



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

FRIDAY, 9TH NOVEMBER 2007 AT 4.00 PM

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Mrs. N. E. Trigg (Chairman - Independent Member), Councillor C. R. Scurrall (Vice-Chairman), Councillor S. P. Shannon, Councillor E. C. Tibby, Mr. S. E. Allard (Independent Member), Mr. N. A. Burke (Independent Member), Mr. J. Cypher (Parish Council Representative) and Mr. I. A. Hodgetts (Deputy Parish Council Representative)

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. Report on Alleged Breach of the Code of Conduct (Pages 1 - 36)
4. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

7th November 2007

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

9TH NOVEMBER 2007

REPORT ON ALLEGED BREACH OF THE CODE OF CONDUCT SBE REFERENCE 17438.07

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer

1. SUMMARY

- 1.1 An allegation was made that a Bromsgrove District Councillor had breached the Code of Conduct. The Standards Board for England ("SBE") referred the matter for local investigation. The investigation has been completed and the Investigating Officer has made a finding of no failure to comply with the Code of Conduct.

2. RECOMMENDATION

- 2.1 Members are requested to consider the Investigating Officer's report at Appendix 1. Members may decide either:
- 2.1.1 to accept the Investigating Officer's finding of no failure ("a finding of acceptance"); or
- 2.1.2 that there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.

3. BACKGROUND

- 3.1 The SBE referred matter 17438.07 for local determination. The details of the allegation are contained within the Investigating Officer's report at Appendix 1. The Investigating Officer has made a finding of no failure to comply with the Code of Conduct.
- 3.2 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 provide that the Standards Committee shall consider the Investigating Officer's report and that the Committee may make one of two findings, namely:
- to accept the Investigating Officer's finding of no failure ("a finding of acceptance"); or
 - that there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.

- 3.3 The SBE guidance states that at this meeting the Committee should simply consider the report and should not seek to interview witnesses or take representations from the parties or the Investigating Officer. The Committee's role is to decide whether, based on the facts and information set out in the report, it agrees with the finding of the Investigating Officer or whether it believes there is a case to answer.
- 3.4 The Committee is therefore requested to consider the report at Appendix 1.
- 3.5 If the Committee makes a finding of acceptance, the Monitoring Officer will arrange for a notice to be published setting out the Committee's finding and reasons for it. The subject Member is entitled to ask that the notice not be passed to local newspapers.
- 3.6 If the Committee decides there is a case to answer, a date should be set for a hearing will be held to make a final determination on whether the Code of Conduct was breached. The usual procedures for a full hearing would then apply.

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government Act 2000 ss60-67 provide the statutory framework for the investigation of complaints against Members. The Local Procedure (Code of Conduct) Regulations 2002, Local Authority (Code of Conduct) (Local Determination) Regulations 2003 and the Local Authority (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 govern the conduct of these proceedings.

6. COUNCIL OBJECTIVES

- 6.1 Improvement – it is vital for the reputation and credibility of the Council that complaints against elected Members are seen to be robustly investigated.

7. RISK MANAGEMENT

The main risk associated with the details included in this report is loss of reputation. This risk is being managed as follows: :

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

8. CUSTOMER IMPLICATIONS

- 8.1 None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	Adherence to the Code of Conduct is a key element of sound governance
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

11. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. APPENDICES

Appendix 1 Investigating Officer's Report

13. BACKGROUND PAPERS

Standards Board for England guidance on:

- Standards Committee Determinations
- Local Investigations

CONTACT OFFICER

Name: Claire Felton
E Mail: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429

INVESTIGATION SBE 17438.07

FINAL REPORT

11th OCTOBER 2007

Report of an investigation conducted under section 66 of the Local Government Act 2000 by Thelma Warwick, Auditor, into an allegation concerning Councillor James Duddy, Member of Bromsgrove District Council.

