

**INVESTIGATION INTO LEAKED SENSITIVE INFORMATION
AND MEMBERS' CONDUCT
10 April 2019**

Report of the Standards Committee

PURPOSE OF REPORT

To report on the outcome of the Single Purpose Standards Committee hearing dated 6 March 2019.

This report is public.

FOR NOTING

- (1) **To note the findings of the Single Purpose Standards Committee in respect of Cllrs Gardiner, Wild and Yates**
- (2) **To note the recommendation of the SPSC that the investigation into the leak of sensitive information be continued.**

1.0 Introduction

1.1 On 18 December 2018 Council considered the Standards Committee's request that a Single Purpose Standards Committee (SPSC) be set up to determine (1) allegations of misconduct by Cllrs Gardiner, Wild and Yates; and (2) the issue of sensitive information, provided to a Standards Committee, being leaked to the Media. Council agreed that a SPSC should be constituted to consider these matters.

2.0 SPSC hearing

1.2 On 6 March 2019 the SPSC met to consider the allegations of misconduct by the Councillors. Only Cllr Yates attended the hearing. Cllr Gardiner and Cllr Wilds failed to attend.

1.3 The Committee considered at the outset an application to adjourn by Cllr Yates and Cllr Wild (submitted in writing). It was determined that the application to adjourn should be denied on the basis that the Councillors had had sufficient notice of the hearing and sufficient time to prepare their cases.

1.4 The Committee subsequently considered the representations and evidence relied

upon by independent Counsel, Mr Joseph Hart. This included hearing from other Councillors and from the Council's internal investigator. Cllr Yates, being in attendance, also presented his case. Correspondence received from, or on behalf of Cllr Gardiner and Cllr Wild, were also considered by the Committee.

1.5 Decision on the issue of breach

1.6 The Committee having considered all relevant material on the matter determined that:

1.4.1 Cllr Yates had brought the office of Councillor and the Council into disrepute by misleading Council officers.

1.4.2 Cllr Gardiner had brought the office of Councillor and the Council into disrepute by misleading officers and failing to take part in the data leak investigation. It was also found that Cllr Gardiner had sought to intimidate those involved in the investigation process or in its administration.

1.4.3 Cllr Wild had brought the office of Councillor and the Council into dispute by misleading officers. Furthermore it was found that the Councillor had bullied a junior officer contrary to the Members Code of Conduct.

1.7 Having determined that the Councillors were in breach of the Members code of Conduct the Committee adjourned the hearing to 11 March 2019 to allow the Councillors to make submissions in respect of sanctions.

1.8 Decision notices were sent to all three Councillors on the evening of 6 March 2019. A summary of the Committee's findings are attached at **Appendix 1**.

1.9 Sanctions

1.10 On 11 March 2019 the SPSC met again to consider the issue of sanctions. The Committee were provided with copies of representations made by the Councillors or by persons on their behalf. The further representations were considered by the Committee prior to the determination of sanctions.

1.11 Having read the Councillors' further representations, and bearing in mind all the facts of the case, the SPSC determined that the Councillors were to be sanctioned as following:

1.11.1 The outcome in relation to the Standards hearing was to be reported to Council (on a confidential basis).

1.11.2 Cllr Yates was to be removed the Standards Committee

1.11.3 Cllr Wild was to be formally censured in the minutes of the hearing

1.11.4 Cllr Gardiner was to be formally censured in the minutes of the hearing.

1.12 The three Councillors were notified, in writing, about the SPSC's decision after the hearing on 9 March 2019.

1.13 Continuation of Investigation

- 1.14 The SPSC has recommended and requested the continuation of the investigation into the leak of sensitive information from the Standards Committee.
- 1.15 Officers are currently reviewing the evidence and the findings of the SPSC. Upon review of the evidence officers will report back to the Committee Chair and the Independent Person.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p> <p>This report is for noting and does not involve the need for impact assessment.</p>	
<p>LEGAL IMPLICATIONS</p> <p>There are no legal implications stemming from this report.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications stemming from this report.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:</p> <p>There are no resource issues stemming from this report.</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>Has no comments to make on this report.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>Has no comments to make on this report.</p>	
<p>BACKGROUND PAPERS</p> <p>Summary of SPSC decision (Appendix 1)</p>	<p>Contact Officer: Rephael Walmsley Telephone: 01524 582021 E-mail: rwalmsley@lancaster.gov.uk Ref:</p>