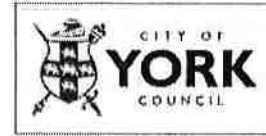


CONFIDENTIAL REPORT



**PRIVATE AND CONFIDENTIAL**

**Case reference:**

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for City of York Council, into allegations concerning **Councillor Keith Aspden** of City of York Council.

14 June 2018

# **VOLUME 2 SCHEDULE OF EVIDENCE**

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Appendix A

Schedule of evidence and list of unused material

Page No.	Document No.	Description
4	WC1	Code of Conduct
14	WC2	[REDACTED]
84	WC3	[REDACTED]
104	WC4	[REDACTED]
111	WC5	[REDACTED]
122	WC6	[REDACTED]
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136	WC9	Statement of Person A
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**Part 1: General Provisions****Introduction**

1. (1) This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of the City of York Council.
- (2) This Code also applies to any person appointed as a co-opted member of the City Council or any of its Committees when acting as such.
- (3) A person will be acting as a Councillor or as a co-opted member when:
  - Present at formal meetings of the Council.
  - Performing duties entrusted to them by the Council
  - Performing functions associated with the ordinary role of Councillor – such as undertaking casework for residents
  - Otherwise acting, claiming to act or giving the impression that they are acting as a Councillor

But a person will not be acting as a Councillor or as a co-opted member when acting as a trustee or director of another organisation even where the appointment to that role was made by the Council.

- (4) The Code has been adopted by the City Council and is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

**Definitions**

2. (1) A "co-opted member", is a person who is not an elected member of the authority but who –
  - (a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and

in either case is entitled to vote at any meeting of that committee or sub-committee

- (2) "meeting" means a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority or of the Executive or any committee of the Executive.
- (3) A "sensitive interest" is one where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees.

### **General Duties as to Conduct**

- 3. (1) You must treat others with respect.
- (2) You must not do anything which may cause the Council to breach any equality enactment.
- (3) You must not bully or intimidate any person, or attempt to bully or intimidate them.
- (4) You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
- (5) You must not disclose information which is confidential, unless:
  - (a) You have the permission of a person authorised to give it; or
  - (b) You are required by law to disclose the information; or
  - (c) You disclose it 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

- (d) The disclosure is reasonable; and is in the public interest; and is made in good faith.
- (6) You must not prevent another person gaining access to information which that person is entitled by law.
- (7) You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
- (8) You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
- (9) When you use or authorise the use by others of the resources of the Council you must:
  - (a) abide by the Council's reasonable requirements; and
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (10) You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.

**Part 2: Interests****Disclosable Pecuniary Interests*****Registration of disclosable pecuniary interests***

4. (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. These will be included in the register of interests which is published on the Council's website

***Definition of disclosable pecuniary interests***

- (2) A 'disclosable pecuniary interest' is an interest of a kind described in the first schedule to this Code. An interest is disclosable if the interest is of yours or of your partner. Your partner means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

***Non participation in items of business in the case of disclosable pecuniary interest***

- (3) Where a matter arises at a meeting which relates to one of your disclosable pecuniary interests,
- (a) You may not participate in any discussion of the matter at the meeting.
  - (b) You may not participate in any vote taken on the matter at the meeting.
  - (c) If the interest is not registered, you must disclose the interest to the meeting.
  - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

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Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

***Non participation in individual executive decision making in case of disclosable pecuniary interest***

- (4) Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

**Notification of Interests**

5. (1) In addition to the disclosable pecuniary interests you must, notify the Monitoring Officer of any interests you have of a kind described in the second schedule. You must make that notification within 28 days of this Code coming into effect or of you becoming a Member or co-opted Member if that is later.
- (2) You must notify the Monitoring Officer of any changes to these interests or of any new interests within 28 days of becoming aware of them.

**Disclosure of Interests**

6. (1) You have a personal interest in any business of your authority where it relates to or is likely to affect you, a body named in the second schedule or any person with whom you have a close association.
- (2) If you are present at a meeting and you have a personal interest in any matter to be considered or being considered at the meeting:
- (a) If the interest is not registered, you must disclose the interest to the meeting.
- (b) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.



- (3) If you have a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgement of the public interest then you have a prejudicial interest. This is subject to the exceptions set out in paragraph 6.4.
- (4) You do not have a prejudicial interest in any business of the authority where that business:
- (a) does not affect your financial position or the financial position of a person or body named in the second schedule;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in the second schedule; or
  - (c) relates to the functions of your authority in respect of:
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

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- (5) A member with a prejudicial interest must leave the room during the debate and voting on the matter in question.

### **Sensitive Interests**

7. (1) If you have a sensitive interest which is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.
- (2) If you are required to declare a sensitive interest at a meeting you need only declare the fact of the interest and not the details of the interest itself.

### **Dispensations**

8. (1) The Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he or she has an disclosable pecuniary interest or a prejudicial interest. The Council may grant such a dispensation if:
- It believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
  - considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote relating to the business
  - It is in the interests of the inhabitants in the Council's area to allow the member to take part; or
  - It is otherwise appropriate to grant a dispensation.
- (2) The Council has granted the Monitoring Officer in consultation with the Chair of the Joint Standards Committee the power to grant dispensations. These can only be granted following a written request from the Member and the existence of and reason for the dispensation should be recorded in the minutes of the meeting.

**First Schedule – Interests which are Disclosable Pecuniary Interests**

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial</p>

**Securities**

interest:

Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
  - i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) of the Act;

“relevant person” means you or any your partner as defined in paragraph 4.2

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

### **Second Schedule – Other Interests**

1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
2. Any body —
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
3. Any person from whom you have received the offer of a gift or hospitality with an estimated value of more than £50 (whether or not you accept the offer) which is attributable to your position as an elected or co-opted member of the Council.

**STATEMENT  
FRONT COVER**

<b>Case Ref:</b>	
<b>Name:</b>	Person A
<b>Position Held</b>	

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STATEMENT of Person A

1. I was employed by the City of York Council from April 2012 until August 2017 as a [REDACTED].
2. The post I held was advertised in the traditional manner and I applied and was successful with my application and subsequent interview.
3. I had previously worked in a similar role for [REDACTED].
4. As [REDACTED] my brief terms of reference were to assist elected Liberal Democrat members with administration, research and communications with the media, amongst other tasks.
5. My position was paid for by the City of York Council and as such by members of the public.
6. During my time at the Council, I effectively had 2 line managers. My immediate Council line manager when starting in the role was **Officer B** an officer of the Council who dealt with my HR issues, however my day to day tasks were directed by the elected Liberal Democrat Councillors in particular the Leader of the Group. At the time my employment commenced this was Councillor Runciman and from 2013 it was Councillor Aspden.
7. I worked in an office at the main Council building known as West Offices, York (following the move from previous council offices). This office was allocated by the City Council as the Liberal Democrat office (group room) and as such used by the Liberal Democrat Group. It had all the facilities of a working office such as telephones and computers as well as access to shared printing facilities.

## CONFIDENTIAL REPORT

8. When I first started work for the City of York Council I do not recall any significant formal training or training package. However, I do recall I had a number of informal meetings including with the Monitoring Officer.
9. I was aware of my role profile and the code of conduct in which elected members and Council officials should operate.
10. In the months and years that followed it was quite apparent that the working practices and culture at the Liberal Democrat office and the City of York Council were very different to that I had been used to [REDACTED]
11. I was expected and encouraged by Liberal Democrat Councillors, in particular Councillor Aspden, when he became group leader, to become more involved with and deal with the media more and I became more of a press officer for the group than I had been previously with targets and time focused on this.
12. I was also expected and instructed to become more involved in political campaigns in as much as helping with the production and content of political literature (Liberal Democrat 'Focus' leaflets, campaign letters, party manifestos and annual reports) writing copy and checking that they were correct and ready for production.
13. I was getting, and it was expected that I became, more political in my role which I began to feel was not what was within my role profile or terms of reference and contravened the politically restricted nature of the position.
14. I had three/four different Council line managers during my employment ( Officer B Officer I , Officer J and then Officer B again) and did not feel, at the time, it was something that I could discuss with them and it was easier to just accept the prevailing culture. For most of my period of employment I did not have regular one to one meetings with them and just had an annual appraisal (most years).
15. I did have an annual appraisal (most years) which was completed by whoever was my line manager. Over a 4 year period my manager changed a number of times (as above). The process would be that my group manager, who was the political group leader, would be involved in my day to day assessment and also be involved in the



## CONFIDENTIAL REPORT

setting of my next 12 months objectives. This would then result in my direct non-political line manger completing my appraisal.