CONTENTS:

1. Summary of the allegation.
2. Relevant sections of the Code of Conduct.
3. The Investigation.
4. Findings of Fact.
5. The Issues.
6. Reasoning as to whether there has been a Breach of the Code.
7. Findings as to whether there has been a failure to comply with the Code of Conduct.

APPENDICES:

- A. Notes recorded at time of meeting with Councillor Peters.
- B. Notes recorded at time of meeting with Debbie Warren.
- C. Notes recorded at time of meeting with Claire Felton.
- D. Notes recorded following telephone conversation with Councillor Duddy.
- E. Notes recorded following telephone conversation with Anne Marie Darroch.
- F. Notes recorded at time of meeting with Anne Marie Darroch.
- G. Chronology.

1. SUMMARY OF THE ALLEGATION

- 1.1 Councillor Stephen Peters alleges misconduct by Councillor James Duddy in relation to an alleged Breach of the Council's Code of Conduct that had been referred by the Standards Board for England (SBE) to the Monitoring Officer for local investigation.
- 1.2 It is alleged by Councillor Peters that on two occasions between December 2006 and February 2007 Councillor Duddy failed to comply with the Council's Code of Conduct in that he contacted Peter Lammas, a reporter with the Bromsgrove Advertiser, and provided him with information in relation to local investigation reference SBE 16030.06 and the identity of the Councillor who was the subject of the allegation at a time when the investigation was on-going and, therefore, was confidential.
- 1.3 The allegation was reported to the Standards Board for England on 4th February 2007 and was referred to the Monitoring Officer for local investigation and determination on 7th March 2007 under section 60(2) of the Local Government Act 2000.

2. RELEVANT SECTIONS OF THE CODE

- 2.1 On 23rd January 2002 the Council adopted the Model Code of Conduct set out in the "Code".
- 2.2 Part 1 of the Code at paragraph 3 states:

General Obligations

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

3. THE INVESTIGATION

- 3.1 A meeting was held with Councillor Peters to confirm details of the allegation. A copy of the notes recorded at the time of the meeting is included in Appendix A.
- 3.2 I have confirmed that it is the decision of the Standards Committee which hears the final determination to decide when and if the investigation report should enter the public domain. Accordingly, reports remain confidential unless and until the Committee determines otherwise.
- 3.3 The agendas, minutes and accompanying papers for the Standards Committees held on 14th December 2006, 21st February 2007 and for the Special Standards Committee hearing on 21st March 2007 have been

- reviewed. I have confirmed that details of the allegation and the names of the councillors concerned in relation to local investigation SBE 16030.06 were not recorded until the minutes of the Special Standards Committee hearing held on 21st March 2007 when the Standards Committee members, Councillor Peters and the Investigating Officer were in accord that the matter should be dealt with in the public domain.
- 3.4 Relevant documents from local investigation SBE 16030.06 have been examined and I have verified that all correspondence and documents in relation to the investigation that were issued either by the Council or the SBE were marked 'Private and Confidential'.
 - 3.5 I have reviewed the Bromsgrove Advertiser Internet Archive site for the period December 2006 to March 2007 for evidence of articles relating to local investigations of alleged Breaches of the Council's Code of Conduct. No such articles were found until the 28th March 2007 when an article was published following the Special Standards Committee hearing.
 - 3.6 A meeting was held with Debbie Warren who acted as the Investigating Officer for local investigation reference SBE 16030.06 to discuss the investigation. A copy of the notes recorded at the time of the meeting is included in Appendix B.
 - 3.7 A meeting was held with Claire Felton, Head of Legal, Equalities and Democratic Services to discuss the investigation of SBE 16030.06 to verify the policy regarding when local investigation reports may enter the public domain. A copy of the notes recorded at the time of the meeting is included in Appendix C.
 - 3.8 A telephone conversation was held with Councillor Duddy to provide an opportunity for him to respond to the allegation. A copy of the notes recorded at the time of the conversation is included in Appendix D.
 - 3.9 Advice has been sought from Anne Marie Darroch, the Council's Communications & Customer First Manager regarding contacting a member of the press and the potential risks in doing so.
 - 3.10 Hearsay evidence was obtained from a telephone conversation and a meeting held with the Communications & Customer First Manager in relation to an informal discussion she had with Peter Lammis of the Bromsgrove Advertiser. Copies of the notes recorded at the time of the conversations are included in Appendices E and F.
 - 3.11 The Information Commissioners website has been reviewed to establish whether the press is covered by the Freedom of Information Act.

