

## **Summary of findings**

### **Councillor Yates**

The Committee found that Cllr Yates had brought the Council into disrepute by misleading the Council's investigators.

In particular, the Committee concluded that Cllr Yates misled officers during his interview on 23 August 2018. The Councillor informed officers at the interview that he was in the Isle of Man on the weekend of 11 & 12 of August 2018. This was re-iterated by the Councillor in a signed statement which contained a statement of truth.

The Committee did not accept that the Councillor, at the time of the interview, mixed up his visit to the Isle of Man in mid-July with his whereabouts on 11 & 12 August 2018. The visit and the weekend of 11 & 12 August were a month apart and the Committee found that it was unlikely, given the long duration between the two dates, that the Councillor got the visit and the weekend mixed up. Moreover, given that the interview with officers took place only 10 days after the weekend of the 11 & 12 August, the Committee found it unlikely that the Councillor would forget that he was at home as oppose to being on the Isle of Man.

The Committee found Cllr Yates' account of events to be inconsistent. On the one hand the Councillor maintained that he was particular about detail and on the other hand he maintained that he signed his statement without really reading the contents of the same. Moreover, under cross-examination the Councillor was asked why, if he believed that the statement was correct at the time, did he shortly after the interview, have cause to doubt the dates given in the statement. The Councillor could not give an adequate explanation to this inconsistency and he maintained that it was simply his mind playing tricks on him.

The Committee determined that Cllr Yates should be removed from the Standards Committee.

### **Councillor Gardiner**

The Committee found that Cllr Gardiner had (1) brought the Council into disrepute by misleading the Council's investigators and by his failure to take part in the investigation and (2) that he has been guilty of conduct that amounted to intimidation of a person who is likely to be involved in the investigation or in its administration. This involved intimidation of the Chief Executive Office and intimidation during the interview with Cllr Wild.

In particular, the Committee concluded that Cllr Gardiner misled officers during the investigation into the leak of sensitive data. The Councillor emailed the Council's Monitoring Officer on 9 September 2018 stating that he did not know anything about the standards hearing scheduled for 13 August 2018 until it was published by the Daily Mail (the 16&17 August 2018). The Committee did not accept the Councillor's assertion. The Committee concluded, taking into account the evidence of Cllr Mace, that the Councillor knew about the subject matter by 14 August 2018.

The Councillor was invited to attend an interview about his knowledge concerning the data leak by the Monitoring Officer on 6 and 11 September 2018. The Councillor failed to cooperate with the reasonable requests of the Monitoring Officer and on the 12 September 2018 stated that "I do not have time sorry I will not TAKE PART IN THIS DEBARCLE (sic)"

The Committee found that the Councillor's misleading statement and failure co-operate with the Council's Monitoring Officer was a course of conduct that offended against the principles of accountability, openness and honesty. As such they were found to be actions or omissions that brought the office of Councillor and the Council into disrepute.

On the afternoon of 23 August 2018 Cllr Gardiner contacted the Council's Executive Office and demanded to speak with the Chief Executive about a Standards Committee matter. He reported that he felt that one of his colleagues was being mistreated or bullied. The Councillor threatened to go to the press if the matter was not resolved that day.

The threat of going to the press was inappropriate conduct by the Councillor and the Committee found that the threat made in respect of the Standards Committee matter amounted to intimidation of a person (the Chief Executive) involved in the administration of the investigation.

On 3 September 2018, following the complaint to the CE office, Cllr Gardiner attended the interview of Cllr Wild. It was explained to him that it was inappropriate for him to be in attendance by the Council's Monitoring Officer. Councillor Gardiner did not take any active part in the interview.

The Committee found, having carefully considered the evidence on the matter, that Cllr Gardiner's presence at the interview was a means of asserting control or influence over Cllr Wild. The Committee considered this to be inappropriate conduct and intimidation contrary to paragraph 3 of the Members Code of Conduct.

The Committee determined that Councillor Gardiner was to be censured in the minutes of the hearing.

### **Councillor Wild**

The Committee found that the Cllr Wild had (1) brought the Council into disrepute by seeking sensitive information to pass onto members of the public and (2) that he did bully a member of staff on 13 August 2018.

In particular, the Committee concluded that Cllr Wild had telephoned the Council's democratic services department on the afternoon of 13 August 2018 and that the purpose of the Councillor's call was to seek confirmation as to the identity of a member of public connected to the Standards Committee case of 13 August 2018.

The Committee found that the telephone call was a misuse of the Councillor's powers in that the request to a junior member of staff was such as to undermine the junior officer. This is a course of behaviour defined as bullying in the Members Code of Conduct.

The Councillor was later interviewed by officers on 3 September 2018. Cllr Gardiner attended the interview in support of Cllr Wild. Towards the end of the interview Councillor Wild repeatedly asked officers for the name of the subject member of the public. He informed officers that he wanted the name to pass onto his customers.

The Committee found that the request, and the Councillor's stated motive for the same to be unacceptable behaviour.

The Councillor's inappropriate requests for information evidenced a lack of integrity. This being the case, the behaviour was such as to bring the office of Councillor or the Council into disrepute contrary to paragraph 5 of the Members Code of Conduct.

The Committee determined that Councillor Wild was to be censured in the minutes of the hearing.