0 Introduction**

- 1.1 The Committee is required to consider, in accordance with the Standards Committee's Hearing Procedure, (included in Appendix 1 to this report) the Investigating Officer's report (Appendix 2 to this report), and to determine whether there has been a breach of the relevant Code of Conduct, and if so, the appropriate sanction.
- 1.2 The Member complained of has indicated that he intends to call one character witness.

**2.0 Proposal Details**

- 2.1 The Committee will first need to consider whether or not the press and public should be admitted to the hearing. Appendix 2, (which is the investigating officer's report and the appendices thereto) has been marked as exempt because it identifies the member complained of. It was felt inappropriate that such documents should be made public in advance of their consideration by the Committee at this hearing. However, in considering whether or not to hold the hearing in public, the Committee,

in accordance with Schedule 12A to the Local Government Act 1972 will wish to consider whether the public interest in transparency and openness outweighs any public interest in withholding the information. The Committee will wish to consider any representations from the Subject Member and the Investigating Officer on this point. The Committee will recall that it is its usual practice to hold hearings in public.

- 2.2 If the Committee is minded to hold the hearing in public, then it would be appropriate to make the investigating officer's report available to the public. This again is the Committee's normal practice, although on occasions in the past it has withheld any pages that contain personal data relating to named members of the public.
- 2.3 In the event that the Committee were minded to exclude the press and public from the hearing, it would be necessary for it to resolve that in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12A of that Act.
- 2.4 Having decided whether or not to proceed in public, the Committee should proceed with the hearing following its Hearing Procedure (included in Appendix 1).
- 2.5 The Independent Person, Mr Tony James, will be present at the hearing in an advisory, non-voting capacity.
- 2.6 The Committee should make a determination as to whether or not there has been any breach of the relevant Code of Conduct. If the determination is that there has been a breach, the Committee will proceed to consider the appropriate sanction. The sanctions available to the Committee are set out in paragraphs 20 and 21 of the Hearing Procedure (included in Appendix 1).
- 2.7 Members will note that the original complaint 9/13 referred to two Members. The Investigating Officer found no breach of Code of Conduct by the other member, and the complaint against that Member was therefore closed, as reported to the Committee in April 2014.

**LANCASTER CITY COUNCIL**

**LOCALISM ACT 2011 SECTION 28**

**ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A MEMBER OF THE CITY COUNCIL OR A MEMBER OF A PARISH COUNCIL WITHIN THE DISTRICT OF THE COUNCIL HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT**

These arrangements are made under sections 28(6) and (7) of the Localism Act 2011, and set out how the City Council will deal with allegations that a city or parish councillor has failed to comply with the relevant Code of Conduct.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided should be investigated, and whose views can be sought by the Council at any other stage, or by a member against whom an allegation has been made. The City Council has appointed an Independent Person and two reserves. It is envisaged that a member complained of will not consult with the same Independent Person who is advising the Monitoring Officer or the Committee.

**Making an Allegation**

An allegation that a city councillor or parish councillor has failed to comply with the requirements of the relevant Code of Conduct must be made in writing to:

Mrs S Taylor, Monitoring Officer, Lancaster City Council, Town Hall, Lancaster LA1 1PJ

An allegation may be sent by email to [STaylor@lancaster.gov.uk](mailto:STaylor@lancaster.gov.uk). A form for this purpose is available on the Council's website [www.lancaster.gov.uk](http://www.lancaster.gov.uk)

The allegation must be about one or more named members of the following authorities: Lancaster City Council or a parish or town council within its district. These are Arkholme-with-Cawood, Bolton-le-Sands, Carnforth, Caton-with-Littledale, Cloughton, Cockerham, Ellel, Gressingham, Halton-with-Aughton, Heaton-with-Oxcliffe, Hornby-with-Farleton, Ireby and Leck, Melling-with-Wrayton, Middleton, Morecambe, Nether Kellet, Over Kellet, Over Wyresdale, Overton, Quernmore, Scotforth, Silverdale, Slyne-with-Hest, Tatham, Thurnham, Warton, Wennington, Whittington, Wray-with-Botton, Yealand Conyers and Yealand Redmayne.

The allegation must be that the member(s) has, or may have, breached the relevant Code of Conduct. A copy of the City Council's Code of Conduct is available on the Council's website [www.lancaster.gov.uk](http://www.lancaster.gov.uk). The Code of Conduct adopted by a parish or town council is available on that council's website or from the relevant parish or town council clerk.

Anyone making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct. Details of the person making the allegation will generally be provided to the member, unless the Monitoring Officer considers that there are special reasons for keeping this information confidential.

**Procedure once an allegation is received**

Once an allegation is received, the Monitoring Officer will provide a copy of the

allegation to the member complained of, and advise that the member may submit any comments to the Monitoring Officer if the member wishes to do so.

In appropriate cases, the Monitoring Officer may seek to resolve the matter informally. This may involve the member accepting that his/her conduct was unacceptable and offering an apology.

If informal resolution is not possible, the Monitoring Officer will, in consultation with the Independent Person, the Chairman (or Vice-Chairman) of the Standards Committee, and, if appropriate the Chief Executive, determine whether the complaint merits formal investigation, or whether no further action should be taken.

The Monitoring Officer may refer particular complaints to the Standards Committee if she feels that it would be inappropriate for her to take the decision, and will generally do so where the complainant is the Chief Executive or a Service Head, or where the complainant or the member complained of is the Leader of the Council or a Group Leader. There may be other circumstances where the Monitoring Officer considers that it would not be appropriate for her to take the decision.

Whilst each allegation will be considered on its own facts, the assessment criteria (Appendix 1) will be applied in considering whether or not an allegation should be investigated.

If an allegation is not referred for investigation, the complainant has no right of appeal.

The Monitoring Officer will report to each scheduled Standards Committee meeting on the complaints received and decisions taken on them. The report will not be open to the press and public as it will contain information relating to named individuals.

#### Investigation

Where a complaint is referred for investigation, the Monitoring Officer will arrange for the investigation to be undertaken by an officer of the Council, or by an external investigator. The Investigation Procedure is attached at Appendix 2.

If the investigating officer finds no evidence of failure to comply with the Code, the Monitoring Officer is authorised to close the matter, in consultation with the Independent Person, Chairman (or Vice-Chairman) and, if appropriate, the Chief Executive. However, the Monitoring Officer may refer the matter to the Standards Committee if she considers this would be appropriate. The Monitoring Officer will in any event provide a summary to the next meeting of the Standards Committee.

Where a formal investigation finds evidence of failure to comply with the Code, there may yet be an opportunity for local resolution, avoiding the need for a hearing. Sometimes the investigation report can cause a member to recognise that the conduct was at least capable of giving offence, and the complainant may be satisfied by recognition of fault or an apology. The Monitoring Officer has authority to agree a local resolution, in consultation with the Independent Person, the Chairman (or Vice-Chairman) and, if appropriate, the Chief Executive, subject to the complainant being satisfied with the outcome, and subject to a summary report to the Standards Committee.

In all other cases where the formal investigation finds evidence of a failure to comply with the Code, the Standards Committee will hold a hearing at which the member complained of may respond to the investigation report and the Committee will determine whether the member did fail to comply with the Code and what action, if any is appropriate. The Committee's Pre-hearing and Hearing Procedures are attached at Appendices 3 and 4. The Hearing Committee will be advised by an Independent Person and by the Monitoring Officer.

The sanctions open to the Standards Committee are to censure, to report the findings to full Council, (in effect "naming and shaming"), to recommend the member's Group Leader to remove the member from any or all Committees, to withdraw Council facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committee. There is no right of appeal.

With regard to parish councillors, the Standards Committee may make a recommendation to the parish council on action to be taken in respect of the councillor. Parish councils will be under no obligation to accept any such recommendation.

Monitoring Officer

October 2012

LANCASTER CITY COUNCIL STANDARDS COMMITTEE – ASSESSMENT CRITERIA

A. The Monitoring Officer will reject a complaint if it fails to meet one or more of the following tests:

A1 The complaint is against one or more named Members or co-opted Members of the Council or a parish or town council within the district.

A2 The member complained of was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.

A3 The complaint, if proven, would be a breach of the Code of Conduct under which the member was operating at the time of the alleged misconduct.

B. The Monitoring Officer (following consultation with the Independent Person, the Chairman (or Vice-Chairman of the Committee) and the Chief Executive, if appropriate) or the Standards Committee may decide to refer a complaint for investigation:

B1 Where the complaint discloses a potential breach of the Code of Conduct sufficiently serious, if proven, to warrant a sanction, and where it would be in the public interest to investigate

C. Circumstances where the Monitoring Officer (following consultation with the Independent Person, the Chairman (or Vice-Chairman of the Committee) and the Chief Executive, if appropriate) or the Standards Committee may decide that no action should be taken in respect of a complaint:

C1 Where the complaint is about someone who is no longer a member of the city council or a parish or town council

C2 Where a substantially similar allegation has previously been made by the complainant to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority

C3 Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.

C4 Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter

C5 Where the allegation discloses a potential breach of the Code of Conduct, but the complaint does not appear serious enough to warrant further action

C6 Where the complaint appears to be malicious, politically motivated or tit-for-tat, unless a serious matter is raised in the complaint



**LANCASTER CITY COUNCIL STANDARDS COMMITTEE**

**PROCEDURE FOR CASES REFERRED FOR INVESTIGATION**

1. When an allegation is referred by the Monitoring Officer or the Standards Committee for investigation, the Monitoring Officer will within five working days, inform the member who is the subject of the allegation of failure to comply with the code of conduct, ("the Subject Member"), the person who made the allegation ("the Complainant"), and the clerk to any parish council concerned that the matter has been referred for investigation.
2. The Monitoring Officer will appoint an Investigating Officer who may be an officer of the Council, or an external investigating officer. The Investigating Officer may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary. The Monitoring Officer will advise the Subject Member and the Complainant of the appointment of the Investigating Officer.
3. The Investigating Officer may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may request any person to give such information or explanation as the Investigating Officer thinks necessary or expedient for the purpose of conducting the investigation. The Investigating Officer may require any of the relevant authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the Investigating Officer to be necessary for the purpose of conducting the investigation.
4. Statements will be prepared and agreed with each person interviewed during an investigation, including the Subject Member. The Subject Member will be advised that he/she may be accompanied by a professional representative or advisor, a Group colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative if they so wish.
5. The Investigating Officer will complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.
6. The Investigating Officer, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the Subject Member and the Complainant for review and comment, and will indicate that it does not necessarily represent the Investigating Officer's final finding.
7. If the Investigating Officer issues a draft report, he/she will consider whether the responses reveal a need for further investigation or for changes to the report. In some complex cases, the Investigating Officer may wish to issue a second draft report before the final report.
8. The Investigating Officer's final report will include all relevant documents, and copies of all witness statements obtained during the course of the investigation. The report will commence with a statement of the Investigating Officer's finding. The finding will be either that there has been a failure to comply with the code of

conduct of the authority concerned, or as the case may be any other authority concerned ("a finding of failure"), or that there has not been a failure to comply with the code of conduct of the authority concerned, or as the case may be, of any other authority concerned ("a finding of no failure").

9. The Investigating Officer will submit the final report to the Monitoring Officer.

APPENDIX 3

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PRE-HEARING PROCEDURE

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose..
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within fifteen working days, which response shall set out the Subject Member's reply to the Investigating Officer's report and shall state whether he/she
  - disagrees with any of the findings of fact in the report, giving the reasons for any disagreement
  - wishes to be represented by a solicitor or barrister, or by any other person
  - wishes to give evidence to the Committee, either orally or in writing
  - wishes to call relevant witnesses to give evidence to the Committee
  - wishes any part of the hearing to be held in private
  - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public

Forms will be provided for this response.

4. The Subject Member shall be informed that if, at the meeting of the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she
  - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
  - wishes any part of the hearing to be held in private
  - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the Monitoring Officer or other legal adviser will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.
7. The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the

evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.

8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer/Legal Adviser, in consultation with the Chairman and the Independent Person, will:
  - confirm a date, time and place for the hearing
  - confirm the main facts of the case that are agreed
  - confirm the main facts that are not agreed
  - provide copies of any written evidence to the relevant parties
  - confirm which witnesses will be called by the parties
  - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

**LANCASTER CITY COUNCIL STANDARDS COMMITTEE**

**HEARING PROCEDURE**

1. The Hearing Committee shall decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters shall be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person shall attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting by a solicitor or barrister, or with the permission of the Committee, another person. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take legal advice from its legal adviser at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman shall introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
  - The Chairman will ask the Monitoring Officer/Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing
  - The Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend
  - If the Committee is satisfied with such reasons, it shall adjourn the hearing to another date
  - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members and the Independent Person may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. The Committee will consider in private, with the Independent Person, all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.
20. The sanctions open to the Committee are:
  - to censure the Subject Member
  - to report its findings to full Council

- to recommend the Subject Member's Group leader to remove the member from any or all Committees, or, if appropriate, to recommend the Leader to remove the member from Cabinet ;
  - to withdraw facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committees
21. If the finding relates to the Subject Member's conduct in his/her capacity as a parish councillor, the Committee will report its findings to the parish council, and may make recommendations to the parish council on sanctions.
  22. In deciding to impose a sanction, the Committee shall consider all the relevant circumstances.
  23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a parish councillor, written notice of the findings of the Committee will be sent to the clerk to the parish council.
  24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
  25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

**PRIVATE AND CONFIDENTIAL**

**Case Reference: 9/2013**

Report of an investigation under Section 28 of the Localism Act 2011 by Angela Parkinson, Senior Solicitor, appointed by the Monitoring Officer for Lancaster City Council into an allegation concerning Councillor William Hill

**DATED** 17<sup>th</sup> February 2014

Not for distribution. This report is confidential and must not be disclosed



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**APPENDIX A:**

**Schedule of evidence taken into account**

## 1 EXECUTIVE SUMMARY

### Summary of Allegation

- 1.1 Miss Nadine Muschamp, Chief Officer (Resources), with responsibility for Information Technology (IT Services), completed a Member Conduct Complaint Form ("the Complaint") (AMP1) relating to the conduct of Councillor William Hill which she considered to contravene the Members' Computer Usage and Agreement Policy (AMP2).
- 1.2 Following consultation, as provided for in the Standards Committee's published arrangements for dealing with complaints, the Monitoring Officer took the view that in accordance with these arrangements, it was necessary for the conduct of Councillor Hill to be the subject of an investigation. The Monitoring Officer considered that in view of the seriousness of the potential breaches of the Code of Conduct, it was in the public interest to investigate the Complaint.
- 1.3 The Monitoring Officer identified the following paragraphs of the City Council's Code of Conduct which are likely to be relevant to this matter:

Paragraphs 7(b)(i) and 5
- 1.4 I have investigated the allegation with regard to the requirements of paragraphs 7(b)(i) and 5 of the Council's Code of Conduct ("the Code") (AMP3). At the conclusion of the investigation I have found that taking all factors into account, Councillor Hill's conduct did amount to a breach of paragraph 7(b)(i) and 5 of the Code.

## 2 COUNCILLOR HILL'S OFFICIAL DETAILS

- 2.1 Councillor Hill was elected to office in May 2011 for a term of 4 years, representing the Scotforth East ward. He is a member of the Conservative Group on the Council.
- 2.2 Councillor Hill currently serves on the following committees:
  - Council
  - Council Business Committee
  - District Wide Tenants Liaison Group
  - Licensing Act Committee
  - Licensing Act Regulatory Committee
  - Standards Committee
- 2.3 Councillor Hill signed the Acceptance of Office, which included an agreement to observe the Code of Conduct, on 10<sup>th</sup> May 2011 (AMP4).
- 2.4 Councillor Hill undertook training on the Code of Conduct on 24<sup>th</sup> May 2011 (AMP5).

### 3 THE RELEVANT LEGISLATION AND PROTOCOLS

3.1 The Council adopted a Code of Conduct in July 2012, which was very similar, in terms of general conduct, to the 2007 Code which had previously applied. The following paragraphs are included:

7. You

(b) must, when using or authorising the use by others of the resources of the Council –

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

**AND**

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council or the office of the Councillor into disrepute.

