



CODE OF CONDUCT FOR MEMBERS: DECISION NOTICE

Complaint Reference 2016/004

Complaint

A complaint was received about the conduct of Councillor Colin Wileman, a Member of East Staffordshire Borough Council, from Mr Andy O'Brien, the Chief Executive of East Staffordshire Borough Council.

A general summary of the complaint is set out below:

Councillor Wileman admitted leaking confidential information about the Council's voluntary sector grants fund. Specifically, following a confidential Member discussion at a meeting of the Leader's Advisory Group on 3rd February 2016, Cllr Wileman shared the nature and substance of those discussions with his son, Conor Wileman, who is a Staffordshire County Councillor and a trustee of the Harvey Girls (a charitable organisation based in Burton upon Trent). After being given the confidential information, Conor Wileman emailed one of the Council's Deputy Leaders to petition her about the consequences for the Harvey Girls of a decision not to provide grant funding.

On the face of it, the matters complained of amounted to a breach of paragraph 3.7 of the Councillor's Code of Conduct which says that, other than in certain circumstances, "Councillors must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature." In addition, there was a possibility that Cllr Wileman's actions placed him in breach of paragraph 3.9 of the Code: "Councillors must not conduct themselves in a manner which could reasonably be regarded as bringing their office of the Council into disrepute."

Having consulted with the Independent Person, the Monitoring Officer decided to refer the complaint for investigation and she appointed an independent Investigating Officer to undertake the task.

The Investigating Officer found evidence of breaches of paragraphs 3.7 and 3.9 of the Code of Conduct for Councillors.

He recommended that the complaint should be referred to the Standards Committee for further consideration.

The complaint was heard by the Standards Committee at a meeting on Monday 27th June 2016 at 6.30pm in the Coltman VC Room, Town Hall, Burton upon Trent.

The complaint has been considered in accordance with the Standards Committee Complaints Procedures at Part 4L of the Council's Constitution.

Decision

Having considered the papers; having heard submissions from the Investigating Officer and from Councillor Wileman; and having considered the views of the Reserve Independent Person, the Committee found that Councillor Colin Wileman had breached paragraphs 3.7 and 3.9 of the Council's Code of Conduct.

The Committee was then required to consider which, if any, of the sanctions contained at paragraph 13.5 of the Code of Conduct, to impose on Councillor Wileman. In reaching its decision the Committee considered the submissions of the Investigating Officer and the views of the Reserve Independent Person. The Committee imposed the following sanctions:

13.5.1 Publish its findings in respect of Councillor Colin Wileman's conduct;

13.5.2 Report its findings in respect to the Council for information.

13.5.6 Councillor Wileman is required to receive additional training on the subject of confidentiality.

13.5.8 Councillor Wileman is required to sign an undertaking that he will comply with the code of conduct on confidential information and if he will not (or will not attend the training proposed) the Council should instruct officers (and other Councillors) not to provide exempt, confidential or legally privileged information to him for the remainder of his term of office (other than those items which he would be legally entitled to under the Local Government Act 1972 and related legislation).

Reasons for decision

Councillor Wileman had admitted that he had leaked confidential information. The Council expected the highest standards of conduct from its Councillors and in breaching the Code of Conduct Councillor Wileman had fallen far short of the required standard. The Standards Committee viewed the matter extremely seriously and while they took at face value Councillor Wileman's expressions of remorse and regret, nevertheless they believed that the leak of information was serious enough to have brought the Council into disrepute.

For that reason, the Standards Committee determined that it was appropriate to impose the range of sanctions outlined above.

Notice of decision

This decision notice will be sent to the person or persons making the allegation and the Member against whom the allegation was made. The decision will also be reported to the next ordinary meeting of the Standards Committee.

Appeal of decision

There is no right of appeal for the Complainant or for the Councillor against a decision of the Standards Committee.

If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which the complaint had been handled.

Terms of reference and Complaints Procedures

The Terms of Reference of the Standards Committee and its Complaints Procedures are available on the Council's website (www.eaststaffsbc.gov.uk) and from the Monitoring Officer.

Additional Help

If you need additional support in relation to this decision notice or future contact with us, please let us know as soon as possible. If you have difficulty reading this decision notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed Angela Wakefield Date 28th June 2016

Angela Wakefield,
Monitoring Officer,
East Staffordshire Borough Council
The Maltsters,
Wetmore Road,
Burton upon Trent,
Staffordshire DE14 1LS