4. FINDINGS OF FACT

- 4.1 The allegation relates to local investigation reference SBE 16030.06. This investigation was carried out by Debbie Warren, Senior Solicitor, between November 2006 and January 2007.
- 4.2 SBE 16030.06 was a local investigation into an allegation made by Councillor Duddy that on 10th January 2005 Councillor Peters failed to comply with the Council's Code of Conduct by failing to declare at a meeting of the Council's Planning Committee a prejudicial interest in connection with planning application B/2004/1389.
- 4.3 Councillor Peters states that whilst the Investigating Officer was carrying out the investigation he received two telephone calls (on 15th December 2006 and 1st February 2007) from Peter Lammas, a reporter with the Bromsgrove Advertiser.
- 4.4 Councillor Peters recalls that during the first telephone conversation on 15th December 2006 Peter Lammas said that he had received information in relation to a Standards Committee agenda item for the meeting held on 14th December and that Peter Lammas informed him that the source of his information was a fellow councillor. Councillor Peters recollects that he asked was Councillor Duddy the source of the information and Peter Lammas confirmed that he was.
- 4.5 The draft report for investigation SBE 16030.06 was issued by the Investigating Officer to Councillor Duddy and Councillor Peters for comment on 19th December 2006.
- 4.6 Councillor Peters reported the telephone conversation to the Investigating Officer via a letter dated 22nd December 2006. Receipt of Councillor Peters' letter coincided with the office being closed for the Christmas break. On her return to the office on 29th December 2006 the Investigating Officer e-mailed the Monitoring Officer, with details of Councillor Peters' letter. Additionally, the Investigating Officer wrote to Councillor Peters to inform him that she had referred his letter to the Monitoring Officer.
- 4.7 Councillor Peters states that he received a second telephone call from Peter Lammas on 1st February 2007. Councillor Peters recalls that Peter Lammas said that he had received new briefing information from Councillor Duddy in relation to the agenda for the Standards Committee that was due to take place on 8th February 2007. Councillor Peters states that the information that Peter Lammas had received named him as the subject of an allegation and details of the allegation.

APPENDIX 1

- 4.8 Councillor Peters recollects that he reminded Peter Lammas that he had telephoned him previously in relation to the allegation; however, Peter Lammas did not recall the conversation.
- 4.9 Councillor Peters states that he informed Peter Lammas that the information was confidential and, therefore, could not be reported.
- 4.10 Councillor Peters believes that he reported the second telephone conversation to the Investigating Officer; however, he has been unable to locate a copy letter.
- 4.11 The final report that detailed the findings of investigation SBE 16030.06 was issued to Councillor Duddy, Councillor Peters and members of the Standards Committee on 19th January 2007. The copy of the final report that was sent to Councillor Duddy was accompanied by a letter dated 23rd January 2007 from the Monitoring Officer, stating that she understood that there had been press interest and requesting that Councillor Duddy ensure that the report did not enter the public domain.
- 4.12 The Standards Committee that was due to take place on 8th February was postponed due to snow. The meeting was re-scheduled for 21st February 2007.
- 4.13 Consideration of SBE 16030.06 investigation findings took place at a Special Standards Committee hearing held on 21st March 2007. It was at this meeting that the Standards committee determined that details of the investigation should enter the public domain.
- 4.14 Peter Lammas used to work with Anne Marie Darroch, the Council's Communications & Customer First Manager. Anne Marie Darroch has spoken with Peter Lammas on an informal basis and has ascertained that Peter Lammas has no recollection of a conversation with any Bromsgrove District Councillor regarding a local investigation during the period December 2006 to March 2007. This includes the fact that Peter Lammas was unequivocal in that he is unable to recall telephoning Councillor Peters.
- 4.15 Peter Lammas informed the Communications & Customer First Manager that he has checked his notebooks and has no written record in relation to a local investigation. Accordingly, it is Peter Lammas' opinion that as he has nothing recorded in his notebooks either he did not receive any information or, if he did receive information, he felt that it was not important or that he could not use it for whatsoever reason.

4.16 Councillor Duddy states that he has never spoken with Peter Lammas over the telephone and has only met him once or twice at Council meetings and once at the Standards Committee hearing that was held on 21st March 2007.

4.17 A chronology of events is at Appendix F.

5. THE ISSUES

5.1 The issue is whether Councillor Duddy did disclose confidential information without the consent of a person authorised to give it.

6. REASONING AS TO WHETHER THERE HAS BEEN A BREACH OF THE CODE

6.1 The test to be applied, as per paragraph 3(a) of the Code as set out in paragraph 2.2 above, is whether it can be proven that Councillor Duddy did disclose confidential information to Peter Lammas, a reporter with the Bromsgrove Advertiser.

6.2 The allegation is based on Councillor Peters' statement that:

- he received two separate telephone calls from Peter Lammas;
- details the gist of the alleged conversations; and
- details who he perceives was Peter Lammas' source of information.

Councillor Duddy has informed me that it is clear in his mind that he has no case to answer. Accordingly, Councillor Peters who made the allegation and Councillor Duddy as the subject of the allegation have opposing perspectives.

6.3 In order to verify Councillor Peter's statement ideally I would have asked Peter Lammas for an interview; however, discussing confidential issues with the press can be problematic and, therefore, I approached the Council's Communications & Customer First Manager, for advice. I was advised by the Communications & Customer First Manager not to contact Peter Lammas. The rationale being that:

- The Communications & Customer First Manager used to work with Peter Lammas and was adamant that if he did agree to a meeting he would not reveal his source of information.
- There was the risk that by contacting Peter Lammas I may have alerted him to an investigation that he was unaware of. This may have resulted in him publishing an article in the Bromsgrove Advertiser in relation to an investigation being carried out. Should such an article have been printed it would have been potentially damaging to both the Council's reputation and that of the Councillor who was the subject of the allegation.

It is acknowledged that if a meeting had taken place it would have provided independent evidence of the validity of Councillor Peters' statement.

- 6.4 To overcome the risks associated with contacting the press, the Communications & Customer First Manager offered to speak informally with Peter Lammas. To ensure that confidentiality was maintained I did not reveal the identities of the councillors concerned or details of the allegation. I did provide the Communications & Customer First Manager with open ended questions.

The outcome of the Communications & Customer First Manager's conversation with Peter Lammas is that he has stated that he has no recollection of any conversations with any Bromsgrove District councillors regarding a local investigation of an alleged breach of the Code. Furthermore, Peter Lammas has stated that he has no written record in his notebooks in relation to having received any information in respect of a local investigation.

Journalists maintain notebooks in which they annotate information received in whatsoever format. Accordingly, as Peter Lammas does not remember any conversations or hold a record that he has received any information in any format there is no independent evidence to support Councillor Peters' allegation.

I have no method of compelling Peter Lammas to divulge any information that he may have received or of reviewing any records that he holds. The Information Commissioner's website has been reviewed to ascertain whether information could be obtained via the Freedom of Information Act; however, it has been confirmed that the Act only applies to public authorities or companies owned by public bodies and, therefore, does not apply to the Bromsgrove Advertiser.

- 6.5 When I first wrote to Councillor Duddy to invite him to meet with me (letter dated 21st May 2007) Councillor Duddy telephoned me to say that he would not arrange a meeting without first viewing Peter Lammas' statement.

Following a second invitation (letter dated 10th July 2007) Councillor Duddy again telephoned me and informed me that he had never spoken with Peter Lammas over the telephone and that he had only met him once or twice at Council meetings and once at the Special Standards Committee hearing held on 21st March 2007.

Councillor Duddy has informed me that he believes that he should have been the last person to be interviewed.

My interpretation of Councillor Duddy's opinion is that without Peter Lammas' statement Councillor Duddy perceives that he has no case to answer.

- 6.6 From the meeting held with the Investigating Officer for local investigation SBE 16030.06 it was ascertained that there may have been some confusion at the beginning of investigation as to when details of the investigation could be made public. At first the Investigating Officer perceived that details of the investigation became public at final report stage. Accordingly, at the start of the investigation councillors may have been under the impression that the report would enter the public domain once it was finalised.

However, as I have confirmed that all letters and documents in relation to the investigation were marked 'Private and Confidential' there should have been no confusion that information was not in the public domain. Furthermore, during the course of the investigation and before the final report was issued it was clarified and confirmed that the decision as to when the report would enter the public domain was to be taken by the Standards Committee.

- 6.7 The alleged first telephone call from Peter Lammas to Councillor Peters was made on 15th December 2006. If on the balance of probabilities the view is taken that Councillor Duddy did provide Peter Lammas with information it was before the draft report was issued on the 19th December 2006 and, therefore, definitely prior to either the report being finalised (19th January 2007) and the Special Standards Committee hearing (21st March 2007).

- 6.8 The alleged second telephone call from Peter Lammas to Councillor Peters was made on 1st February 2007. Whilst it is acknowledged that the second telephone call was made after the final report was issued (19th January 2007) by this time the position regarding when details of an allegation could be made public had been clarified. Furthermore, the Monitoring Officer had sent a letter dated 23rd January 2007 to Councillor Duddy with the final report stating that she understood that there had been press interest in the matter and requesting that the report did not enter the public domain.

If on the balance of probabilities the view is taken that Councillor Duddy did provide Peter Lammas with information on a second occasion it was definitely prior to the Special Standards Committee hearing (21st March 2007).

- 6.9 Councillor Peters clearly affirms that he received two telephone calls from Peter Lammas. If Councillor Peters made the allegation against Councillor Duddy in retaliation for the allegation that Councillor Duddy had made against him, he would have to have been in collusion with Peter Lammas to ensure that Peter Lammas supported his allegation whereas in actuality Peter Lammas has been unable to substantiate Councillor Peters' statement.

6.10 At the time of the alleged telephone calls and up until the final report was issued full details of investigation SBE 16030.06 would only have been known by the:

- Investigation Officer – Debbie Warren;
- Monitoring Officer – Claire Felton;
- Subject of the allegation – Councillor Peters;
- Complainant – Councillor Duddy; and
- SBE.

Therefore, if Peter Lammas did receive information regarding the investigation he could only have received it from one of the above or from an associate of one of the above.

As Peter Lammas is unable to recall whether he did receive information and the Freedom of Information Act does not apply there is no method of ascertaining who, if anyone, did contact Peter Lammas regarding the investigation.

7. FINDINGS AS TO WHETHER THERE HAS BEEN A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

7.1 For the reasons set out in paragraphs 6.2 to 6.4 above as Peter Lammas has stated that he has no recollection or records regarding a local investigation there is no independent evidence to support that the alleged breach of the Code did occur.

7.2 The SBE publication 'How to conduct an investigation' (page 9 within the section entitled 'Evaluating') states that when deciding if the alleged conduct occurred "you do not need absolute certainty – it is acceptable to come to your conclusion based on the balance of probabilities".

For the reasons set out in paragraphs 6.5 to 6.10 when an opinion is drawn on the balance of probabilities I find that there is insufficient evidence to support that a breach of the Code did occur.

This page is intentionally left blank

Meeting Notes

Appendix A

Reference: Local Investigation SBE 17438.07

Date of meeting: 16th May 2007

Attendees: Councillor Stephen Peters and Thelma Warwick (Investigating Officer)

Purpose: to confirm details of the allegation.

Meeting notes recorded by Thelma Warwick

The following points were discussed:

1. Councillor Peters confirmed that he received a telephone call from Peter Lammas of the Bromsgrove Advertiser around 4.15 – 4.30 p.m. on Friday 15th December 2006.
2. Councillor Peters receives telephone calls from Peter Lammas on a fairly regular basis; he was not expecting a telephone call.
3. Councillor Peters recalls that Peter Lammas said that he had received information regarding an agenda item in relation to the Standards Committee meeting that had been held on Thursday 14th December 2006.
4. During the course of the telephone conversation Peter Lammas informed Councillor Peters that he had been given details of an allegation that had been made in relation to Councillor Peters and that he had obtained the information from a fellow Councillor.
5. As Peter Lammas told Councillor Peters details of the information he had received, Councillor Peters worked out that the source of the information would have to be a person who knew the exact details of the allegation. Councillor Peters perceived that the individual was Councillor Duddy.
6. Councillor Peters did not deny what he was told by Peter Lammas and informed him that the information was confidential and, therefore, could not be reported.
7. Councillor Peters asked Peter Lammas was Councillor Duddy the source of the information he had received and Peter Lammas confirmed that he was.
8. Councillor Peters reported the telephone conversation to Debbie Warren who was carrying out the investigation into the allegation that Peter Lammas had referred to. Councillor Peters believes that someone, perhaps Claire Felton, contacted Councillor Duddy to remind him of the requirement for confidentiality.
9. Councillor Peters confirmed that he received a telephone call from Peter Lammas during the morning of Thursday 1st February 2007.
10. Councillor Peters recalls that Peter Lammas said that he had received new briefing information from Councillor Duddy in relation to the agenda for the Standards Committee that was due to take place on Thursday 8th February 2007. The information that Peter Lammas had received named Councillor Peters as the subject of an allegation and details of the allegation.
11. Councillor Peters reminded Peter Lammas that he had telephoned him previously in relation to the allegation. Peter Lammas said that he did not recall the conversation.

- 12. Councillor Peters reminded Peter Lammas that the information was confidential and, therefore, could not be reported. As far as Councillor Peters is aware there have been no reports in relation to the allegation made against him reported in the Bromsgrove Advertiser.
- 13. Councillor Peters believes that he reported the second telephone conversation to Debbie Warren but is not certain and does not have a copy of a letter.
- 14. Councillor Peters is sure that all correspondence that he received in relation to the investigation of the allegation that he was the subject of was marked 'Private and Confidential'.
- 15. Councillor Peters knows the requirement for confidentiality as detailed in the Code of Conduct. Furthermore, Councillor Peters is aware of a draft Member/Member protocol that details how Members should deal with one another.
- 16. Councillor Peters is sure that details of the allegation and who was the subject of the allegation were not in the public domain at the times he received telephone calls from Peter Lammas.
- 17. Thelma Warwick reminded Councillor Peters that the meeting was confidential and clarified the next steps of the investigation.

.....

Stephen Peters

Dated:

[ORIGINAL DOCUMENT SIGNED BY COUNCILLOR STEPHEN PETERS ON 18TH MAY 2007]

Meeting Notes

Appendix B

Reference: Local Investigation SBE 17438.07

Date of interview: 21st May 2007

Attendees: Debbie Warren, Senior Solicitor
Thelma Warwick, Investigating Officer

Purpose: to discuss the investigation of SBE 16030.06 and verify the policy regarding when local investigation reports may enter the public domain.

Meeting notes recorded by Thelma Warwick

The following points were discussed:

1. Debbie Warren confirmed that she was the Investigating Officer for Local Investigation SBE 16030.06.
2. Debbie pointed out that when Andrew Burton (previous Head of Legal & Democratic Services) left the Council's employment both Debbie and Claire Felton (current Head of Legal & Democratic Services) were new to carrying out local investigations.
3. Whilst carrying out investigation SBE 16030.06 Debbie was aware that there would be a point when the report would enter the public domain. Debbie believed that this would be at the final report stage.
4. It was confirmed that the investigation and reporting process was as follows:
 - a. Debbie carried out the investigation and wrote the draft report.
 - b. The draft report was sent for comment to the Cllr who made the allegation, the Cllr who was the subject of the allegation and anyone else who had a significant impact on the investigation.
 - c. Once comments were received, the report was reviewed by Debbie.
 - d. The final report was sent to relevant individuals and was attached to the Standards Committee papers for the meeting when the outcome was determined by Members.
5. Debbie perceives that the press interest in the investigation forced the issue of reviewing the policy, that is, in relation to when information regarding the allegation, investigation and report could enter the public domain. It was at this point that Claire clarified that the decision as to when information would enter the public domain would be made by the Standards Committee having obtained advice from the Standards Board for England.
6. Debbie pointed out that conflicting statements may have been given to Councillors at the beginning of the investigation. That is, at the start of the investigation Councillors may have been under the impression that the report would enter the public domain once it was finalised whereas during the course of the investigation it was confirmed that the decision as to when the report would enter the public domain was to be taken by the Standards Committee.
7. Cllr Peters contacted Debbie by letter on Friday 22.12.06. The purpose of the letter was to inform Debbie of the telephone call that Cllr Peters had received from Peter Lammas of the Bromsgrove Advertiser. Debbie was not in the office when the letter arrived as she job

Prepared by:
Date: 01/11/2007
Page 1 of 2

shares and works the beginning of the week. Monday to Wednesday of the following week the office was closed for the Christmas period and, therefore, Debbie e-mailed Claire Felton with details of Cllr Peters' letter when she was back in the office, that is, Friday 29.12.06. On the same day Debbie wrote to Cllr Peters saying that she has referred his letter to Claire.

Debbie confirmed that at this stage the investigation was at draft report stage and, therefore, was definitely confidential.

- 8. Debbie perceives that her formal role and involvement in the investigation ended when the final report went to the Monitoring Officer (Claire). The final report was issued 19.01.07.
- 9. When Cllr Duddy was sent a copy of the final report it was accompanied by a letter from Claire Felton stating that she understood that there had been press interest and requesting that Cllr Duddy ensure that the report did not enter the public domain.
- 10. The Standards Committee that was scheduled for 08.02.07 was postponed due to the snow.
- 11. At the time it occurred, Debbie was not aware of the second referral to the press.
- 12. Debbie confirmed that Standards Committee meetings are open to the public in the interest of openness and transparency. The Committee may decide to
 - a. exclude the public for sensitive material; and/or
 - b. release the name of the councillor but not details of the allegation.
- 13. Debbie confirmed that the details of the investigation entered the public domain at the Standards Committee hearing on 21.03.07.
- 14. As far as Debbie is aware, all correspondence with relevant councillors in relation to the investigation was marked 'Private and Confidential'.

.....

Debbie Warren

Dated:

[ORIGINAL DOCUMENT SIGNED BY DEBBIE WARREN ON 3RD JULY 2007]

Meeting Notes

Appendix C

Reference: Local Investigation SBE 17438.07

Date of meeting: 23rd May 2007

Attendees: Claire Felton, Head of Legal, Equalities and Democratic Services
Thelma Warwick, Investigating Officer

Purpose: to discuss the investigation of SBE 16030.06 and verify the policy regarding when local investigation reports may enter the public domain.