### 4 THE EVIDENCE GATHERED

During the course of my investigation I have taken account of oral evidence from discussions with Chris Riley, the Council's IT Services Manager on 24<sup>th</sup> October 2013 (AMP 6) and Councillor William Hill on 13<sup>th</sup> November 2013 (AMP7).

4.1 I have also taken account of the following documentary evidence:

i) Complaint (AMP1);

ii) Members' Computer Usage and Agreement Policy (AMP2);

iii) Extract from the Council's Code of Conduct (AMP3);

iv) Councillor Hill's Declaration of Acceptance of Office (AMP4);

v) Attendance List for Code of Conduct Training held on 24<sup>th</sup> May 2011 (AMP5);

vi) Receipt signed by Councillor Hill dated 25<sup>th</sup> February 2013 (AMP8);

vii) Councillor Hill's email to Sarah Taylor dated 3<sup>rd</sup> October 2013 attaching his initial response to the complaint (AMP9);

### 5 SUMMARY OF THE MATERIAL FACTS

5.1 Upon his election as Councillor for Scotforth East Ward, in May 2011 Councillor Hill was provided with a Council owned laptop. Councillor Hill

returned this laptop to IT Services in late 2011 with a cracked screen. A replacement laptop was issued to Councillor Hill which did have some minor damage, as it had been used previously. The laptop was however in full working order. This second laptop was returned by Councillor Hill shortly after he had been issued with it as he reported it had a virus infection. The infection was removed and the laptop was returned to Councillor Hill within four working days of it being brought in for repair.

- 5.2 Councillor Hill brought this second laptop into the Council's IT Services in February 2013 stating that the fan was making extremely loud noises and the machine was running very slowly. Upon inspection, the laptop had a great deal of further damage and was beyond repair.
- 5.3 Accordingly, a third laptop was issued to Councillor Hill in February 2013 which was in perfect condition. In view of the damage to the previous two laptops issued to him, Councillor Hill was required to sign a receipt acknowledging that there was no damage to the laptop together with an agreement to pay the costs of repair or of replacement, should this laptop be damaged. (AMP8).
- 5.4 In September 2013, Councillor Hill brought a laptop back into IT Services and reported that it had a virus. He implied to IT Services that this laptop was the one which had been issued to him in February 2013. However, after he had left the Council offices, IT Services noticed that the asset number on the machine was not the one for Councillor Hill's laptop. It was found to be the one for the laptop issued to Councillor Alycia James's although the encryption code needed to access this laptop was the one for Councillor Hill's laptop. The laptop that Councillor Hill had brought into the Council was the laptop which had been issued to Councillor James although the hard drive in her laptop was the one from Councillor Hill's laptop. It was evident to IT Services that the hard drive had been removed from Councillor James's laptop and replaced by Councillor Hill's hard drive.
- 5.5 As a result of this discrepancy, IT Services contacted Councillor James and asked her to bring her laptop in for routine maintenance. Councillor James informed IT Services that she could not comply with this request because she no longer had possession of her laptop as she had loaned it to Councillor Hill.
- 5.6 Following investigations by IT Services, it became apparent that from about December of 2011, without the knowledge or consent of the Council, Councillor Hill had taken possession of a Council owned laptop which had been issued to Councillor Alycia James. Councillor Hill had had exclusive possession and use of Councillor James's laptop from December 2011 until September 2013.
- 5.7 The reason given by Councillor Hill to IT Services for bringing in Councillor James's laptop and asserting that it was his own laptop was because the screen on his own laptop had been damaged very shortly after he had been issued with it in February 2013.
- 5.8 As well as the virus which Councillor Hill reported, Councillor James's laptop had been smashed at the front. The virus on this laptop was a message purporting to be from the police and referred to pornographic websites which had been viewed. The virus was requesting the payment of

money to prevent further action being taken by the "police" in respect of the pornographic websites.

- 5.9 The history showed that three items of software had been installed on Councillor James's chassis but on the hard drive issued to Councillor Hill.. Software is a program used to perform specific tasks on a computer such as the playing of media files (video/audio); productivity (Excel/Word) or games. Software installed files are most commonly downloaded from the internet but can be found on CD's or USB removable media. Any software which is downloaded from the internet could potentially contain hidden viruses or spyware/malware of which the user could be completely unaware. All software must be installed by the Council's IT to ensure that it is supplied by known and trusted organisations and has been tried and tested before being issued to users.
- 5.10 The items of software installed were :  
**AppGraffiti** which supplies custom backgrounds, themes and layouts for Facebook, Twitter and other social sites;  
**File Type Assistant** which is a small helper application that kicks in when you try to open a file you do not have a viewer or player for and  
**WebConnect** is a web browser extension, toolbar and Browser helper Object (for Internet Explorer) that delivers contextual based advertising to the web  
These 3 items of software installed on Councillor James's chassis (but on Councillor Hill's hard drive) were relatively minor applications and do not relate to pornography. Nevertheless they had been installed contrary to the Council's IT Policy.
- 5.11 The history on Councillor James's laptop also showed that three pornographic websites had been visited during the period it had been in Councillor Hill's possession. These were adult Clips; Free xxxxx Porn Clip and Free Bondage Porn.
- 5.11 As a result of these findings, Councillor Hill was asked to bring in his own laptop i.e. the one that had been issued to him in February 2013. When he did bring in his own laptop it was found to have a cracked screen and what looked to be cigarette burns on some of the keys. It also had Councillor James's hard drive inside it.
- 5.12 IT Services found evidence that both the hard drive issued to Councillor Hill and that issued to Councillor James had been used to view pornography and both had viruses on them. The document attached to the Complaint Form (AMP1) is a summary produced by the Council's IT Services Manager showing the results of investigations into the two hard drives.
- 5.13 On the hard drive issued to Councillor Hill but on the chassis issued to Councillor James, there was a virus in the form of the message purportedly from the police in respect of pornographic websites. Three items of software had been installed. Internet browsing history indicated that pornographic sites and been searched for and viewed.
- 5.14 On the hard drive issued to Councillor James but on the chassis issued to Councillor Hill was a white screen virus which IT Services had to remove using a virus removal tool before access could be gained to the hard drive. The browsing history had been cleared and there was no evidence that any

unauthorised software had been installed on this hard drive. However, there was evidence of several folders/thumbnails indicating that pornographic images had been viewed online although not downloaded. These are listed on the summary annexed to the Member Complaint Form (AMP1). All these images feature adults. There were also references to pornographic videos having been viewed, but these were no longer accessible on the machine.

- 5.15 From the evidence obtained, there appeared to be no material viewed which may be a criminal offence and therefore the matter has not been reported to the police. However, IT Services did not use an undelete tool which would have shown conclusively whether any illegal material had been viewed. To use an undelete tool would be very costly and would run the risk of evidence being destroyed. The Council's IT Services would require an outside body to carry out such an exercise.
- 5.16 Councillor Hill, both in his email response to the Complaint (AMP 9) and his interview with me (AMP7) has denied that he has viewed any pornography on the Council laptops. He also denied that he is responsible for downloading the unauthorised software, but stated that if he is responsible for it, he has done so inadvertently. He claims he is unable to identify the person or persons who is/are responsible for viewing the pornographic websites because so many people have used the Council laptops throughout the period they have been within his possession. He said that his girlfriend and children have had unrestricted use of the laptops, as have friends, babysitters and visitors. He stated he has an 'open door' policy to his home and that family, friends and visitors were able to use the laptops as and when they wished to do so because the encryption codes for each laptop were always clearly displayed, pinned up on a notice board.
- 5.17 Councillor Hill has informed me that he has not made any enquiries of his family or friends in an attempt to ascertain who is responsible for viewing the pornographic material because he would be too embarrassed. He also claimed that he believes asking someone would be tantamount to accusing them.
- 5.18 Councillor Hill has admitted that he has not used the laptops solely for Council purposes but has used them for personal emails, online gaming and as a family computer. He also stated that during the period he had two laptops (the one issued to him and the one issued to Councillor James) from December 2011 to September 2013, his children would do their homework on them and treat them as their personal laptops. He even described having the laptops to be what he thought was 'a perk of the job of councillor.
- 5.19 With regard to the quite extensive damage and dirty condition of all the laptops in Councillor Hill's possession, he has admitted that he has been negligent with them and has not looked after them appropriately. He has denied knowing how the cigarette burns have occurred to the various keys on at least two of the laptops. The Council's IT Services Manager informed me that the IT Services staff would not handle the laptops without wearing gloves.