16. As such I never felt that I could air my initial concerns as to the tasks I was being given and concerns about the culture I was operating in.
17. I became concerned about what was happening with the Liberal Democrat Group and the overall culture that was developing with documents being leaked to the media. It happened on a number of occasions and in particular became a practice for Councillors Aspden and [REDACTED]. I outline some examples below.
18. Before the 2015 local election there was a Council issue over the setting up of a traffic congestion commission within the City of York. I believe this was in September 2014 and was an issue that would have a considerable political impact. The Labour Group was running the Council and a report had been prepared by Council officials and was given to the 4 political group leaders at a group leaders' meeting. In this case Councillor Aspden was given a copy as Leader of the Liberal Democrat Group.
19. I believe the sharing of papers in this manner, to Leaders, is not in itself unusual as it pre-warns them of an issue which is to be raised, allows for informal and confidential discussion and gives them pre reading time and enables them to research any issues that they may consider important.
20. It is my belief that the document was confidential by its very nature and not to be communicated to anyone outside the Council.
21. I am aware that Councillor Aspden contacted, and gave the document to, a journalist called Person F of "The Press" a York Newspaper.
22. I had a conversation with Councillor Aspden at the time and he told me that he had or was going to "leak" the report to Person F and that I should prepare a comment from Councillor Aspden as I would receive a request from Person F asking for a comment. I was told the reason for the leak was because he wanted the party to be on the ball and did not agree with the commission as he disagreed with the cost, but given the importance of tackling congestion he did not want to be the one to quash the idea. His view was that the resulting press article would put pressure on the Council's ruling

## CONFIDENTIAL REPORT

Labour Group to drop the proposal. It would not directly involve the party and they would be able to get what they wanted whilst embarrassing the Labour Group.

23. I was aware that this system of leaking papers and the use of the press had happened before. The process was for a document or information to be leaked and given to the press, usually by a councillor. The resultant article would be reported as from an ANON source. The journalist obviously knew where it was from and would put in a request for a comment to the group that leaked it first. In this case to the Liberal Democrat group and me as I now dealt with many media requests. I would prepare a press comment on behalf of a specific Councillor and generally get their approval and then release it. In some cases, I had the permission of the councillor to release quotes without direct approval if they were not contactable and there were deadlines.

25. I was uneasy with the culture of leaking and what was happening. However, I went along with it and in the case of the congestion commission story, subsequently released a comment from Councillor Aspden.

26. The Press did run an article in "The Press" on the subject which reported on a "leaked council report" and it did raise public concern, as expected, and the proposal was dropped by the Council/Labour.

27. Councillor Aspden also asked me to leak/pre-release budget proposals on plans for mental health investment in January 2017. This was an attempt to gain an advantage over the Conservative Group and generate favourable press coverage for the Liberal Democrats.

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28. I am convinced this leaking culture was not in the interests of openness or motivated by a 'public right to know' justification and was instead directly for the political advantage of the Liberal Democrat Group.
29. I was concerned that this method of "leaking" information was part of the culture and used by Councillor Aspden and for political advantage.

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41. Again, I was not happy with the situation nor the practice, which was becoming common place.
42. The public and press only have access to public open documents and it is well known that no official document should be disclosed or leaked in this or any manner.
43. There is a proper procedure for the public and press to obtain information including via a Freedom of Information Act request (FOI).

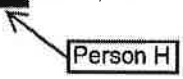
## CONFIDENTIAL REPORT

44. I am aware of the need for openness and to keep the public aware of issues and the public right to know. However, there are processes and procedures to ensure this takes place and I am convinced that the reasons for these documents being released was not for that reason and was for purely political reasons.
48. Following the Elections In 2015 Councillor Keith Aspden became the Deputy Leader of the City of York Council. This role includes a more corporate area of responsibility and as a result he would take on additional work and portfolios not directly attached to the Liberal Democrat Group.
49. At this time it was agreed, I believe by the former Chief Executive, that the leaders of the 3 largest groups should each be assisted by an Executive Support Assistant.
50. The role was duly advertised, and I recall Councillor Aspden wished the post to be filled permanently as soon as possible.

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51. I maintained my role as [REDACTED] I had no interest in the job of [REDACTED] and did not consider applying (given that the role was a lower grade etc).
52. I was aware that the post was an officer post and not political. As such I did not expect the applicant to be appointed by elected members.
53. I became aware that Councillor Aspden was concerned that he got the right person for the job as the successful applicant would be working directly for him. He wanted to fill the post with a political appointment.
54. I became aware that applications had been submitted and I was, at some stage, asked to become involved in the official short listing and interviewing of candidates. I was also aware that this was generally performed by the Council's HR officials/relevant officers and did not include Councillors. However, Councillor Aspden was very keen to be part of the process.
55. In summer 2015, I do not recall the actual date, I went to the pub on Kings Square (I believe it is called The Duke of York). I met Councillor Aspden, Person D ([REDACTED]) and Person C ([REDACTED]) who was there, I believe, to meet me or Councillor Aspden socially. [REDACTED] is not a councillor but is a Liberal Democrat activist. The meeting was at the behest of Councillor Aspden and was a 'pre-short listing' meeting to prepare for the 'official' short listing meeting with Officer A.
56. Councillor Aspden had printed copies of the application forms of the applicants for the [REDACTED]. He passed the forms around all of the persons present and we considered their suitability for the post. I know Person C was not entirely comfortable with the situation and what was happening.
57. The meeting and the passing around of the papers was run by Councillor Aspden. He and we were reading them and making comments as to their suitability. Councillor Aspden was keen to have two individuals on the short list/put through to interview and they were Person B and Person H because he knew both of them and knew them to be Liberal Democrats. Person B was Interns at the time of the application process and Person H had previously been Interns with [REDACTED].

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58. It was discussed that we would need to put at least some other candidates in the short list to make things look credible and this was done. It was also discussed what good points the two favoured applicants had and what they needed to do to enhance these points, as well as what were not so good areas that the other applicants had. The other candidates mainly had administration/PA skills which were better than the favoured two, however they were not as experienced applicants in political areas.
59. It felt like we were making the two favoured applicant fit the job description, a description which was for a [REDACTED] and not for a party political officer.
60. I do not think there were detailed written analyses taken as such but I do recall Person D [REDACTED] making a few notes.
61. The meeting finished and we just had a social drink.
62. The official short listing took place a few days later in the Council offices. Included in this were Councillor Aspden, Officer A [REDACTED] and myself. The short listing was carried out in a structured way and Councillor Aspden spoke up for his two favoured applicants (as agreed at the pre-short listing meeting), saying they should be given a chance. I believe six applicants including Person B and [REDACTED] were passed to be interviewed. 
63. The Interview process was to take place in the Council building and I, along with Officer E [REDACTED] were asked to prepare an In-tray exercise which we did.
64. I along with Councillor Aspden and Officer A [REDACTED] were to conduct the interview of the candidates and deal with the in-tray exercise.
65. It was known that the position was that of a (relative junior grade) Council employee and as such was an appointment by the officials of the Council and not something an elected member should be or generally is involved in.
66. I know Councillor Aspden was keen to be part of the process and be a panellist at interview. I am also aware he made it known that he should be on the panel.

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67. Officer A did make it clear that [REDACTED] was the appointing officer in the recruitment process and [REDACTED] would technically take the decision on who should be successful in the appointment.
68. We all had set questions which were the standard interview questions. Under the instructions of Councillor Aspden, I prepared a slightly harder, more political, question. He was fully aware of my questions before the interview date. He was also fully aware of the in tray exercise which was proposed.
69. It was, I believe, on a day shortly before the interview, at about lunchtime, as I was returning to the Group's office when I saw Councillor Aspden, Person D and Person B [REDACTED] sat together in conversation. I only heard a small part of, I believe the tail end of their conversation, but I was convinced that it concerned the interview and a part of one of the questions. I must state that I only heard a part of the conversation and could not be certain of the content. The conversation stopped quite abruptly when I walked in.
70. I already had very serious concerns about the whole interview process and this just reinforced these.
71. The interviews took place and Councillor Aspden was chair of the panel. He was sat in the middle of the three of us. Councillor Aspden essentially ran the interviews.
72. I asked the 'political' question as agreed to all candidates and as I recall no one scored particularly well at all. It was a difficult question and in fairness perhaps too specific and hard for the applicants. Person B however answered it extremely well. It was a near perfect answer to a very difficult question which the others had performed poorly on.
73. The interview was scored using the traditional point system and all three of us put Person B [REDACTED] as the best candidate.
74. I did think about the previous conversations I had overheard in the office as I have described and did have suspicions as to whether [REDACTED] had been prepared for the questions. I also considered that it may be that [REDACTED] was just an intelligent [REDACTED] and was able to answer the political style question (and others) well.



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75. Following the interviews, along with Councillor Aspden and Officer A , I discussed who performed the best and it was agreed that Person B had, and was the best candidate. I went along with that decision, albeit reluctantly given the circumstances as described.

76. Person B was offered and took up the post and worked closely with Councillor Aspden. did get more involved in the political issues than I thought should, as that was not role, it was a non-political role and should have been focused on providing for Councillor Aspden in his role as the Deputy Leader, not one for specific use on Liberal Democrat party political activity.

77. I continued to think of the process of appointing and the more I thought the more I felt it was not the way or manner in which it should have been carried out.

78. I do not know the whole motivation behind why Councillor Aspden wanted or Person H to have the job. I do feel however that he manipulated the process so he would get the person he wanted and went away from the correct and proper procedure for appointment.

