

Case Summary - Fenland District Council

Case no. SBE-09094-QRLEH SBE-09095-8SN13, SBE-09096-4BTTJ, SBE-09097-P2M7S, SBE-09098-555QT, SBE-09099-IKXR4

Member(s): Councillor Fred Yeulett

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 Fred Yeulett disclosed confidential information to the Council's Chief Executive in the form of an email sent by Councillor Alan Melton marked 'Strictly Confidential'.

The Ethical Standards Officer found that on 20 November 2009 Councillor Melton sent the email in question to Council and local Conservative group members. Councillor Yeulett was not included. In the email Councillor Melton 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 Steve 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 Yeulett, who was then the deputy leader of the Council and Conservative group, to get his opinion of Councillor Melton's proposals. Councillor Garratt forwarded Councillor Yeulett a copy of the email. Councillor Yeulett subsequently met with the Council's then Chief Executive to discuss concerns he had about Councillor Melton's email, in particular some comments Councillor Melton had made about Council officers. During the meeting Councillor Yeulett provided the chief executive with a copy of the email.

The Ethical Standards Officer considered that Councillor Melton's email more resembled a party political communique than Council business. However, in reaching a decision on whether Councillor Yeulett was acting in his official capacity when disclosing it to the Council's Chief Executive the Ethical Standards Officer took into account the fact that the information disclosed by Councillor Yeulett came into his possession because Councillor Garratt considered that he had a right to see it as deputy leader of the Council and portfolio holder for 'Shaping Fenland's Future'. Also relevant is the fact that the content of the email related to matters that he had been involved in as a councillor in the past and that the disclosure was made to the Council's Chief Executive as part of a meeting to discuss whether Councillor Melton's proposals were feasible. Given these facts, the Ethical Standards Officer was satisfied that in passing the email to the Council's Chief Executive, Councillor Yeulett was acting in his official capacity.

The Ethical Standards Officer considered that the email included a limited amount of information that was of a confidential nature. Given that the Council's Chief Executive had not been on Councillor Melton's circulation list and Councillor Yeulett provided him a copy of the email he considered that Councillor Yeulett had disclosed information which he believed or ought reasonably to have been aware was of a confidential nature.

Having established that Councillor Yeulett disclosed confidential information, the Ethical Standards Officer had to consider whether any of the exceptions listed in the paragraph of the Code relating to confidential information applied. It was not in dispute that Councillor Yeulett did not have Councillor Melton's consent before he made his disclosure. In addition he was not required by law to disclose the email and although he was seeking the Council's Chief Executive's advice on the matter, Councillor Yeulett placed no restriction on his subsequent use of the information.

Balancing all of the relevant factors, the Ethical Standards Officer concluded that Councillor Yeulett had been motivated by genuine concerns and had acted reasonably and in the public interest in making his disclosure to the Chief Executive only. He noted that no detriment had occurred to any party as a result of either Councillor Melton's original email nor Councillor Yeulett's disclosure.

The Ethical Standards Officer considered that Councillor Yeulett did not fail to comply with the Code.