5.20 During his interview with me, Councillor Hill admitted that he had not read the Council's Computer Usage Agreement and Policy (AMP2) and had signed the Agreement not knowing what was contained within the Policy.

**6 REASONING AS TO WHETHER THERE HAVE BEEN FAILURES TO COMPLY WITH THE CODE OF CONDUCT**

- 6.1 I have considered the basis of the complaint and all the evidence I have gathered as a result of my investigations.
- 6.2 By his own admission, Councillor Hill has admitted allowing others to use the Council owned laptops. He has failed to keep them secure and for the sole purposes of Council business in contravention of Paragraph 7(b)(i) of the Code. He has also admitted to being negligent with regard to their safety. He said that he brought Councillor James's laptop in to the IT Services in September 2013, claiming it to be his laptop, because he was too embarrassed to bring in the one which had been issued to him only a few months previously, due its damaged condition. The receipt and agreement to pay for any damage which he had signed (AMP9) would have been invoked had he brought in his damaged laptop which had been issued to him in February 2013. This agreement has now been invoked and Councillor Hill has been asked to pay for the damage to the broken laptop.
- 6.3 In total, Councillor Hill has had 4 Council owned laptops including 3 which have been issued to him personally, plus the one issued to Councillor James. All four have been returned to the Council, damaged and in extremely poor and dirty condition. He has given a number of explanations for the damage which he says, for example, has been sustained by his children dropping the laptops on the floor. In another instance he claims damage was sustained to one laptop when he placed it on the floor at his father's house and the screen of the computer was smashed when his father got up from his chair. According to Councillor Hill, the chair was one with a handle at the side which raises up the bottom half of the chair to lift the person's feet horizontally. His father had lowered the handle to allow him to get up off the chair and as the bottom half of the chair went down, it smashed the laptop which was underneath
- 6.4 However the damage has been caused, Councillor Hill must personally take full responsibility for it together with the very dirty condition of the laptops.
- 6.5 Councillor Hill also admitted to me that he removed the hard drive from his own computer and put it into Councillor James's computer because there was a virus on Councillor James's laptop and so was blocked. Councillor Hill has said in his email response to the complaint (AMP9) and in his interview with me (AMP7) that he is not good with technology. However this is contradicted by the fact that firstly, he knew that by swopping the hard drive, it would unblock Councillor James's computer and secondly he knew what he had to do to swop the hard drives.

- 6.6 Although Councillor Hill denies responsibility for the pornography which has been viewed and the software which has been downloaded, again he must accept full responsibility for this too. Whilst it is credible that the laptops may have been used by his children and/or his girlfriend, as they may well have known where the encryption codes were kept, it is stretching the imagination somewhat to believe that visitors to his home would be aware of the whereabouts and significance of the encryption codes.
- 6.7 Relevant extracts from the Council's IT Policy specifically state that the laptops must not be used for
- 'accessing, circulating, distributing, storing or downloading any material which is offensive, obscene, sexually explicit, indecent, pornographic.....'
  - "You should not install, copy or download any unauthorised software....."
  - For security reasons, it is essential that all Members change their initial password to one which is known only to themselves and to alter this on a regular basis. **Members must not disclose their password to any other individual unless directed by the Monitoring Officer and will be held accountable for any usage under their own name and password.**
- 6.8 On the evidence I have seen, Councillor Hill has contravened each of these requirements of the Council's IT Policy. Unauthorised software has been downloaded and he has/or has allowed others to access pornographic websites. Further, he has kept his password clearly on display so that others have been able to gain access to the laptops. He has therefore failed to act in accordance with the Council's reasonable requirements when using or authorising others to use the resources of the Council. I am therefore of the view that Councillor Hill is in breach of Paragraph 7 (b)(i).
- 6.9 The laptops issued to Councillor Hill are the property of the Council. The sole purpose of issuing laptops to Councillors is to enable them to carry out Council business remotely. Therefore it must follow that when using Council owned laptops, a councillor is acting in his or her official capacity. The history of pornography on the hard drives linked to the Council owned laptops in Councillor Hill's possession, show, without doubt, that he has conducted himself in a manner which could reasonably be regarded as bringing the Council and the office of Councillor into disrepute. This is in direct contravention to paragraph 5 of the Council's adopted Code of Conduct.
- 6.8 Further, Councillor Hill has signed an Agreement to notify IT Services as soon as possible if equipment becomes lost, damaged or stolen (AMP2). He has not complied with this requirement and deliberately put his hard drive into Councillor James's laptop, which I believe he did in an attempt to conceal the damage to his own laptop.



**7 FINDINGS**

In reaching a finding in this matter, I have taken into account all the evidence both oral and written which is listed on the attached schedule.

Taking all of the above into account, my finding in accordance with section 29 of the Localism Act 2011 is that the allegation which is the subject of this investigated is substantiated.



Angela M Parkinson  
**INVESTIGATING OFFICER**

**Not for distribution. This report is confidential and must not be disclosed.**

## Appendix A

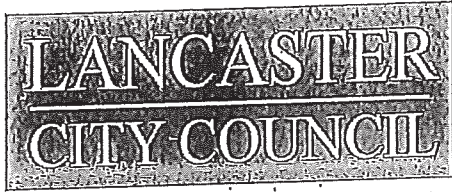
### BACKGROUND DOCUMENTS

AMP1	Complaint
AMP2	Members Computer Usage Agreement and Policy signed by Cllr Hill
AMP3	Extract from the Council's Code of Conduct
AMP4	Declaration of Acceptance of Office
AMP5	Code of Conduct Training Attendance List
AMP8	Receipt dated 25 <sup>th</sup> February 2013

### Notes of Interview and subsequent email correspondence

AMP6	Notes of interview with the Council's IT Services Manager dated 24 <sup>th</sup> October 2013
AMP7	Notes of interview with with Councillor Hill dated 13 <sup>th</sup> November 2013
AMP9	Councillor Hill's email dated 3 <sup>rd</sup> October 2013 containing his initial response to the complaint

AMP 1



Promoting City, Coast & Countryside

## MEMBER CONDUCT COMPLAINT FORM

This form is for use only if you wish to make a complaint that a City or Parish Councillor has failed to comply with the relevant member Code of Conduct. Further information can be obtained from the Monitoring Officer, Mrs Sarah Taylor, telephone 01524 582025, or email [STaylor@lancaster.gov.uk](mailto:STaylor@lancaster.gov.uk)

### Your details

1. Please provide us with your name and contact details

<b>Title:</b>	Miss
<b>First name:</b>	Nadine
<b>Last name:</b>	Muschamp
<b>Address:</b>	c/o Town Hall, Dalton Square, Lancaster
<b>Daytime telephone:</b>	Extension 2117
<b>Evening telephone:</b>	N/A
<b>Mobile telephone:</b>	N/A
<b>Email address:</b>	<a href="mailto:nmuschamp@lancaster.gov.uk">nmuschamp@lancaster.gov.uk</a>

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ( )

**Making your complaint**

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
	Billy	Hill	Lancaster City Council
	Alycia	James	Lancaster City Council

4. Please explain in this section (*and/or* on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form. **It is important that you provide as much information as possible at this stage.**

I make this complaint as Chief Officer (Resources), with responsibility for ICT.

In early September, the Democratic Services Manager reported to me that Cllr Hill had been in contact, to say that his laptop was not working. Damage to Cllr Hill's ICT equipment has occurred on previous occasions <sup>7/2</sup> and as a result, there is an agreement in place under which Cllr Hill will be charged for any repairs or replacement, if circumstances warrant it.