79. I do not feel it was correct to do a pre-short listing in a public house with people not involved in the process or even Council employees. Councillor Aspden should not have manipulated himself onto the interview panel or been involved in the questions or in tray exercise. He should not have been Chair of the panel nor owned the process. I firmly believe that this went away from all the policies, processes and procedures set down by the Council and his actions were unfair to all those concerned and gave Person B an unfair advantage throughout the selection process.

80. I am aware that Person B and Councillor Aspden are known to each other as they would come into contact when was with the Liberal Democrat Group. I am aware that they did/do socialise together outside of work and spent time living with Councillor Aspden. I am not aware of any inappropriate association between Councillor Aspden and Person B

81. I also wish to state that I feel that within the Liberal Democrat Group there is an inappropriate use of Council resources.

## CONFIDENTIAL REPORT

82. I am aware that equipment within the Liberal Democrat office is for the sole use of the group's councillors whilst engaged in Council business, not to be misused for party political use.
83. The room, which is provided, owned and supplied by the Council was regularly used for campaigning and party political purposes by interns and party activists, as well as local party staff and members.
84. Their use included the using of phones to ring Liberal Democrat members when the individual's membership had or was about to run out and encourage them to renew membership, or issues on similar party business. The interns were encouraged to do this along with non-elected party activists. The computers were used to send email updates to party members/supporters and the shared printing facilities were used for the printing of leaflets for distribution to party members on party issues as well as letters to residents on campaigning and party political issues. This was an improper use of resources and not in any way part of the City of York Council business.
85. I am also aware that the use of Person B's time was used on non-Council business on a regular basis and [REDACTED] was encouraged to become involved with party political work which again was not appropriate and not The City of York Council business. This work included activities such as editing/proof-reading Councillor Aspden's 'Focus' and other political literature, and writing and sending out the 'weekly roundup' campaign email to party members and supporters.
86. I was again not happy with this use of Council resources which was known and encouraged by the councillors, in particular Councillor Aspden as Group Leader, the political line manager of Person B and the Councillor who directed the work of interns, party staff and activists.
87. I did not feel that I was able to report or discuss my concerns and did not see any obvious route for expressing my concerns given the clear culture that existed.
88. I have since left the employment of the Council, I believe on good terms. I do not feel that I have any issue directly with any individual and I do not have any personal grievance with any one at the Council.


CONFIDENTIAL REPORT

89. I do however feel that what happened was not right and I was not happy with the culture that developed and I was being involved in.
90. I do feel that in relation to Councillor Aspden and [redacted] that they operated in a manner in which, as elected members, they should not and I feel that it falls below the standard which they should set.
91. I feel that the disclosing of confidential information to the press for political advantage is a breach of the code of conduct. The manner in which the selection of the Executive Support Assistant was undertaken was wrong and a further breach of the code of conduct. The misuse and inappropriate use of equipment and resources of the Council (including staff) is wrong and against the code of conduct.

I Person A declare that this statement is true and accurate to the best of my knowledge and belief.

Signed [redacted] ..... Date 12/01/18.....

**STATEMENT  
FRONT COVER**

<b>Case Ref:</b>	
<b>Name:</b>	Officer B
<b>Position Held:</b>	

wilkin chapman llp  
solicitors

Cartergate House,  
26 Chantry Lane,  
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DN31 2LJ

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wilkin chapman llp



STATEMENT of Officer B

1. I am employed by the City of York Council as [REDACTED]  
[REDACTED]
2. My Job description includes numerous different areas of responsibility including supporting the 47 elected councillors, arranging and making sure that appropriate training is delivered, the arranging of Council meetings and ensuring the meetings are held and papers and agendas are prepared and circulated.
3. Upon election, all elected councillors are given essential training in the code of conduct. There is refresher training offered to all councillors every four years although, whilst recommended, this is not mandatory for current elected members. The code of conduct is enshrined within the Council's Constitution, which is publicly available to view on the Council's website. Records of training given to Councillors are held on the Council's computer system for all elected members and Council officials to access if required.
4. Upon election, all Councillors sign a Declaration of Acceptance of Office which states that they will abide by the code of conduct.
5. As part of my role I have responsibility and the line management of [REDACTED]  
[REDACTED]. This has not always been the case.
6. Person A was employed as [REDACTED]  
and I was [REDACTED] line manager for a period. [REDACTED] post, along with other [REDACTED]  
came under other supervisors prior to 2015. I did however regain responsibility for the post sometime after the 2015 elections. I would need to check the date
7. [REDACTED]

CONFIDENTIAL REPORT

8. The Post of [REDACTED] is paid for by the Council and the official line management is from the designated Council official. However, day to day supervision of the work allocated is by the political group itself.
9. [REDACTED]
10. In respect of becoming vacant and advertised then the appointment is one made by the Council and Council officials. It may involve members and representatives of the political group concerned at all stages of the selection and interview process.
11. [REDACTED]
12. [REDACTED]
13. It is a Council appointed post and fully funded by the Council. It is a Non Political post. Whilst there should not be any political involvement in the formal appointment process, [REDACTED] this creates an environment which makes it difficult for group Members to not wish to take an interest in appointments made.
14. The post holder is, however, appointed by Council officials and should not have any party or group involvement in either the formal application process or interview and appointment process.
15. I was not involved in any part of the application, paper sifting or interview process concerning the appointment of Person B .
16. I am able to say that the process for such an appointment should, as per the Council's procedure in appointments, be as follows:-
- (a) The post has a job description and will be advertised either internally, externally or both. This is generally dealt with by the line manager with HR assistance;

CONFIDENTIAL REPORT

- (b) A closing date will be agreed and applications are submitted through the Council's on-line portal. Again, this will be dealt with by the line manager;
  - (c) A short listing will take place, arranged by the line manager, and generally involves the agreed panellists (generally 2 or 3 individuals) and selected by the line manager;
  - (d) The applications are looked at by the panellists as to suitability at an arranged meeting and a short list is prepared.
  - (e) A formal interview is set which may involve an in tray exercise or some form of presentation along with a number of set questions.
17. In my experience the questions and format are decided by the panellists who will have an agreed chair who will lead the interview process. The chair is most usually the manager of the service, again, in my experience.
18. The process is to ensure fairness to all candidates and to select the best person for the post, along with having a transparent system with good governance.
19. I am aware that the application and interview process in respect of the [REDACTED] [REDACTED] post and the appointment of Person B was conducted by Officer A [REDACTED], Councillor Keith Aspden and Person A.
20. At the time (July 2015) the line manager for the post of [REDACTED] was Officer E
21. It is my understanding that all papers relating to post applications are confidential papers and should only be dealt with by authorised individuals within the Council.
22. I am not sure of the date but believe it to be in the summer of 2017 when I met with Person A, off site. At the time [REDACTED] was off sick and as I was now [REDACTED] line manager I met [REDACTED] as a welfare visit. 
23. It was a long meeting, lasting a couple of hours. I was aware that [REDACTED] was having health problems. 
24. At the meeting [REDACTED] told me that [REDACTED] had concerns with the appointment of Person B [REDACTED] not that [REDACTED] had got the job but the manner in which the interview process

CONFIDENTIAL REPORT

and in tray exercise was conducted. [redacted] told me that [redacted] firmly believed that Councillor Aspden had given [redacted] information on the in tray exercise and some aspect of the questions prior to the interview. [Person B]

25. As part of my own work role I am involved with the organisation and running of Group Leader meetings. These are held from time to time, usually one per month. The meetings have an agenda and these, along with any attachments, are sent to all the Leaders of political groups.
26. The purpose of the meetings are to brief the Party Leaders on specific issues in advance, sometimes delicate issues.
27. At the time of briefing Group Leaders, the issues are not generally in the public domain and it is generally understood that the matters and papers discussed are not for sharing or circulation (particularly outside the organisation or with the press) unless otherwise agreed or indicated.
28. The papers are not printed as "salmon papers" but carry similar significance in terms of maintaining appropriate confidentiality.

I, Officer B declare that this statement is true and accurate to the best of my knowledge and belief.

Signed


[redacted]

Date

19/1/2018



**STATEMENT  
FRONT COVER**

Case Ref:	
Name:	Officer A
Position Held:	

**wilkin chapman llp**  
solicitors

Cartergate House,  
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STATEMENT of Officer A

1. I am employed by the City of York Council (the Council) as [REDACTED]  
[REDACTED]
2. I have been employed by the Council since [REDACTED] and in the relevant period of 2015 I was [REDACTED]
3. I was the direct line manager of Officer E who worked in [REDACTED] and had overall responsibility for the HR department within the Council.
4. Council elections were held in May 2015 and from this point the Council was run as a coalition between the Conservative party and the Liberal Democrat party.
5. The Council itself had joint leadership between the two parties.
6. Historically the Leader of the Council had appointed to them an [REDACTED]  
[REDACTED] The post of [REDACTED] was an officer appointed post.
7. [REDACTED]
8. Following the 2015 elections the Deputy Leader requested that [REDACTED]  
[REDACTED] role be made available for that position given that the coalition were operating in joint leadership and regarded himself as joint leader.
9. At this time Councillor Keith Aspden was acting as Deputy Leader and it was he who made the request of the Chief Executive.

CONFIDENTIAL REPORT

10. The post was agreed and Officer E was tasked with dealing with the advertising and subsequent appointment process.
11. The process for agreeing this post and the formalities of the appointment process took time due to differing views on how the new roles/structure should operate and the capacity of Officer E as a busy [REDACTED] [REDACTED] [REDACTED]. I was made aware by the Chief Executive that Councillor Aspden was keen to move more quickly than the process was taking.
12. Officer E commenced the recruitment process and did raise concerns with me and Officer C about the process becoming increasingly of a political nature and sent me an email trail on 28th May 2015, including an email from Councillor Aspden that was copied into the Chief Executive and Conservative [REDACTED] Councillor B regarding how the post should be advertised. In turn I discussed this with Officer D and Officer C [REDACTED]. I satisfied myself that the advertising approach was appropriate for the job role.
13. Through this email I was also aware that Councillor Aspden had become involved in the recruitment process including wanting to put interview dates into his diary.
14. Councillor Aspden had a view that the candidate should have experience of working in a political environment given the location and nature of the role.
15. The job description was agreed and it was also agreed that the post advertisement would be both internal and external. The job was subsequently advertised by Officer E [REDACTED].
16. The post is a [REDACTED] appointment and is a Council post. In general, elected members should not be involved in the selection process of non Chief Officer posts, except where they have regular contact with the role e.g. Head of Communications.
17. Councillor Aspden was keen to keep the process moving and assumed that he would be involved and the Chief Executive made suggestions about how this might happen, asking me to get involved.

## CONFIDENTIAL REPORT

18. As Officer E's [REDACTED] I was aware of this exposure at a time of ill health and to minimise the pressure and to avoid any continuity issues in case of absence it was agreed that I became involved in the recruitment process, at the short listing and interview stages.
19. It was also agreed that Councillor Aspden, Person A ([REDACTED]) and I should be the interview panel.
20. It is general policy that the agreed panel complete the short-listing of applicants.
21. I made it clear to all involved that the appointment was an officer appointment and as such I had the final say.
22. I was clear why Councillor Aspden and Person A would be involved in the process, Councillor Aspden because the successful candidate would be working directly and closely for him, and the trust/reliance he would be putting on the role given that he had to juggle a job as well as a leading councillor role, Person A was an officer of the Council used to working in the same environment that the post holder would be working in.
23. I am aware that this is not the normal situation with officer posts, however we found ourselves in a position where we had to move things along and this was a practical way to proceed given the resources available and the role/grade of the position. This was an exceptional role, different to existing roles, working in a very different environment. I discussed the approach with Officer D and Officer C.
24. I communicated details of the panel with the Chief Executive of the Council, Kersten England, and she did not raise any concerns with me. I understood and made all the panel aware of the clarity of roles and expectation of the panel. Councillor Aspden would act as chair of the panel given the importance of the role for him, however I would be the decision maker and in direct charge of the process.
25. Applications were returned by applicants to the HR department and, in turn, sent to me. This was done electronically with a PDF attachment containing 27 application forms.

## CONFIDENTIAL REPORT

26. I then emailed the forms and attachments, which included application forms, to Councillor Aspden and Person A on 26 June. This would be normal information for an officer such as Person A to receive, however for councillors, where they have been involved in a recruitment process, it has been practice to give them a précis of each candidate. With 27 applications and short listing timescales this was not feasible.
27. My intention was that officers at the short listing meeting would bring recommended candidates for short listing and the final decision would be mine.
28. I was aware from an email that Councillor Aspden had set time aside on the Friday (26 June) between 4.30pm and 5.30pm to view the applications in preparation for our arranged short listing meeting on Monday 29 June. My assumption was that this would be in a confidential office environment.
29. The PDF attachment ran to 194 pages and was not printed off by me.
30. I attended the executive meeting room on the Monday and, along with Councillor Aspden, Person A and Officer E, we completed the short listing process in line with Council policy and procedure and [REDACTED] completed a summary template and submitted it to HR.
31. I did not feel that the process we undertook was anything more than normal. Councillor Aspden and Person A felt that the successful applicant should have more experience of working in a political environment than perhaps I did, however this was no more than healthy debate.
32. We selected 7 applicants to pass to the interview stage and the template was completed as to why we came to that decision.
33. There were 4 candidates from PA administration backgrounds and 3 from a more political background. No candidate had the full skill sets or balance of experience at that stage and whilst the strongest candidates on paper were the PAs none had worked in a political office environment ie working directly with councillors or other politicians.

Officer E

## CONFIDENTIAL REPORT

34. It has been said to me since the beginning of this investigation that at the time of the short listing process, Person B was working as [REDACTED] at West Offices. I had no knowledge of this either from the application form which gave a different work address, nor was I made aware during the interview process. The only job referred to in York had started on 16th June 2015, a few days before the closing date for [REDACTED] and whilst the contact name was Keith Aspden the referee was someone different. I do not remember any discussion about this at the time of short listing but I assume there was one.
35. I am satisfied that the short listing I undertook was dealt with correctly and not influenced, other than healthy debate, by anyone present at the short listing meeting.
36. Once short listing was agreed and a date set for the interviews to take place, HR communicated with the shortlisted candidates. One candidate pulled out of the process leaving 6 to interview.
37. Officer E produced a draft set of 14 questions which [REDACTED] circulated to us for our agreement and selection. I recall Councillor Aspden amended the 4 he wanted to ask and made a suggestion about one other to make it fair to all internal and external candidates and we were all happy that we would ask a group of questions each as Officer E had proposed. On the day a final set of 12 questions were used.
38. Officer E was assisted by Person A in setting the in tray exercise which was again circulated to us all before the interview for information.
39. The in tray exercise and interviews took place in the Council offices. Councillor Aspden was Chair and the process was straightforward and conducted according to Council policy. The role of Chair in this particular interview process was only to welcome and make introductory comments, not to direct the process of the interview or decide the outcome as that was my role.
40. We all marked our score sheets independently without discussion, as is normal. I collated the scores and there was a clear winner, a candidate called Person B.
41. All three of the panel scored [REDACTED] as the best candidate on the day. We had a brief discussion after the interview and I asked, after adding up the scores, if we were all happy and I took the final decision to appoint Person B.

CONFIDENTIAL REPORT

42 Person A had his head down and looked annoyed, so much so I asked [redacted] directly if [redacted] had an issue. [redacted] said something to the effect that, the successful candidate would be working directly with [redacted] and it would cause [redacted] more work. I again asked if [redacted] had an issue with the result in light of the performance and scoring at interview and [redacted] said no.

43 Person A then left and I asked Councillor Aspden what he felt about [redacted] reaction and he stated that [redacted] had lots of skills but was not a team player and would benefit from some training in supervisory skills which I said I would look into.

Person A's

44. A conditional offer was made, recruitment checks undertaken and Person B [redacted] was appointed in the role.
45. I have no knowledge of any discussions or sharing of information outside of the interview process as described and I had no involvement in setting the in tray exercise.
46. Person B [redacted] did perform well in all aspects of the interview, including the in tray exercise.
47. I am fully aware of the need for confidentiality in respect of papers, information and data held within the Council and by individuals themselves. In respect of all job applications personal data is held and should be treated with great care and in the strictest of confidence.
48. I am aware that the inclusion of an elected member in the appointment process of a Council post of this level is not a normal process, but this was not a normal post. It was the case that Councillor Aspden made it clear early in the process that he wanted to be involved in the process because he would be working very closely with the successful applicant and he wanted the best person for the job, given the likely pressure on his time as a leading politician who also had an employed day job role outside of his political role.
49. The issue of his involvement was discussed at an executive level and following discussion it was agreed that he could be involved in a non decision making capacity.

CONFIDENTIAL REPORT

50. There is a chain of emails which cover this area and the practical approach taken given the nature of the role.

I Officer A declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

[Redacted Signature]

Date

25/1/18



**STATEMENT  
FRONT COVER**

**Case Ref:**

**Name: Person C**

**Position Held**

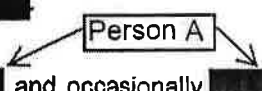
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wilkin chapman llp

STATEMENT of Person C



1. In 2015 I was an active member and activist of the Liberal Democrat Party in York.
2. I was also involved in the 2015 elections and at the time held a seat on the Party's campaign committee.
3. I had a number of friends and associates within the Liberal Democrat group in York.
4. I have never been employed by the City of York Council nor held any official position.
5. I knew Councillor Keith Aspden as a Liberal Democrat councillor in York and was aware that in 2015 he became the Deputy Leader of the City of York Council.
6. I also knew Person A who was also a party member and worked for the [REDACTED] as [REDACTED].
7. I knew Person D [REDACTED]. I did not know [REDACTED] as well as the two others but was aware [REDACTED] was working for the [REDACTED] at the time. I believe [REDACTED] was [REDACTED].  

8. I would socialise from time to time with [REDACTED] and occasionally [REDACTED], Keith and I and other party group members would meet up in a local pub for a social drink either after a meeting or at some other time.
9. I am not totally clear on the date however I believe it was in late June 2015, it was most definitely in the summer of 2015, when I had arranged with Keith and others to meet up one evening for a game of squash.


CONFIDENTIAL REPORT

10. It was sometime during that day that the arrangements changed. I do not know who changed them and I seem to recall it was a late change of plan. The squash was cancelled and it was agreed to meet up for a social drink instead in The Duke of York pub in York.



11. I seem to think it was Keith Aspden who changed the plan and that Person A and Person D were to join us.


12. At that time I was happy just to meet up and have a drink. I had no idea why the plans had changed and presumed it was because Keith had been tied up and did not fancy a game of squash.

13. I met Keith and  on Coney Street and  joined us shortly on arrival at the Duke of York pub. This was around 7pm or 8pm. We got a drink and sat upstairs.




14. We were sat in a corner of the pub which was quite secluded and quiet. There was just general conversation between us to begin with.

15. It would have been after about 10 minutes or so after sitting down that Keith  turned to  and said, "Do you want to get the applications out?"



16. Person D had a large brown envelope and opened it as instructed and produced a large bundle of what were completed job application forms.

17. At first I had no idea what was happening but it was then explained to me by Keith that they were the application forms for candidates for the new job of  as Deputy Leader of the Council.

18. I was not clear what the post was but after a short while I became aware that it was a Council employee post and not a Liberal Democrat post, I was uncomfortable with what was happening.

19. Keith Aspden explained that he wanted the right person for the job and wanted the four of us to read the applications and give our views on who were the best candidates.

CONFIDENTIAL REPORT

20. The application forms were handed out amongst us and we looked at them. I did not like what was going on. I thought that these were confidential papers and people had applied for the post in good faith and that this was not the correct way that applications and applicants should be treated.
21. I did read them, but in honesty, did not read them with care. I read them very quickly as I became increasingly uncomfortable.
22. I would estimate there were in the region of 80 pieces of paper.
23. Keith asked for feedback on the applications and the group gave their views.
24. I expressed I was uncomfortable with it, and said specifically he should seek to employ the best candidate for the job. He said that I did not understand the Council bubble. He said he did not want someone "who would gossip with her friends over lunch".
25. It was clear that this was not good practice and I did not engage. I gave positive views on a couple of strong candidates (who were not Liberal Democrat party members). It was clear from conversation that some were non-starters with little experience. [REDACTED]  
[REDACTED]
26. It was apparent that Keith wanted someone he knew and trusted and he stated that two applicants were his favoured choices. They were Person H and Person B [REDACTED] Both were known to Keith Aspden and had worked as interns for the [REDACTED]
27. Both had also been interns with [REDACTED] However, there was no doubt that both had strengths as candidates.
28. Councillor Aspden then asked us for our opinions on the good points in their applications so he could use these later. I repeated that I thought he needed to employ the best qualified candidate.

## CONFIDENTIAL REPORT

29. There were a further 4 applications selected so it would not be so obvious that there was a favoured two. We were then asked to find weaknesses in the 4 applicant's forms so the two favoured ones could be enhanced at the next stage of selection. I refused to do this.
30. It was clear to me that this process was inappropriate – that a sifting for a job had occurred in the pub, in public, and that I with no relation to the Council had been shown applications. I also felt that Keith's intention to try and employ a Liberal Democrat activist rather than the best qualified person in the role was counter productive and unethical.
31. I would estimate that the selecting took 45 minutes to an hour and a total of 6 applicants were selected. I believe it was stated that Person H was the most likely candidate to be successful and Person B would have to perform well at interview if ■ was to be successful.
32. I had no prior knowledge of what was going to take place at the pub prior to Keith asking Person D to get the applications out.
33. The meeting was led and run throughout by Keith Aspden. I felt at the time and in hindsight that one of his motives was to test me to see if I would reinforce his behaviour. He was not happy that I was uncomfortable with what was happening.
34. I was aware that Person A and Keith Aspden were on the interview panel along with a third person from the Council. I also understood that there was to be a further official paper sift, involving Keith Aspden and Person A .
35. I left the pub as did the others and came to the conclusion that Keith was not an ethical individual and that it was in my best interest to be extremely careful in any involvement I had with him in future.
36. After a few days I contacted Person A . ■ was also unhappy with what had taken place.

CONFIDENTIAL REPORT

37. I did not report this to the Council or councillors. I did not do this because Keith had said more than once that summer that he had effectively used his new position to gain control of the Liberal Democrat Council Group through his use of appointments. I believe that this is probably true. I was also concerned that Person A, who is a close friend, would be impacted by a complaint made to the Council. I came to the conclusion that the most effective option would be to try and reduce Keith's influence in the local Party and Council Group. Unfortunately, I was not successful in doing this and it appears to me that senior members in the Liberal Democrats in York have I have spoken to are unwilling, or do not feel able, to adequately address Keith's influence or unethical behaviour. Given this, and because [redacted] has left [redacted] position at the Council, I have come to the conclusion that sharing the details of this incident to the Monitoring Officer is in the public interest.

Person A

I Person C declare that this statement is true and accurate to the best of my knowledge and belief.


Signed

[redacted signature]

...Date .....

9/11/2018

**STATEMENT  
FRONT COVER**

<b>Case Ref:</b>	
<b>Name:</b>	Person D
<b>Position Held:</b>	

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wilkin chapman

STATEMENT of Person D

1. During my time in York I wasn't employed by City of York Council, I was recruited and employed through the temping agency Work with York as [REDACTED] the Deputy Leader of the Council who was, at the time, Councillor Aspden.
2. I worked at the Council between [REDACTED] and [REDACTED]. During my time at the Council Officer E [REDACTED] was my line manager and was responsible for supervising my work.
3. The [REDACTED] role involved working closely with a number of Council Officers and Councillors (including Person A [REDACTED] and Councillor Aspden). Further details on my day to day role will be held by both the City of York Council and by Work with York.
4. Beyond supporting Councillor Aspden (as my role required), I did not become involved in the recruitment process for [REDACTED] Councillor Aspden and Person A [REDACTED] would have had some involvement with this process, but they and the Council Officers involved (along with the relevant Council documents) will be able to more accurately recollect the recruitment process.
5. As with all recruitment processes in the Council, the applications were shared with those members of the shortlisting and interviewing panel (Councillor Aspden, Officer A [REDACTED] and others). My role was to support Councillor Aspden, as such I would therefore have had access to the applications at the same time Councillor Aspden received them, as for example, [REDACTED] have access to email inboxes.
6. From memory, the applications were sent by Officer A [REDACTED] and would have been printed at West Offices before the shortlisting panel.
7. During my time in York I met Person C [REDACTED] on a few occasions, in the company of other Councillors and Person A. Person C [REDACTED] was a Liberal Democrat campaigner and [REDACTED] would have worked with Councillors.
8. During summer 2015, I visited the Duke of York pub with Person A [REDACTED], Person C [REDACTED] and Councillor Aspden. This was one of a number of similar social occasions with Councillors and Person A [REDACTED] during my time as the [REDACTED].
9. Aspects of the discussion at the Duke of York pub would have focussed on the desire to have the best person to replace [REDACTED] - this would only have been natural as the recruitment process was just beginning [REDACTED].
10. There was no request for me to get the applications out, and I would not have brought them to the Duke of York pub for a social occasion. As such there was no request from Councillor Aspden or others for feedback on the strengths of individual candidates. Any discussion on [REDACTED] role would have been limited amongst a much wider discussion and would not have focused on individual candidates.



CONFIDENTIAL REPORT

11. I did not take notes on any aspects of our conversation which was social in nature. This was a social evening over a number of hours with all attendees having a number of drinks and the conversation covered a number of topics.
12. I am sure that Councillor Aspden would have met with Person B at some point before the interview. They would have required interaction as Person B had only just started working as [REDACTED] with Councillors. I would have been present for some of these conversations. There was, however, certainly no meeting concerning [REDACTED] interviews between Councillor Aspden and Person B which I attended. I was never part of any conversation with Person B on the detail of the interview.

I Person D declare that this statement is true and accurate to the best of my knowledge and belief.


Signed .....

[REDACTED]

.....Date

16.5.18

**STATEMENT  
FRONT COVER**

Case Ref:	
Name:	Person B
Position Held:	

wilkin chapman llp  
solicitors

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# wilkin chapman llp

## STATEMENT of Person B

1. I graduated from [REDACTED] with a [REDACTED] [REDACTED]. I am currently employed by [REDACTED]
2. I have always had an interest in politics and have used websites to look for job opportunities in that arena, mainly using the website "Work for an MP."
3. In [REDACTED] I went to [REDACTED] where I worked for [REDACTED] I was technically employed [REDACTED] I was entirely office based and my role consisted of general clerical and administrative duties, answering the telephone and drafting correspondence on behalf of [REDACTED] in response to queries [REDACTED]
4. In [REDACTED] I [REDACTED] where I worked [REDACTED] [REDACTED] I was employed by the local Liberal Democrat Party. I believe that it was at this time that I joined the Liberal Democrat Party. My role consisted of general clerical and administrative duties, canvassing, leaflet drops and inputting canvassing data. Unfortunately, [REDACTED] [REDACTED] I then applied for a job with [REDACTED]
5. In [REDACTED] I again used "Work for an MP" and found a job advertised for an intern for the Liberal Democrats in York. This job interested me and I felt I had relevant experience. Also, [REDACTED] [REDACTED] I applied for this job and went to The City of York Council (CYC), West Offices, for the interview. I was interviewed by Councillor Keith Aspden, who was the Leader of the Liberal Democrat Group, and Person I [REDACTED], who I believe was the membership secretary for the local Liberal Democrat Party. This was the first time I had met either of these people. I was offered the role [REDACTED] and accepted it.

