

Case summary

Case no. SBE2120.02

Member:
Councillor William Nock

Authority:
Wirral Metropolitan Borough Council

Date received:
23 December 2002

Date completed:
4 February 2004

Allegation:
A member disclosed confidential information and brought his office or authority into disrepute.

Outcome:
The Ethical Standards Officer found that no action needs to be taken.

The complainant alleged that Councillor William Nock disclosed confidential information about proposals for the development of Birkenhead Town Centre. Councillor Nock attended a council development control committee meeting on 10 October 2002 where developers gave presentations on their proposals in a private session from which members of the public were excluded. The agenda for the meeting indicated that the item was confidential, and members were told at the meeting that it dealt with commercially sensitive information that was exempt from public disclosure. Councillor Nock took the brochures produced by the developers at the meeting to a political meeting on 19 November 2002, where he gave a report on the proposals, but did not distribute the brochures.

Councillor Nock was not a member of the committee that considered the proposals, and so did not receive a copy of the agenda indicating that a confidential item was going to be discussed at the 10 October 2002 meeting (although this was available on the council's intranet). Councillor Nock stated that he arrived late at this meeting, and so did not hear any declarations of confidentiality. He also said that there were people who he assumed were members of the public in the public gallery, but who later turned out to be council officers and developers. Finally, he said that he felt that the

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information presented at the meetings was already in the public domain and not of a confidential nature.

The Ethical Standards Officer considered that although Councillor Nock only gave a brief report on the development and did not disclose any specific details, he nevertheless disclosed information that was given to him in confidence. The Ethical Standards Officer believed that Councillor Nock should, as an experienced councillor, have realised that this was confidential information. The Ethical Standards Officer accordingly concluded that Councillor Nock failed to comply with the Code of Conduct.

The complainant alleged that Councillor Nock's actions could have damaged the developers concerned and affected the reputation and integrity of the council. However, Councillor Nock said that he was unaware of the confidentiality of the information, and the Monitoring Officer said that the disclosure of the information did not damage the development project. In these circumstances, the Ethical Standards Officer considered that Councillor Nock did not bring his office or authority into disrepute.

In reaching a finding, the Ethical Standards Officer noted that although Councillor Nock disclosed confidential information, there was no evidence that the confidentiality of the information was made clear to him. The Ethical Standards Officer therefore found that no action needs to be taken in relation to this matter.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 3(a) and 4 of the Code of Conduct. Paragraph 3(a) states that "a member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without consent of a person authorised to give it, or unless he is required by law to do so". Paragraph 4 states that "a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute".

Ends.

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