In advising of this latest breakdown in equipment, Cllr Hill also commented that he had received an electronic message, apparently from the Police, that the laptop had been blocked because of it being used to access pornographic sites.

The laptop was forwarded to ICT, and it was noticed that the laptop's identifier reference number did not match with that issued to Cllr Hill. Instead, it matched that issued to Cllr James. Through further enquiries with both Members, it became apparent that Cllr James had passed her laptop directly to Cllr Hill, without advising or consulting ICT staff.

Cllr Hill was requested to return the other laptop and duly did so.

ICT have now examined both laptops. Given the security built into the laptop hard drives and the unique identifier numbers on each laptop chassis, it is clear that the drives have been switched at some point, by someone other than ICT staff.

ICT staff have now gained access to both hard drives. In summary, there is evidence that both have been used to view pornography. Both had viruses on them. One also has unauthorised software on it, for which ICT's approval had not been gained.

I have attached a summary, produced by the ICT Manager, of these initial findings. Further investigations can be undertaken to provide a fuller picture of what the equipment has been used for, and when.

In terms of the laptops' physical condition, one has a broken screen, and both were very dirty. There is no evidence of the equipment being looked after in a suitable manner.

I do not know exactly when Cllr James passed her laptop to Cllr Hill, but it seems apparent to me that both councillors have failed to meet their responsibilities under the Member Computer Usage Agreement and Policy (signed copies attached).

More specifically, I believe both councillors are in breach of security and encryption arrangements. Also, I believe one or both councillors have used the internet inappropriately, and downloaded unauthorised software. The timing of the unauthorised transfer of Cllr James' laptop to Cllr Hill will have bearing on understanding exactly who has used the laptop, when, and for what purpose.

Even without this detail, however, I believe their actions are in breach of section 7(b)(i) of the Members' Code of Conduct, which requires that Councillors must act in accordance with the Council's reasonable requirements when using the resources of the Council, or authorising use by others.

Potentially, I believe there could be other implications associated with their specific individual actions.

Given the nature of this complaint, I would be grateful for consideration being given to investigate this matter further.

In the meantime, I have not authorised the release of any laptop equipment back to either councillor. In considering this complaint, I would like consideration to be given to this aspect also. From tracking information, it is apparent that the equipment has not been used for council business for some time – this may be because one or both are using their own devices.

**In order to resolve your complaint, it is likely that the Monitoring Officer will need to discuss it with the member complained of. Only complete this next section if you are requesting that your identity is kept confidential. No guarantee can be given that confidentiality will be maintained.**

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

N/A.

**Summary of Findings from Analysis of Laptops (Cllr Hill and James)**  
 (Some photographic evidence is available if required)

On hard drive Issued to Cllr Hill but in chassis issued to Cllr James

=====

Virus re 'Specialist Crime Directorate' WP\_20130905\_001.JPG - we got round this virus by renaming a file  
 3 non-council Installed applications: AppGraffiti; File Type Assistant; WebConnect 3.0.0 There were no suspect files stored on the drive but I did not use any undelete tool.  
 Internet browsing history indicated going to porn sites WP\_20130905\_003.JPG And looking for them WP\_20130905\_004.JPG

On hard drive Issued to Cllr James but in chassis issued to Cllr Hill

=====

Virus which gave a white screen - had to be removed using a virus removal tool before I could gain access to the drive.

No browsing history.

No non-council installed applications

There were no suspect files stored on the drive but I did not use any undelete tool.

C:\Documents and Settings\lcc\Local Settings\Temporary Internet Files\Content.IE5 contained several folders of thumbnails (which indicate that images had been viewed online not downloaded):

Folder	Date range	Approximate number of
pornographic thumbnails		
UTDO4S7S	25/3/13 TO 28/3/13	57
3NYFIOOC	22/3/13 TO 28/3/13	19
3QW6E59C	25/3/13 TO 28/3/13	56
4WUBRLCM	DITTO	57
6P70QLWG	DITTO	5
6PR98BI6	DITTO	8
09P9DL31	24/3/13 TO 28/3/13	5
BSQ58T5F	DITTO	11
D1J548AU	25/3/13 TO 28/3/13	7
F2KHB31	24/3/13 TO 28/3/13	5
IND3YN63	25/3/13 TO 28/3/13	63
IVNKQ2SF	DITTO	6
J6YTE790	22/3/13 TO 28/3/13	19
P7SO2YJ8	DITTO	27
QAYN4L7A	DITTO	12
R32PMCB1	24/3/13 TO 28/3/13	11

All of the images appeared to be featuring adults. Example WP\_20130905\_011.JPG There were also references to pornographic videos viewed but not accessible now on the machine.

Chris Riley  
 ICT Manager  
 Lancaster City Council  
 Town Hall  
 Dalton Square  
 Lancaster  
 LA1 1PJ

Tel 01524 582106  
 E-mail [cjriley@lancaster.gov.uk](mailto:cjriley@lancaster.gov.uk)  
 Web <http://www.lancaster.gov.uk/>

### MEMBERS' COMPUTER USAGE AGREEMENT AND POLICY

This document is to be used as a policy for managing and implementing IT usage, including email and internet, for Members using Council notebook computers or accessing the Council's computer system from their own or the Council's PC equipment.

The document gives clear guidance about the use of Internet access and email and the reasons for these rules. It is vital that Members read this document carefully. If there is anything a Member does not understand it is their responsibility to ask for an explanation. Once you have read and understood this policy you will be required to formally sign up to the policy and ensure that it is adhered to.

It should be borne in mind that this document relates to a particular medium and technology and is not intended to be read in isolation. It should be considered with and complements other Council policy and guidance, in particular the Code of Conduct for Members and the Information Management and Security Policy. If Members have any doubt as to the acceptability or legality of an action, they should consult the Monitoring Officer for advice BEFORE taking any action.

Paragraphs marked \* in this document refer specifically to those Members who have opted to be issued with a laptop (notebook) computer and printer by the Council. All other sections refer to all Members.

#### **Security**

For security reasons it is essential that all Members change their initial password to one which is known only to themselves and to alter this on a regular basis. **Members must not disclose their password to any other individual unless directed by the Monitoring Officer and will be held accountable for any usage under their name and password.**

- You must keep your passwords confidential and safe.
- Change passwords at least every three months. Passwords should not be written down and in particular should not be left with equipment (e.g. stuck to laptops or in laptop bags.)
- Passwords must be a minimum of eight characters in length, must include at least two numbers or symbols such as @, and must not be something that is easily guessed, such as family names, car registration numbers, dates etc.

\*Laptops should be stored securely and in particular should not be left in unattended vehicles.

#### **Internet Access and the World Wide Web**

The Council needs to achieve a balance whereby it allows Members to make full use of this important resource and to develop appropriate skills and knowledge, but also to introduce safeguards to prevent and detect misuse and effectively manage the risks associated with the internet and email.

Access to the Internet is provided to assist Members and they should not use or try to use a Council internet account or email facility for any of the following purposes:

- Breaking through security controls whether on the Council's equipment or on any other computer system
- Logging onto the Council's network services under a different person's user name and password
- Intercepting or accessing internet traffic (such as email) not intended for him/or her
- Intentionally accessing or transmitting computer viruses or similar software
- Creating or intentionally accessing, circulating, transmitting, distributing, storing or downloading any material which is offensive, obscene, sexually explicit, indecent, pornographic, racist, sexist, defamatory, libellous, menacing, hateful, incites or depicts violence or describes

- techniques for criminal or terrorist acts or otherwise represents values which are contrary to Council policy
- Knowingly doing anything which is illegal under English law or the law of any other relevant country
  - Political lobbying
  - or private business (including Commercial activities)
  - Any activities which could cause congestion and disruption of networks or systems
  - The use of aliases is not permitted in official activities.

Every effort should also be made to ensure that any personal or private business is not conducted via your Council email-account.

All Members are advised to be careful when using the internet. Liabilities may arise through the creation of contracts, misstatements, defamatory remarks, breach of copyright, the disclosure of protected data and human rights violations. The Council may or may not be vicariously liable for the actions of its Members or the Member may be personally liable.

