

## **DECISION NOTICE: BREACH**

**Reference WC-ENQ00157**

### **Subject Member**

Cllr Alan MacRae – Wiltshire Council

### **Complainant**

Mrs Carolyn Godfrey

### **Investigating Officer**

Mrs Marie Lindsay

### **Representative of the Monitoring Officer**

Mr Paul Taylor

### **Independent Person**

Mr Stuart Middleton

### **Hearing Sub-Committee**

Cllr Desna Allen (Chairman)  
Cllr Paul Oatway QPM  
Cllr George Jeans  
Mr Philip Gill MBE JP (Non-voting)

### **Complaint**

It was alleged that Cllr MacRae improperly disclosed confidential material he had obtained in his position as a councillor.

### **Decision**

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Hearing Sub-Committee has decided:

**That Cllr MacRae's actions were in breach of the Code of Conduct by failing to maintain high standards in public office and that by these actions he improperly conferred a disadvantage on another person and so failed to abide by the Nolan principles of Leadership.**

**Accordingly, the Sub-Committee resolved:**

- a) To recommend to Cllr MacRae's group leader (and Leader of the Council) that he not be reappointed to any committee or position of responsibility that involves receipt of confidential information regarding the service area of his disclosure of information.**
- b) That this recommendation be included in the minutes of the Standards Committee.**

### **Reason for Decision**

The Hearing Sub-Committee considered the facts of the case as detailed in the Investigating Officer's Report, including the original complaint, response of the subject member and supporting information on the nature and extent of the alleged breach, as well as the statements of the Investigating Officer and Cllr MacRae at the Hearing.

The circumstances of the alleged breach had involved Cllr MacRae disclosing confidential material he had obtained through his position as a councillor to a party who was not entitled to the information. Both complainant and investigating officer had emphasized that there was no question as to Cllr MacRae's motives in that the disclosure had been an error of judgement, and that Cllr MacRae had accepted this and cooperated fully with the investigation.

As the facts were not disputed the Sub-Committee concluded that Cllr MacRae had disclosed confidential information, and they considered that this amounted to a breach of the Code of Conduct as detailed above.

When considering possible sanctions, the Sub-Committee had regard to the serious nature of the breach arising from disclosure of confidential material. Although Cllr MacRae's motivations were not in question and he had been removed from the positions he had held at the time of the breach, the nature of the disclosure had very serious implications that he should have been aware of as a result of his position.

The Sub-Committee therefore concluded that in addition to this censure Cllr MacRae's group leader should be informed they were of the view he should not be reappointed to a similar committee or position where he might be in receipt of similar information.

The Sub-Committee also noted the wider implications for the council and its members regarding responsibilities with confidential information. They recommended to the Standards Committee that within 3 months of taking office, all councillors should be mandated to attend training specifically in respect of confidentiality requirements, with group leaders informed where this had not taken place, with the recommendation that no councillor should be appointed to any committee or position of responsibility without completing said training.