

Case Summary - Fenland District Council

Case no. SBE-09067-ZVAMH SBE-09068-JTZJN, SBE-09069-XGFY2, SBE-09070-285I1, SBE-09071-4KF5Q, SBE-09072-V07IQ

Member(s): Councillor Steve Garratt

Date received: 09 Feb 2009

Date completed: 24 May 2010

Allegation:

That the member disclosed confidential information

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

Case Summary

It was alleged that Councillor Steve Garratt disclosed confidential information to Councillor Fred Yeulett when he passed him an email he had received from Councillor Alan Melton which had been marked 'Strictly Confidential'.

The Ethical Standards Officer found that on 20 November 2009 Councillor Melton sent an email to some of his colleagues within the Conservative group and party that expressed his concern about the Council's failure to progress plans for a leisure centre in Chatteris. Councillor Melton marked his email 'Strictly Confidential'

Councillor Garratt received Councillor Melton's email on Saturday 21 November 2009. Councillor Garratt was concerned about some of Councillor Melton's comments and telephoned him to discuss the matter. Councillor Garratt then telephoned Councillor Fred Yeulett, the deputy leader of the Council and Conservative group, to get his opinion of Councillor Melton's proposals. Councillor Yeulett had not been on Councillor Melton's circulation list and so Councillor Garratt forwarded him a copy of the email.

In reaching a decision on this matter the Ethical Standards Officer did not believe that the email's reference to council business settled the issue of whether Councillor Garratt was acting in his capacity as a councillor when he forwarded it. The audience for this email was members of the local Conservative group, some of whom were not councillors. Although the email like many involving local politics touched on matters that the council had considered, its primary purpose and content was political. The Ethical Standards Officer had no doubt that Councillor Garratt's act of passing the email to a senior political colleague was essentially a party political matter.

The Ethical Standards Officer was satisfied that in passing the email to Councillor Yeulett, Councillor Garratt was not acting in his official capacity as a councillor and therefore did not fail to comply with the Code.

Relevant paragraphs of the Code of Conduct

Paragraph 4

"4(d) You must not—

(i) 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—

(1) you have the consent of a person authorised to give it;

(2) you are required by law to do so;

(3) 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

(4) the disclosure is—

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority"