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17 October 2008

To: All Members of the Standards Committee

Dear Member,

Standards Committee - Tuesday, 21st October, 2008

I attach a copy of the following report for the above-mentioned meeting which was not available at the time of collation of the agenda:

11. NEW ITEMS OF URGENT BUSINESS (PAGES 1 - 12)

Receiving and Considering Recommendation from the Standards Board for England Report in relation to Complaint number SBE21513.08

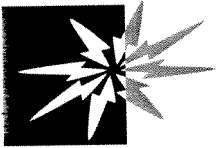
To report to the Standards Committee for their consideration the Standards Board for England's recommendations following their consideration of a complaint against a Haringey Councillor.

Please note: this report includes an exempt appendix 2. Consideration of the material in this appendix may be subject to a motion to exclude the press and public.

Yours sincerely

Jeremy Williams
Principal Committee Coordinator

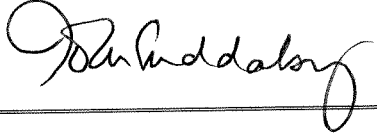
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Agenda item:

[No.]

Standards Committee On 21 October 2008

| | |
|--|------------------------------|
| Report Title: Receiving and considering recommendations from the Standards Board for England in relation to complaint number SBE21513.08 | |
| Report of: Monitoring Officer | |
| Wards(s) affected: All | Report for: Non Key Decision |
| <p>1. Purpose</p> <p>1.1 To report to the Standards Committee for their consideration the Standards Board for England's recommendations following their consideration of a complaint against a Haringey Councillor.</p> | |
| <p>2. Recommendations</p> <p>Members are asked to :</p> <p>2.1 Note the case summary now published on the Standards Board for England website at Appendix 1 and to note the confidential letter and full report of the findings of the Ethical Officer at Appendix 2 and to consider the Ethical Standards Officer's recommendations.</p> <p>2.2 Agree to the suggestion that guidance for Members is prepared giving advice on the issue of confidential/exempt information and that it incorporates the recommendations made by the Ethical Standards Officer in her findings.</p> | |
| Report Authorised by: John Suddaby, Monitoring Officer  | |
| Contact Officer: John Suddaby – Monitoring Officer | |
| <p>3. Director of Finance Comments</p> <p>3.1 There are no financial implications</p> | |

4. Head of Legal Services Comments

The legal implications are included in the body of the report

5. Local Government (Access to Information) Act 1985

6.1 Ethical Standards Officers findings in Case No SBE 21513.08

6.2 Local Authorities(Model code of Conduct) Order 2007

6.3 Appendix 2 of this report is confidential information within the meaning of Section 63 of the Local Government Act 2000.

6. Report

6.1 Following a reference to the Standards Board for England that Councillor Charles Adje may have breached the Code of Conduct, the Ethical Standards Officer conducted an investigation and found that the Member concerned had breached the Code in that he had disclosed confidential information without getting his solicitor to agree formally that it would remain confidential and not be further disclosed.

6.2 The ESO found that although Councillor Adje had breached the code no further action was necessary.

6.3 In her findings, the Ethical Standards Officer made recommendations to the Standards Committee in the following terms:

That the Standards Committee should

“review the guidance available to members aimed at helping them to understand their responsibilities in relation to confidential information. In particular, the guidance should state that any member who wishes to disclose confidential information to seek professional advice should first obtain an agreement from the third party not to disclose the information further.”

6.4 The Monitoring Officer confirms that at present there is no Haringey guidance for Members relating to confidential/exempt information that takes into account the changes made to the Code of Conduct in 2007, although briefings have been given to Members on these changes.

6.5 It is suggested that the Standards Committee agree to the drafting of such guidance and for it to take into account the recommendations of the ESO reported above.

6.6 Attached at Appendix 1 is the website summary of the ESO's findings and at Appendix 2 the letter from the ESO and her full findings which are confidential information under Section 63 of the Local Government Act.

6.7 Members attention is drawn to the fact that Section 63 of the Local Government Act prohibits the disclosure of information gathered during an ethical standards officer's investigation. However, information can be disclosed in any of the following circumstances:

- the persons to whom the information relates have given specific permission
- the information has already been disclosed to the public with lawful authority
- the information relates directly to you and does not involve any other individual
- it is for the purposes of seeking advice in relation to the investigation from a solicitor or other adviser

Members are therefore advised to take great care to ensure the confidentiality of Appendix 2 and to consult with the Monitoring Officer before they take any decision to disclose information contained in it on any of the grounds set out above.

6.8 Members are asked to consider the ESO's recommendations and decide whether guidance for Members should be prepared giving advice on the issue of confidential/exempt information and incorporating the recommendations made by the Ethical Standards Officer in her findings.

7. Financial Implications.

7.1 There are no financial implications

8. Legal Implications

9. 9.1 The legal implications are included in the body of the report

10. Equalities Implications

10.1 There are no equalities implication

11. Use of Appendices / Tables / Photographs

11. 1 Appendix 1 Website summary of the ESO's findings

11.2 Appendix 2 Letter and ESO's findings (confidential)

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London Borough of Haringey

Case no. SBE21513.08
Member: Councillor Charles Adje
Authority: London Borough of Haringey
Date received: 10 Mar 2008
Date completed: 24 Sep 2008

Allegation:

The member disclosed confidential information.

Standards Board outcome:

The ethical standards officer found that no action needs to be taken.

The complainant alleged that Councillor Charles Adje, the London Borough of Haringey's cabinet member for resources, disclosed confidential information to a solicitor. The information was part of a draft report to the Cabinet Advisory Board, which outlined options for the future of the Welbourne Community Centre and the site on which it stands, both owned by the council.

It was also alleged that Councillor Adje may have unfairly advantaged the occupants of the site, given that parts of the report referred to confidential financial information about the rival bids and the site's value.

Councillor Adje disclosed information from the report to a local solicitor, from whom he sought independent legal advice about the status of the site occupant's tenancy with the council. He did not seek any specific agreement from the solicitor to keep the report's contents confidential.

The ethical standards officer considered that it was reasonable for Councillor Adje to have disclosed the information in order to obtain confidential legal advice, and therefore did not consider that Councillor Adje was trying improperly to advantage the site occupant.

However, the ethical standards officer did consider that Councillor Adje breached the Code of Conduct by disclosing confidential information without getting his solicitor to agree formally that it would remain confidential and not be further disclosed.

The ethical standards officer found that although Councillor Adje had breached the Code of Conduct, no further action was necessary.

The ethical standards officer copied her final report on this investigation to the London Borough of Haringey's standards committee, in order to help the committee in its role of promoting and maintaining high standards of conduct among members.

The ethical standards officer advised the standards committee to review the guidance available to members aimed at helping them to understand their responsibilities in relation to confidential information. In particular, the guidance should state that any member who wishes to disclose confidential information to seek professional advice should first obtain an agreement from the third party not to disclose the information further.

The guidance should also state that the member should confirm with the adviser that there is no conflict of interest between the council and any of the adviser's other clients. If there is such a conflict, the member should consider using another adviser. Although this is not required by the Code of Conduct, it would prevent members from putting themselves into a position where others could question their motives and where they could be responsible, however unwittingly, for sensitive information unfairly benefiting a third party, for example in bidding for a council contract.

Relevant paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 4(a) and 6(a) of the Code of Conduct.

Paragraph 4(a) states that "a member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so".

The allegation in this case relates to Paragraph 6(a) of the Code of Conduct.

Paragraph 6(a) states that a member "must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage".

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