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6. As an intern, I was employed by the local Liberal Democrat Party and was working on their behalf, working mainly with other Party members. I worked both from the local Party Office at Victoria Farm Estate, Clifton, York, and from CYC West Offices, [REDACTED] room there. I think Person I [REDACTED] who I believe was my line manager at that time. I also worked out and about in, and around, York. My role included designing campaign literature, organising campaign sessions, surveys, door knocking, leaflet drops and inputting campaign data. I also organised social/fund raising events.
7. I used a Liberal Democrat Party laptop, which was stored in the Group room at CYC West Offices, as it had software on it for designing leaflets and the like. I think I had limited access to CYC computers for email purposes as I think there was an email address that started [REDACTED] or something similar. The telephones at CYC had to be logged in with passwords so I did not use them. I do not recall having an induction, any formal training in systems use or my own identification card or access card for CYC whilst working as an intern. I do not recall there being any conflict of interest with CYC whilst working in my role as an intern for the local Liberal Democrat Party. I just did as my line manager, Person I [REDACTED], asked.
8. I had a fair amount of contact with Councillor Aspden whilst working as an intern. He was campaigning in Fulford and Heslington, where he was Councillor for that ward, so I had contact with him whilst assisting with campaigning. I also saw him when I was working from the Group room at CYC West Offices, which is where he was based, so I probably saw more of him than of others in the local Party. I got on well with him and found him to be a very friendly guy. I had no issues with him at all.
9. As an intern I was working 10 or 15 hours a week at [REDACTED] per hour, so usually 2 or 3 days [REDACTED] a week only. I did this for only 2 to 3 months, between June and September 2015 [REDACTED] up to the point that I started a new role [REDACTED] Councillor Aspden, who was then the Deputy Leader of the Council.
10. Within a few weeks of having started the role of intern [REDACTED] the role of [REDACTED] was brought to my attention by Councillor Aspden, who would have known about this vacancy before me. Person D [REDACTED] was filling the role on a temporary basis at the time, but [REDACTED] was [REDACTED] and was due to return to [REDACTED]. I may have also seen it on "Work for an MP" as I was actively looking for full time work

## CONFIDENTIAL REPORT

offering reasonable pay and job security. This role was close to my interests, politically speaking. [REDACTED] Councillor Aspden, who was then the Deputy Leader of the Council and Leader of the Liberal Democrat Group, although I would probably still have considered the role even if it meant working for someone from another political party. The role is similar to that of a [REDACTED] in [REDACTED]. The role was to be paid for by CYC.

11. I was subsequently advised that I would be interviewed for [REDACTED]. I can confirm that, prior to the interview I did not receive any assistance, inside information, coaching or details of the impending interview questions or process from any person or persons, aside from information about the interview process provided to me through the official CYC recruitment process. Nor was I given any assurances from any person or persons. I am aware that it has been suggested that I was being coached in the Group office at CYC by Councillor Aspden and Person D in respect of the "In tray exercise," which formed part of the interview process. I can categorically confirm that this did not happen, although I do accept that, had that happened, I would have had an unfair advantage over other candidates who had not received similar coaching.
12. I have now been made aware that it has been suggested that a number of applications for [REDACTED], including mine, were reviewed and openly discussed in The Duke of York Public House in York by Councillor Aspden, Person D, Person A [REDACTED] and Person C (who I think was a member of the local Liberal Democrat Party), by way of an informal paper sift type process, and that this was done in the full view and hearing of members of the public. All I can say is that, if this did take place as has been suggested, it could never be considered a part of any proper recruitment process. I assume it may raise data protection and conduct issues and may risk introducing bias.
13. At no time did I have any discussion with Councillor Aspden regarding any preferred candidates that he may have for [REDACTED] role.
14. On the day of my interview the interview panel consisted of Councillor Aspden, Officer A [REDACTED] and Person A [REDACTED]. I am not sure who chaired the interview but Councillor Aspden sat in the middle, with Person A [REDACTED] to my left and Officer A [REDACTED] to my right as I sat opposite them. I can understand why

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Councillor Aspden might want to be involved in the interview process due to the close working relationship that there would have to be between him and the successful applicant.

15. I am aware it has been suggested that I was far more confident and animated during the interview than usual. I can confirm that I am normally quiet, if not a bit introverted, but in an interview situation you cannot afford to clam up. You need to be positive, demonstrate your qualities, experience and project a positive image to the panel to show you are a good fit for the role. I had been through a number of interviews prior to this one, which stood me in good stead.
16. I am aware it has been suggested that I answered one question particularly well, whereas the other candidates struggled to answer that question. If this was a question to do with priorities for the Deputy Leader, I may have benefitted from my experience and knowledge of similar matters from my previous work within the [REDACTED]. I have read the local party manifesto and may, therefore, have mentioned things that the other candidates were simply not aware of.
17. Following the interview process, I was advised that I had been successful and was offered the role [REDACTED] the Deputy Leader of the Council, that person being Councillor Aspden at that time.
18. I commenced the role [REDACTED] in [REDACTED]. During my time in that role I had 3 line managers. The first, for a short time only, was Officer E [REDACTED]. I think I only met [REDACTED] as my line manager twice. The second was Officer B [REDACTED], who line managed me for the longest period. Finally was Officer K [REDACTED] who reported to Officer B [REDACTED].
19. On commencement of my role [REDACTED], I did have a buildings induction and some training in the use of systems, much of this being during a two week handover period when I was working with Person D, [REDACTED]. [REDACTED]. I also received a CYC identification card and access pass. In respect of use of computers and systems, I mainly used email and word processing programs.

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20. As I said previously, my role was to look after, and assist the person I was working for. [REDACTED] I looked after Councillor Aspden's diary, assisted with the volume of emails, organised meetings, took work off Councillor Aspden, assisted with case work, telephone enquiries, drafting responses and hospitality.
21. I do not recall being asked to do anything in my role that made me feel uncomfortable. My line manager was not involved in the political side of things so I could have gone to them if I had needed to have done so. My role was a non-political [REDACTED] whereas [REDACTED], that of Person A, was obviously a political role. At some point [REDACTED] went off work on sick leave. Discussions were had as to who could fill the role until [REDACTED] came back to work, and for how long that may be. It was suggested that, along with my [REDACTED], I could also do some of the [REDACTED] work, but this would mean I would be working in both non-political and political roles. Accordingly, I had a meeting with Officer B, Officer K [REDACTED] and Councillor Aspden to discuss what I could, and could not, do, politically speaking.
22. During my role [REDACTED] I had a good relationship with Councillor Aspden. We got on well in the work place. There was not a big age gap, he was only around 10 years older than me, so this probably led to a closer relationship than it might have been with an older Councillor. I would see him socially outside of work. We went to the pub, played squash and played board games. Other than being my boss, I would describe him as a friend too. We had a concept of starting a board games café in York, along with two other friends, Person J and Person K. It was discussed but never actually happened.
23. I talked to Councillor Aspden occasionally about job opportunities and the like, but there was no mention of him assisting in furthering my career within CYC. Whilst working as [REDACTED], I applied for a job [REDACTED]. The job was [REDACTED] [REDACTED] I was offered this job, but then did not know if I really wanted it, or not, so did not take it. Councillor Aspden was aware that I had applied for this job.
24. When I was offered the role of [REDACTED] Councillor Aspden, I needed to be in York permanently, so needed somewhere to stay. for the start of the new study year. We decided to look for a two-bedroom flat so that we could live together there. [REDACTED] In the meantime

Person A

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Councillor Aspden offered me the use of a spare room at his home on an informal temporary basis until [REDACTED] sorted a flat out. Person J was using Councillor Aspden's other spare room at that time too. I took him up on this offer and stayed there for just over a month until [REDACTED] sorted the flat out. I paid Councillor Aspden rent whilst I was there, but there was no contract or formal agreement in relation to my time there. I did not inform CYC that I was staying there, [REDACTED].

25. I have previously been spoken to twice by Martin Chitty in respect of this investigation. After the first of those meetings with [REDACTED] Councillor Aspden asked me in a roundabout sort of way what we had talked about. I think this was in the Group room at West Offices and I believe [REDACTED] was present. I told Councillor Aspden that it was not appropriate to discuss it as I had been advised that this was a confidential investigation. (I also think that Councillor Aspden had not been spoken to by Martin Chitty at that time). I would not describe Councillor Aspden as being aggressive or confrontational to me, but he was very keen to know what had been discussed. He was obviously trying to get information relating to the on-going investigation and, because of our close working relationship, he probably thought he would be able to get the information out of me, but I did not think it appropriate to discuss it with him.