Members should be aware that they can get connected accidentally to web sites that may contain illegal or offensive material. This can happen by following a link to a site whose content could not have been foreseen. If this occurs Members are advised to disconnect immediately, make a note of the site details and of the operation attempted and inform the Monitoring Officer.

#### **Data Security, Backup and Encryption**

Members should be aware that the data storage areas on the network (normally your drive H:\) are regularly backed up by Information and Customer Services (ICS). Any data held on a PC hard drive (e.g. 'C:\) or elsewhere, however, is vulnerable to loss or damage, is not backed up centrally and in the event of a fault ICS may overwrite it back to a standard image.

Special care must be taken with portable devices including laptops, mobile phones and PDAs, which must have password or PIN protection and must be stored securely. Hard drives must be encrypted on portable devices. They must not be left unattended.

Confidential material must be saved with a password and stored on a network drive. Restricted data must be stored in an appropriate area. The Head of Democratic Services will advise on what data is confidential or restricted.

A business case must exist for the use of any removable media such as pen drives, DVDs etc. and such devices must be encrypted. If you choose to store information on removable media, then you are responsible for ensuring that this information is kept safe and backed up.

#### **Virus Protection**

Anti-virus software is automatically provided on the Council network and it must not be disabled or switched off. Anti-virus software is included for all notebooks and this is automatically updated whenever machines connect to the Council's network.

No removable media can be introduced into the Council's IT systems without virus checking.

Email is a major source of virus infection, and whilst we take every precaution to try and eliminate the risk of infection, there may be occasions where a new virus manages to get through. You must be aware of this risk and report any unusual emails to the helpdesk immediately.



### \*Downloading Software

You should not install, copy, or download, any unauthorised software, including games, to or from another computer. ICS will copy software where necessary for authorised use within licence limits. If you are unsure whether your software is authorised, contact the ICS helpdesk.

Some software may be legitimately downloaded from the Internet. A list of such software will be maintained by Information Services and published on the intranet.

### Emails

- Email communications are not guaranteed to arrive at their destination within a particular time or at all
- Confidential information is not secure unless appropriate encryption is applied to protect it.
- Users should check carefully the correct reproduction of an email address
- Users must not abuse others even in response to abuse directed at them
- Users must not use email to sexually harass or threaten anyone in any manner
- The inappropriate use of upper case email is generally interpreted as SHOUTING and should be avoided
- Users must not use anonymous mailing services to conceal their identity or falsify emails to make them appear to originate from someone else or provide false information to any internet service
- Users tend to regard email like telephone calls and to be less discreet than in a letter giving rise to significant risk of vicarious liability for defamatory statements. All emails sent via the Council's system will include an official disclaimer to protect the Council's interests
- Users should be aware that sending excessively large emails or attachments can cause problems for the system and in extreme cases cause it to fail.

The Council accepts no responsibility for the security of personal data and it should be noted that all emails stored on the system belong to the Council.

### Remote Access

All access from outside the Council's internal network must have dual factor authentication. ICS will normally provide Members with these facilities for access from their homes.

### Monitoring

It should be noted that all communications are monitored and recorded and that there shall be no expectation of privacy. Emails that are strictly private should not be received or sent on the Council's system. It should be emphasised however that monitoring is only undertaken for the purposes set out below. ***Usage of internet and emails may be monitored or recorded by the Council at any time without notice or consent for the following purposes:***

- To establish the existence of facts relevant to Council business
- To ascertain compliance with regulatory or self regulatory practices or procedures relevant to Council business
- To ascertain or demonstrate standards which are or ought to be received by persons using the system
- To prevent or detect a crime
- To investigate or detect the unauthorised use of the system
- To ensure the effective operation of the system.

However if the Council has cause to examine your emails for any reason, Councillors will be informed immediately.

The Council will not use personal information collected through monitoring for purposes other than that for which the monitoring was undertaken unless the information is such that no reasonable Council could ignore it, e.g. it reveals criminal activity.

### **Notebook, printer and network usage support**

#### **Summary**

This service includes the resolution of all day-to-day problems that might occur with notebooks and printers. It specifically includes the following.

- o Providing a Help Desk to handle all calls
- o \*Maintaining all notebooks and printers
- o \*Investigating faults with supplied software.
- o Providing access to the Council email, Committee Admin systems and the internet via high speed links where they are available.
- o \*Providing anti-virus software for all notebooks
- o Providing secure data storage on the Council network

#### **Help Desk phone - 582103**

The Help Desk service is available between 8:00 am and 6:00 pm Monday to Friday to report problems, enquire on progress with previously reported problems and to place requests for advice on IS issues. Calls can also be submitted by voice mail, the intranet or by emailing 'helpdesk@lancaster.gov.uk'.

#### **\*Hardware Maintenance**

- o Fixing all major hardware related problems on all notebooks and printers within one working day of the equipment being returned to Information Services
- o Where a major problem cannot be fixed within the day, a spare notebook and printer are available.

#### **\*Software Support**

Providing a fault investigation service for all faults found with the supplied software. Resetting the laptop to the standard image if necessary

- o Microsoft Office and all subsidiary products (Word, Excel, Access, PowerPoint, etc.)
- o Microsoft Internet Explorer
- o Microsoft Outlook
- o Adobe Acrobat

#### **Communications**

- o Maintaining access to the Council's network.
- o Investigating and resolving communication problems jointly with Members through third party suppliers where necessary.

#### **\*Printers**

Each printer is supplied with one cartridge of toner and a ream of A4 of paper. Members wishing to print large volumes should email requests to 'membersservices@lancaster.gov.uk' who will print out their requests at the Lancaster Town Hall and put prints into the pigeonholes. Further supplies of paper or print cartridges can be obtained from Members Services for delivery with the weekly distribution or collection from Lancaster Town Hall.

*Use of the Committee Management System*

Advice and support on the use of the committee management system can be obtained from Members Services by telephoning 582170

**Member's responsibilities**

Members are responsible for the following.

1. Logging all problems with the Help Desk as soon as possible. The Help Desk should be provided with any additional information requested to help them solve a problem. \*We will aim to solve many problems using "remote control" software and members will need to remain in phone contact with the Help Desk where this technique is being used and allow remote control of their machines. If problems cannot be solved remotely equipment must be brought to the Old Fire Station.
2. \*Only using the notebook for the purposes for which it was supplied – i.e. access to the Council's network, using the supplied software and accessing the internet on Council business.
3. \*To gain approval from IT Services before installing any additional software or deleting any software. Software which is fully licensed and approved can be installed but no support for the software can be provided by IT Services. In the event that such software causes problems IT Services will rebuild the laptop to the standard image.
4. Saving all files etc. on the Council's secure data storage. Any data saved elsewhere e.g. C drive will not be backed up and may be lost permanently.
5. Signing this agreement and following all corporate policies on security, email access etc.
6. Ensuring that equipment is used safely and in accordance with manufacturer's guidelines
7. Notifying the Help Desk as soon as possible if equipment becomes lost, damaged or stolen. It is the Councillor's responsibility to report any instances of theft to the Police and obtain a crime incident number.
8. Returning any Council owned equipment within 7 days of resigning as a Councillor or failing to be re-elected at the City Council elections.

I agree to abide by the guidelines outlined above:-

Signed *[Signature]*

Print Name *William Hill*

Date *22/6/2011*

AMP3

Lancaster City Council  
CONSTITUTION

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- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings,  
in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is—
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council or the office of councillor into disrepute.

6. You must:

- (a) champion the needs of residents- the whole community and in a special way your constituents, including those who did not vote for you - and put their interests first, and
- (b) deal with representations or inquiries from residents and visitors, fairly, appropriately and impartially

7. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Council—

Lancaster City Council  
CONSTITUTION

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- (i) act in accordance with the Council's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
8. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) the Council's Chief Finance (section 151) Officer; or
  - (b) the Council's Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

**Part B**  
**Interests**

**Section 1**  
**Disclosable Pecuniary Interests**

This part explains the statutory requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction.