26. As a result of that incident, I went to my line manager, Officer K and told [REDACTED] what had happened. I wanted independent reassurance that I had done the right

Officer K thing, and also in case anyone raised the fact of a possible compromise to the investigation in the future. [REDACTED] arranged a meeting for me with Officer D [REDACTED], who assured me I had acted correctly.

27. In respect of Person A, I would say I had a good working relationship with [REDACTED] although not as close as that with Councillor Aspden. We shared an office. I liked Person A, we were both similar in that we were both quiet, possibly shy. We were friends and we chatted a lot, both about work and other matters, but I did not see [REDACTED] out of work as much as I saw Councillor Aspden.




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28. I left CYC [REDACTED] The reason I left CYC was because I was offered a job [REDACTED] which came with a reasonable pay rise to the salary I had been on at CYC.

I Person B declare that this statement is true and accurate to the best of my knowledge and belief.

Signed .. [REDACTED] .....Date .. 16/07/2018

**STATEMENT  
FRONT COVER**

<b>Case Ref:</b>	
<b>Name:</b>	Officer C
<b>Position Held:</b>	

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solicitors

Statement of: Officer C

1. I am Officer C . I am [REDACTED] the City of York Council. I am making this statement at the request of Dave Hayward giving my opinion as to the confidentiality or otherwise of certain documents which are alleged to have been released to the Press from within the Liberal Democrat Group. I have also been asked to comment on the Council's use of "salmon" papers for meetings.
2. Dealing first with the issue of "salmon papers". These are used to identify "exempt" business for formal meetings of the Council. Meetings of the Council, its committees and of the Executive are normally open to the public. By law agendas and reports for those meetings are available for inspection and appear on the Council's website. Where the report contains "exempt information" such as information about an individual or commercially sensitive information it does not have to be made available for public inspection. In practice the Council tends to make reports public in so far as it can and places the sensitive information in an exempt annex. When these agendas are printed the "exempt" pages are printed on salmon paper. Members of a decision making body may access all the papers for its meetings on the Council's website but need to log in to access exempt information. On the website these reports appear on a white background.
3. Councillors have additional rights to information especially where they have a "need to know" because of their role. In my experience when Councillors are provided with information because of a role, it would not be printed on any particular coloured paper. Indeed, increasingly such information is provided electronically.
4. Some Councillors may see draft versions of reports as part of the policy preparation process. It would not be usual practice for exempt business to be identified in such reports because those reports are not going to public meetings.
5. I have been asked specifically about Group Leaders' meetings. These are not formal meetings of the Council or open to the public. Accordingly there is no exempt

## CONFIDENTIAL REPORT

business. Agendas and report are usually sent electronically. If an agenda or report is printed no special paper has been used to my recollection during my time with the Council.

6. Papers for internal meetings between Officers are not normally printed on any specially coloured paper.
7. Turning now to the question of confidentiality. The Code of Conduct for Members of the City of York Council says:-

*"(5) You must not disclose information which is confidential, unless:*

*(a) You have the permission of a person authorised to give it; or*

*(b) You are required by law to disclose the information; or*

*(c) You disclose it 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*

*(d) The disclosure is reasonable; and is in the public interest; and is made in good faith.*

8. The concept of "confidentiality" is one which most people understand reasonably well. At its most straightforward information is confidential if it is intended to be kept secret and shared only to a limited audience. It is a common law concept so its definition derives from decisions made by the Courts. The Courts have said that to be confidential information must:-

*(a) have "the necessary quality of confidence namely, it must not be something which is public property and public knowledge"; and*

*(b) it must be disclosed in circumstances imposing an obligation of confidence."*

## CONFIDENTIAL REPORT

9. When deciding whether an obligation of confidentiality arises out of the circumstances of disclosure, it is necessary to consider whether "*a reasonable man standing in the shoes of the recipient of the information would have realised that upon reasonable grounds the information was being given to him in confidence*". So, did the recipient know or ought they to have known that the information was confidential?

### *Press Release Mental Health Investment*

12. This seems to be a Liberal Democrat Press release issued in advance of formal budget proposals being prepared. My view is that documents relating to political policy formulation can certainly have the character of confidence. However, a political group would generally be free to publicise its own policies and determine when they are released into the public domain. The fact that there is a joint administration in

## CONFIDENTIAL REPORT

York may make the situation a little trickier but, in the absence of evidence of some formal agreement having been breached, I would take the view that the Liberal Democrats were free to do this.

13. The notes to the release refer to some (possibly) unpublished statistics. Having made some enquiries I am still not absolutely clear what those statistics are or where they came from but I am told that it seems more likely than not that they would have been simply unpublished rather than confidential.

### *Congestion Commission report*

14. This report was prepared for a Group Leaders meeting. I am aware that the document was released around or shortly after the time the meeting took place. The document was prepared as part of an attempt to achieve political consensus on what was a highly controversial topic. For that reason alone an expectation that the document would have been treated confidentially while those discussions took place would have been reasonable. I am aware that this was the expectation of the Leader of the Council at the time.
15. The document contains details of a proposed budget for the work, rates of pay the Council might offer and details of potential participants and opinions on their suitability. This information would have been confidential at the time. Some of the information would be regarded as confidential even now. In my view a reasonable recipient of the information would have realised that. The release of the information constituted a breach of confidence in my view.

CONFIDENTIAL REPORT

I, Officer C, declare that this statement is true and accurate to the best of my knowledge and belief.

Signed



.....Date

12/2/18



## DRAFT

**PART 5C - PROTOCOL ON OFFICER/MEMBER RELATIONS****1 Introduction and Principles**

- 1.1 The purpose of this Protocol is to provide a set of principles to guide Members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 This Protocol should be read in conjunction with the Members' Code of Conduct, Employees' Code of Conduct, the Council's Constitution, Whistle-blowing Policy and any guidance issued by the Standards Committee, Audit and Governance Committee and/or the Monitoring Officer.
- 1.3 Certain employees, e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the statutory Chief Officers have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

**2 The Relationship: General Points**

- 2.1 Both Councillors and officers are servants of the public, and they are indispensable to one another. But their roles and responsibilities are different.
  - 2.1.1 Councillors are responsible to the electorate and serve only so long as their term of office lasts. Members are representatives of the ward constituents and they also develop policies which will be implemented by the officers.
  - 2.1.2 Officers are responsible to the Council as a whole, they are employed by and ultimately responsible to the Chief Executive as Head of Paid Service. Their job is to provide professional advice and support to relevant parts of the Council in developing and implementing the policies and decisions.
- 2.2 These are very different roles and this may in some circumstances give rise to tensions and, as such, it is essential that the working relationship between officers and Members is businesslike and founded upon mutual respect.
- 2.3 Member/officer relationships should be conducted in a positive and constructive way. Therefore it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influences on the other party.



**3 Expectations**

## 3.1 What can Members expect from officers:

- Political neutrality;
- A commitment to act in the interests of the Council as a whole and not to any one political group;
- A professional approach to the working relationship;
- An understanding of their role and its pressures;
- Timely response to enquiries;
- Professional advice;
- Confidentiality where appropriate;
- Courtesy and respect;
- Compliance with the Officers' Code of Conduct.

## 3.2 What can officers expect from Members:

- Understanding of the requirements of their roles and an appreciation of competing calls on their time;
- A partnership working approach;
- Courtesy and respect;
- Political leadership and direction;
- Not to be bullied or subjected to inappropriate pressure;
- Respect for their professional advice.
- Members shall act within the Code of Conduct at all times.

**4 Specific Issues**

4.1 Officer Advice and preparation of reports: – The provision of advice and the preparation of reports are central to the roles of many senior officers and they are under a duty to give their best advice in the interests of the Council as a whole. When carrying out these duties it is essential that they feel able to give full and frank advice even where this may not be supportive of a particular policy or decision promoted by a Member. Members must not seek to unduly influence the content of any report or try to persuade an officer to change their professional advice when drafting their reports.

4.2 Social contact between Members and officers:- Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and Members that transcends the normal employer/employee relationship can potentially undermine Members' confidence in the political neutrality or even-handedness of an officer, and therefore, care should be exercised.

**5 When Things Go Wrong**

5.1 Procedure for Members:- From time to time the relationship between a Member and an officer may become strained for various reasons, including the tensions mentioned above. In such circumstances, it is essential that the Member should not raise such matters in a manner that is incompatible with the objectives of this Protocol. An officer has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy, or has any concerns about the conduct or capability of an officer he/she should raise the matter with the respective Head of Service/Assistant Director. The Head of Service/Assistant Director will then look into the facts and report back to the Member. If the Member continues to feel concern then he/she should report the facts to the appropriate Director, or if, after doing so is still dissatisfied, should raise the issue with the Chief Executive. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

5.2 Where an officer feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with his/her Head of Service/Assistant Director, Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service/Assistant Director, Director or the Chief Executive will take appropriate action either by approaching the individual Member and/or Group Leader or by referring the matter to the Head of Civic, Democratic and Legal Services for advice on how to proceed.