**1. Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) of the following descriptions:

- (a) Details of any employment, office, trade, profession or vocation carried on for profit or gain
- (b) Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (c) Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority under which goods or

AMPL4

# Declaration of Acceptance of Office

I<sup>(1)</sup>, *William Raymond Hink*

having been elected to the office of<sup>(2)</sup> *Councillor*

of the<sup>(3)</sup> *Lancaster City Council*

DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the Code as to the Conduct which is expected of members of the<sup>(3)</sup> *Lancaster City Council*.

Date: *10<sup>th</sup> May 2011*

(Signature) *[Handwritten Signature]*

This declaration was made and subscribed before [me] [~~us~~] **CHIEF EXECUTIVE**

*[Handwritten Signature]*  
<sup>(4)</sup>[Member(s)] [Proper Officer] of the Council

(1) Insert name of person making the declaration


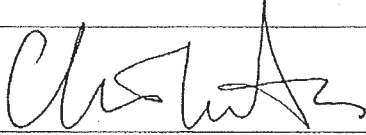

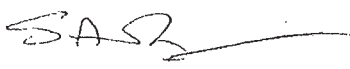

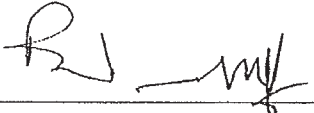


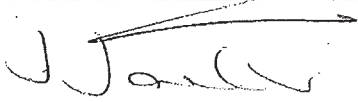
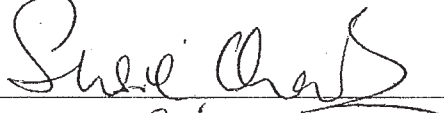

(2) Insert description of office

(3) Insert name of the authority

(4) If the declaration is made and subscribed before any other person authorised by section 83(3) of the Local Government Act 1972, adapt accordingly.

Code of Conduct  
24<sup>th</sup> May, 2011

## ATTENDANCE

	Name	Signature
1	Councillor Melanie Forrest	
2	Councillor Chris Coates	
3	Councillor Paul Atkinson	
4	Councillor SYLVIA ROGERS	
5	Councillor JR MACE	
6	Councillor Woodroff	
7	Councillor JOYXON	
8	Councillor K. SOWDEN	
9	Councillor J JACKSON	
10	Councillor SUSUS CHARLOS	
11	WILLIAM HILL	
12	Councillor <del>Sarah Fishwick</del> maybe	

Discussions with Chris Riley 24<sup>th</sup> October 2013

All inappropriate use has been in the last 18 months.

When Cllr Hill took possession of his second laptop he signed something to say if there was any damage, he would pay for it.

Cllr Hill told the service Desk that the reason he was using Cllr James's laptop was because there had been some screen damage to his laptop very shortly after he had got it.

The hard drive had been swopped – **think he must have got someone else to change the hard drive**

On Cllr Hill's laptop the browsing history had been cleared but temporary internet files had been left on the laptop.

CR : Nothing I have seen so far is a criminal offence. If we were to use an undelete tool, I would want the police involved because they are destructive – potentially could destroy any evidence. Or an investigative/security company. Probably looking at £1,000 per day.

Cllr Hill brought in Cllr James's laptop – implied it was his. We put in his code but that didn't correspond with the asset no. on the laptop.. his hard drive was in the laptop but the asset no. showed it to be Cllr James's laptop. He brought it in because it had a virus- the message from the police was the virus. Can get this virus from going on dodgy websites. IT put the hard drive into another machine and got rid of the virus.

Cllr James's laptop was smashed in the corner. Cllr Hill's laptop has a cracked screen and cigarette burns on the keyboard.

Cllr Hill's first laptop (in 2011) – the screen was a mess, cigarette burns on several keys and smashed in the corner (same corner as Cllr James's). We replaced Cllr Hill's first laptop but got him to sign an undertaking to say he would pay for any damage to his second laptop. Cllr Hill was given his second laptop in February 2013.

It is a breach of policy to download and install applications. He had installed 3 applications.

No actual file downloaded, history but no file.

History that he had visited 3 pornographic website :-

Adult clips

Free xxx Porn sex Clip

Free bondage Porn video

Swopped hard drive after smashing the screen on chassis. Put Cllr Hill's hard drive in James's chassis in March 2013.



What Cllr Hill says doesn't add up. He must have used Cllr James's hard drive on her chassis to access pornographic material.

He must have had Cllr James's encrypted code – he must have got that from her

The laptop asks for encrypted code before user name and password are entered.

**Sequence**

He smashed the screen of his second lap top  
He then used Cllr James's laptop with her hard drive  
He then got a white screen virus  
He then put his hard drive into Cllr James's laptop.  
He then got the police message virus  
He then brought the laptop into IT.

To access a site – look at it on screen.  
Downloading is a deliberate attempt to save/store on the computer.

No evidence of downloading  
Thumbnails are automatic.

Last time he used his cryptocard was January 2013 – this is on either machine.

**Interview with Councillor William Hill – 13/11/2013**

**Present:**

**Councillor William Hill**  
**Chris Riley - IT Services Manager**  
**Angela Parkinson - investigating officer.**

*Interview pre-amble read to Cllr Hill and he was asked if he had any questions to which he replied he did not.*

With my first computer the screen got damaged. I had placed it on the dining table and it got knocked off which damaged the screen. I brought that into the Council within 6 months of me being elected a Cllr which was May 2011. So I would say I brought my first computer into the Council for repair late 2011.

I wasn't issued with the second computer straight away. I was speaking to Cllr Alycia James and told her that I wasn't contactable by email because my laptop was broken. Cllr James said she wasn't using hers and offered to lend me hers.

I didn't see any problem. She gave me the encryption code to get access but not her personal password to access the Council tunnel.

I didn't notify anyone in IT or the Monitoring Officer that I was using Cllr James's laptop. I didn't realise I had to do so.

I took possession of Cllr James's laptop after I had broken mine, probably late 2011, just as a stopgap.

I was issued with a 2<sup>nd</sup> laptop from the council within 2 or 3 weeks of bringing my first damaged laptop in to the Council.

I continued to use Cllr James's laptop, on occasions, even though I had been given my second laptop.

I would let my children use both laptops.

I have 2 children aged 15 years and 12 years and both were able to access and use either laptop. My children live with me. People come into my house, I have an open door policy.

I have the encryption code for each laptop pinned up on the notice board. If one code doesn't work for the laptop then I would just try the other code. My children know to do this. I have a nephew who is 16 years of age. He also knows how to access both laptops. My girlfriend is about the same age as me (42) and my brother is 35. They all know where the codes are to access the computers.

The second laptop which I got either at the end of 2011 or beginning of 2012 was damaged when I got it. The plastic cover on the motherboard (hard drive) was cracked when it was issued to me. I was told to be careful with it but over time it got more damaged and eventually the cover of the hard drive came away from the computer. I brought it in to the Council in December 2012.

Cllr Hill was shown a photograph on Chris Riley's telephone of the first laptop which has been issued to him in 2011. The photograph showed damage to the front right corner. Cllr Hill said he didn't recall how this damage had occurred. The J key appeared to have a cigarette burn on it. Again Cllr Hill denied any knowledge of how this had occurred.

Cllr Hill said he took possession of his 3<sup>rd</sup> laptop in February 2013 and confirmed he had been asked to sign a form to say he would pay for any damage. Cllr Hill was shown the form with his signature and agreed it was his signature.

Cllr Hill said that Cllr James's laptop was there as a spare rather than to be used on a regulate basis. I intended to give it her back at some stage. I had had it since late 2011.

I took the third laptop round to my parents' house. I was working on my laptop at their house whilst watching TV with my children and my father. My father was sat on a chair which lifts to raise your legs and feet.

There was an incident with my daughter – she had either fallen or was having a strop and I needed to go to her. I put the laptop safely on the floor. I did not close it down because I always had problems logging in. I tucked it away. I went out to the yard to my daughter. My father then must have got up so lowered the bottom half of the chair and my laptop was trapped in the chair and this caused the damage.

I thought I couldn't admit to this as it had only been issued to my 2 or 3 weeks previously.