**6 Officer Support: Member and Party Groups**

6.1 It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

Party groups are a recognised part of local authorities and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality.

6.2 In providing this support to party groups certain points must be understood by both officers and Members:

- (a) Officer support must be limited to providing information and advice in relation to matters of a Council business. Officers must not be involved in advising on matters of party business. It is recommended that officers are not present at meetings or parts of meetings where matters of party business are to be discussed.

- (b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
  - (c) Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.
- 6.3 Special care needs to be exercised whenever officers are involved in providing information and advice to party groups or other meetings which include persons who are not Members of the Council or Elected Members. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning declarations of interest and confidentiality) and, for this and other reasons, officers may not be able to provide the same level of information and advice as they would to a Member only meeting.
- 6.4 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, but officers must have regard to a Member's right of access to information and Council documents which are referred to in paragraphs 9.1 and 9.2 above. However the confidentiality of information discussed in the presence of an officer cannot be guaranteed in all cases as it may be subject to the Freedom of Information Act.
- 6.5 In relation to budget proposals;
- (a) The administration shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of the Executive/Council meetings, whichever is the earlier;
  - (b) The opposition groups shall be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Executive/Council meetings, whichever is the earlier.
- 6.6 Any particular difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

**7 Officer Support: The Executive**

- 7.1 It is important that there should be a close working relationship between Executive Members and the officers who support and/or interact with them. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other party groups.
- 7.2 Whilst Executive Members will be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. A Director, Head of Service/Assistant Director will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report.
- 7.3 Under Executive arrangements, individual Members of the Executive may, in some situations, take decisions. The Council has put in place mechanisms to ensure that the individual Executive Member seeks advice from relevant Members and officers before making a decision with his/her delegated authority. This includes taking legal advice, financial advice and professional officer advice as well as consulting the Monitoring Officer where there is doubt about powers to act.
- 7.4 Officers will continue to work for and serve the Council as a whole. However, as the majority of functions will be the responsibility of the Executive it is likely that in practice many officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of the officers. Officers must ensure that their political neutrality does not appear to be compromised.

**8 Officer Support: Overview and Scrutiny**

- 8.1 It is not the role of Overview and Scrutiny to act as a disciplinary tribunal in relation to the actions of Members or officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on a panels behalf. This means:
- (a) Overview and Scrutiny's questioning about the conduct of individuals should be in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, not to imply criticism or blame;
  - (b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Overview and Scrutiny may ask (but not require) him to do so.

- 8.2 Overview and Scrutiny should not act as a “Court of Appeal” against decisions or to pursue complaints by individuals, as other procedures exist for this. These are internal, eg the Corporate Complaints Procedure, and external/statutory, eg Local Government Ombudsman, Standards Board for England, or appeal to the Courts. However:
- (a) Overview and Scrutiny may investigate the manner in which decisions are made but should not pass judgement on the merits of a decision in individual cases;
  - (b) They can comment on the merits of a particular policy affecting individuals.
- 8.3 Wherever possible Overview and Scrutiny should provide written questions or details of indicative topics to someone invited to appear before a panel to ensure they have adequate time to prepare for the meeting. In addition, invitees ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel has previously indicated.

## **9 Members’ Access to Information and to Council Documents**

- 9.1 Members need to have access to information held by the council in order to perform their roles but their rights to access are not absolute. The starting point is that Members have the same rights as any other person and, as such, they are entitled to copies of any published information held by the council. They can also make a request under the Freedom of Information Act 2000 if they wish.
- 9.2 Members also have additional legal rights to access information held by the council which would not normally be made public. They are given these extra rights of access in order to enable them to undertake their roles as councillors. However, care should be exercised in this regard as Councillors are only entitled to confidential information where they either, have a right under S.100 of the local Government Act 1972 or, where they can show that they have a ‘need to know’ the information in order to conduct their council duties.

### **S.100(F) LGA 1972**

- 9.3 This provides that any document held by the council containing material relating to any business to be transacted at any meeting of the council, committee or sub-committee must be available for inspection by any member of the council unless it is deemed by the proper officer to fall within certain categories of ‘exempt’ information as defined by Schedule 12A to the Local Government Act 1972. This applies to all categories of exempt information except those under paragraph 3 (except to the extent that the information relates to proposed terms of a contract), and paragraph 6 of Sched 12A.

### **Need to Know**

- 9.4 Even where the above statutory rights do not apply to the information in question the Member also has a common law right to inspect information which it is necessary for them to inspect in order to carry out their function as a councillor. This will normally cover all the information

- 9.5 In cases of doubt Members should approach the Head of Civic, Democratic & Legal Services for assistance.
- (a) 9.2
- 9.4 The common law rights of Members are based on the principle that any Member has a right to inspect Council documents so far as his or her access to the documents is reasonably necessary to enable the Member properly to perform his or her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
- 9.5 The exercise of this common law right depends upon an individual Member being able to demonstrate that he or she has the necessary "need to know". In this respect a Member has no right to a "roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Director or Assistant Director with advice from the Head of Civic, Democratic and Legal Services.
- 9.6 In some circumstances the Member will be expected to justify the request to inspect a document. In addition there will be a range of documents, which, because of their nature are either not accessible to Members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council's and/or the public interest.
- 9.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, ie in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied, ie to brief the Member.
- 9.8 The Members Code of Conduct also contains specific rules about confidential information held by councils which prohibit members from disclosing such information unless it can be shown that it is in the public interest to do so.
- 10 Correspondence**
- 10.1 Correspondence between an individual Member and an officer should not be copied (by the officer) to any other Member. Where exceptionally it is

necessary to copy to another Member, this should be made clear to the original Member.

- 10.2 Official letters and electronic communications on behalf of the Council should be sent in the name of the appropriate officer, rather than in the name of the Member. It may be appropriate in certain limited circumstances (eg, representations to a Government Minister) for a letter to appear in the name of an Executive Member or the Leader, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **11 Communication of Officer Delegated Decisions**

- 11.1 Notwithstanding the rights of Members to information and to Council documents set out in this Protocol, officers taking decisions under delegated authority from the Executive must ensure that relevant Members have prompt information regarding the decision, the reasons for the decision and the impact of the decision.

- 11.2 For the purposes of this protocol “relevant Member” will include:

- (a) Members of any Ward upon which the decision is likely to impact.
- (b) Members of the Executive and Shadow Executive where the decision falls within their portfolio area.
- (c) Members of any relevant Committee or advisory panel where if it was not for delegation to officers, the decision would be taken by that Committee or panel.
- (d) All Members of the Council where the decision is likely to have a corporate impact.

- 11.3 If any Member becomes aware that they have not been provided with the information in accordance with this protocol the matter should be raised with the appropriate Director and/or the Chief Executive.

## **12 Publicity and Press Releases**

- 12.1 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of

Recommended Practice on Local Authority Publicity and the Council's Media Protocol.

- 12.2 Officers and/or Members should seek advice from Head of Marketing and Communications when making decisions on publicity, and particular care should be paid to any publicity used by the Council around the time of an election.

**13 Involvement of Ward Councillors**

- 13.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. In addition officers should consider whether other policy or briefing papers, or other topics being discussed with an Executive Member should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Executive Member(s) as to with whom and when this might be done.

**14 Monitoring and Review**

- 14.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Standards Committee in consultation with the Council's Monitoring Officer.



## **Draft Protocol for Group Leaders' meetings**

### **Purpose of meetings**

Group Leaders' meetings are not decision making meetings of the Council. Their purpose predominantly is:

- To facilitate appropriate working relationships between the political groups
- To provide a forum for Officers to consult on matters relating to the administration of the Council's business
- To provide an environment for individual Group Leaders to raise issues with all the other Leaders
- To provide briefings prior to Group Leaders on matters of particular importance prior to decisions being taken
- To allow for initial joint consultative briefings on matters affecting the way the Council is run

### **Principles of participation**

#### **Agenda and timing of meetings**

Meetings will take place fortnightly on Friday mornings.

Each Group Leader or the Chief Executive may add items to the agenda.

If, by the Wednesday before the meeting, no business has been received the Chief Executive may cancel the meeting.

#### **Representation**

Groups will normally be represented by Group Leaders or their deputies. If neither is able to attend then a Leader may nominate a substitute Member.

The Chief Executive, Assistant Director of Governance and ICT and the Head of Democratic Services or their representatives will attend together with Officers required for specific items.

#### **Clarity of decision making**

It is the responsibility of each Leader to ensure that they make it clear if they to discuss any proposed agreement with their group and whether any indications of approval given are subject to such agreement.

#### **Confidentiality**

Decisions and agreements reached in the meeting are not routinely confidential. However, individual contributions, opinions etc. expressed in the meeting should not be shared without permission.

CONFIDENTIAL REPORT

**Recording of meetings**

**Brief actions notes will be prepared by the Head of Democratic Services and circulated by e-mail**