I took the laptop home. I opened up Cllr James's laptop which I hadn't used in months. There was a virus on Cllr James's laptop blocking it so I thought I would change the motherboard (hard drive) from one computer to the other and if it worked, it worked. I swopped the hard drives (Cllr Hill described how he had done this) after the damage to my third laptop which had just been issued to me. I took the hard drive out of my laptop and placed this in Councillor James's laptop.

I thought I would try swopping the hard drive and if it didn't work I would come into the Council and confess. It did work.

I thought to swop the hard drive because when I was issued with a previous laptop which had a crack to the plastic cover, I had been told to be careful

because if it fell off then the computer wouldn't work. So I thought I would try it.

I continued to use Cllr James's laptop but with my hard drive inserted.

I do not know who has accessed the pornographic websites. I haven't made any enquiries because of embarrassment. I don't feel I can accuse someone. I have spoken to my brother and have asked him to ask his son, my nephew aged 16.

I do not feel I am in a position to accuse the babysitters or even ask them if they have been looking at porn. By asking them, I am accusing them.

I accept the responsibility is down to me.

After the first message from the police (a virus) I swopped the hard drives. I wasn't visiting any website. The virus led me to swop hard drives. This police message about porn sites was a virus but this did not alert me to the fact that porn had been accessed.

I put my hard drive in Cllr James's laptop and continued using this computer for 2 or 3 months until this computer also got the same virus (message from police).

When I brought this computer in to the Council, I explained right away that I had swopped the hard drives and my reason for doing so.

Cllr Hill was shown Cllr James's laptop and the damage to the front corner. Cllr Hill said he did not know how this damage had occurred.

Cllr Hill said he continued to use both laptops – he saw it as a perk of the job. He agreed he had 2 children and so it was more convenient for him to have 2 laptops.

Cllr Hill maintained he did not believe it was wrong to allow others to use his laptop as long as they were not able to access the council tunnel.

Cllr Hill said he readily admitted that upon re-reading the policy he accepted what he did was wrong. He did not allow anyone else to have his Council password so he did not see any harm in them using the laptop.

Since February 2013, when he signed the form to agree that he would pay for any damage, Cllr Hill said he had laid down new rules so that his children could only use the laptops if they were sat at the dining table.

Cllr Hill said he gave the Computer Usage Agreement Policy a cursory glance but did not absorb it to the extent he should have done so, prior to this complaint. He has since read it thoroughly.

Cllr Hill said he accepted what he did was negligent and he accepts he is responsible to pay for the damage.

He said he did not feel Alicia James has done anything majorly wrong except to try and help out a fellow Cllr.

He accepts he never gave her laptop back and continued to use both laptops since December 2011.

He said he has 2 children and it is more convenient to continue with 2 laptops.

Cllr Hill said he hadn't seen or spoken to Cllr James. She hasn't contacted him about this. I didn't want any collusion between us so I deliberately kept up this firewall. She has never used her computer since she gave it to me. We haven't discussed this complaint at all.

She has been to my house but not for the last 12 months or so. She has been to my house probably 2 or 3 times.

Whilst she was at my house she would not have seen anyone using her laptop.

I have used the laptops for Council business however, I do struggle with technology. I generally communicate with Ward Cllrs through my personal talk-talk email account on the Council laptop.

I also can access the Council's website – the one which is open to the public. I cannot access the confidential areas.

I have adapted my use of the laptop to be able to continue with my council business without accessing the Council tunnel.

A week last Monday (4 November) I used Cllr Roger Mace's laptop at his house and under his supervision. He logged in and I entered BH then logged in to Lancaster City website. It asked me to change my password, which I did, then it asked me to key in my crypto card information. There were several emails in Licensing which Cllr Mace felt were relevant to me and I had been copied in to them so Cllr Mace allowed name to read these emails.

I don't have a laptop at home anymore. I do on occasions go round to my mother's and I access my emails through my talk-talk account through her computer.

I am desperately sorry. I realise it is my responsibility. I plead guilty to all the charges except the one relating to the pornography. That was not me. I don't use pornography. I don't know who has looked at the pornography. It could be anyone- my children, my brother, my nephew, my girlfriend, babysitters or friends.

I have only read the Computer Usage Agreement Policy after the complaint was made.

AMP 8

I confirm receipt of one Lancaster City Council laptop, .Lenovo X200 item number

52757

There is no damage on the item/~~the damage on the item is noted as:-~~

If the item is damaged whilst in my possession I agree to pay the cost of repair, or of replacement if the item is damaged beyond repair.



Councillor W Hill

25 February 2013

AMP 9

**From:** bill [williamrhill@talktalk.net]  
**Sent:** 03 October 2013 13:28  
**To:** Taylor, Sarah  
**Subject:** complaint 9/13

To Sarah Taylor

STANDARDS COMMITTEE COMPLAINT 9/13

The first thing that I would like to say is that I have had Alycia James computer for the last 18 months or so. I believe all she did was try to help me, a fellow councillor, out when I was having problems with my computer. I did not think we had done anything amiss. I could not access her emails or anything like that and it was these pass words that I thought the code of conduct was referring to and not the password into the computer. It did not occur to me that the password into the general systems of the laptop was privileged and had to be kept confidential (I will explain more on this later). I now realize that this is incorrect, now I have reread the code of conduct more thoroughly. I am sorry for any trouble caused to Miss James as I believe the bulk of responsibility lies with myself and although she broke rules in lending me the laptop she was try to help out a colleague.

Furthermore I accept that I have not looked after the computer as I should have done. I have used it as my personal computer and not recognised it as council property. This I accept is wrong and I am sorry for it. It was not malicious but it defiantly was carless and irresponsible. I used it for private emails, online gaming and as a family computer. I allowed all and sundry access to it as and when they needed it. I did also use it to conduct council business particularly through my personal email as I have struggled to get to grips with the council email I was provided with.

At this point I would like to say that I do not get on with technology if something is going to go wrong then it will involve me. The damage to the laptop screen is an example of what I mean I took the computer to my father's house and the screen was broken by him. To make matters worse this was not the first incident of accidental damage. I had placed the computer on the floor and he broke it getting out of his chair. I was deeply embarrassed and didn't want to admit to my error. I had only been issued the computer a few weeks before and so I foolishly I swapped the hard drive in an attempt to correct my own mistake. Once more this is something that I accept that I should not have done. I was in a hole and I should have stopped digging but I carried on dig and made things even worse. Once more all I can do is say sorry and hold my hands up to my own mistakes.

To sum up I am guilty of everything alleged except for one point. I have not used the computer to view pornography, as stated before I thought that it was the password to the council tunnel that should remain confidential. I allowed many people free and unrestricted access to my laptop during its time with me. I have allowed my children to use it and my friends and family. I have had friends stay with me and I have stayed at their houses. I have always allowed unrestricted access to my laptop I have let people use it unsupervised. I have a very open house. I have had baby sitters and my family and friend come go and stay. In other words any one that has wanted to use it has had access to it. I even had the password pined up next to it so I wouldn't forget it and friends/guests need not ask for it but could simply use it at their leisure. Now I find myself in this hot water I recognise my naivety and foolishness but there you have it.

I accept that porn may have been viewed on the laptops but I deny that it is I who viewed it. I have been trying to work out who could have done it but I am unable to do so with any certainty. Given my laxity in security it could have been many people. I accept that I have been lax and foolish with the password and in the general care of the machines. I do not accept that I have viewed anything inappropriate or pornographic on it but my foolishness has clearly unintentionally allowed someone to do so. As to any downloaded software the truth is I just do not know. I may have inadvertently done something like that I cannot be sure I am rather technologically challenged as is evident from this

catalogue of errors. I just do not know it may have been me or someone else whom I have allowed to use the laptop but ultimately It is my fault ether way.

I can now only hold up my hands and accept whatever punishment you feel that I deserve in relation to what I have done. Once more I am truly sorry and very embarrassed by this whole matter. I realise I have behaved naively and negligently in my custodianship over council property. I accept all of the complaints allegations except any suggestion that I have personally accessed any inappropriate or pornographic material. I further wish to reiterate my belief that my colleague Councillor James has not done anything much amiss other than trusting me with a laptop which I failed to take care of properly and I hope she is not in too much trouble over this matter.

Yours sincerely,

Councillor Billy Hill