Meeting notes recorded by Thelma Warwick

The following points were discussed:

1. Claire Felton confirmed that at the time local investigation SBE 16030.06 was being carried out by Debbie Warren she held the role of Legal Officer. Duties included advising the panel of Standards Committee members.
2. Claire was not involved in the actual investigation and when Cllr Duddy and Cllr Peters requested timeline updates it was always made clear that Debbie Warren was the Investigating Officer.
3. Claire confirmed that the Standards Board for England (SBE) provides guidance regarding disclosure of information to the public and when this should happen. Advice from the SBE regarding disclosure was obtained.
4. Claire is clear that all information in relation to an investigation remains confidential and the decision to determine when information may enter the public domain rests with the Standards Committee. All Committee documents, such as agendas and minutes do not name the councillors concerned or details of the allegation.
5. As at 14.12.07 the details of the allegation and the name of the councillor were not in the public domain. Furthermore, the SBE was not aware of the findings of the investigation as the final report was not sent to the SBE until early 2007.
6. The final report was discussed at the Standards Committee held on 21.03.07.
7. Claire remembers a telephone call from Cllr Duddy in which she informed him that he could not divulge any information in relation to a local investigation as he would be compromised if he did.
8. Claire confirmed that:
 - a. The Standards Committee decides whether or not meetings are open to the public.
 - b. Agenda and minutes are published prior to meetings. Such documents do not give details of either the allegation or identities of the councillors concerned.
 - c. It was only on the day of the hearing (21.03.07) that the Standards Committee decided that the hearing was to be in public in the interest of fairness.

Meeting Notes

Appendix C

Reference: Local Investigation SBE 17438.07

9. When the final report for investigation SBE 16030.06 was issued Claire wrote to Cllr Duddy (letter dated 23.01.07) stating that she understood there had been press interest and requesting that the report did not enter the public domain.

Date of conversation: 16th July 2007

Background: Councillor Duddy telephoned Thelma Warwick in response to a letter she had sent to him dated 10th July 2007. The purpose of the letter was to extend an invitation to meet to discuss an allegation made against Councillor Duddy.

Purpose of telephone call: to arrange a meeting.

Notes recorded by Thelma Warwick

1. Following a brief conversation regarding a potential time to meet Councillor Duddy and Thelma Warwick agreed that, at the present time, rather than hold a face to face meeting both were happy to undertake a telephone discussion.
2. Councillor Duddy agreed that the order of interviews and who are interviewed are the decision of the Investigating Officer, that is, Thelma Warwick.
3. Councillor Duddy stated that he has never spoken with Peter Lammas (reporter with the Bromsgrove Advertiser) over the telephone. Furthermore, he has only met Peter Lammas:
 - once or twice at Council meetings; and
 - at the Standards Committee hearing (held on 21st March 2007). When the hearing was adjourned whilst a decision was reached Peter Lammas, Debbie Warren, Councillor Peters and Councillor Duddy chatted.
4. It is clear in Councillor Duddy's mind that he has no case to answer.
5. It was agreed that Thelma Warwick would provide Councillor Duddy (via e-mail) with copies of the following statements:
 - Councillor Peters;
 - Claire Felton; and
 - Debbie Warren.

.....
James Duddy

Dated:

[ORIGINAL DOCUMENT SIGNED BY COUNCILLOR JAMES DUDDY ON 17TH JULY 2007]

This page is intentionally left blank

Notes: telephone conversation with Anne Marie Darroch, Communications & Customer First Manager, Thursday 26th July 2007.

- Anne Marie confirmed that she has been unable to make contact with Peter Lammas until 26.07.07.
- During an informal conversation Anne Marie asked Peter Lammas whether between December 2006 and March 2007 anyone had contacted him regarding a local investigation that was being carried out.

Peter's response was that he:

- Receives lots of phone calls from serving Councillors with gossip and 'tittle tattle'.
- Could not remember any contact regarding an investigation.

Accordingly, as Peter Lammas does not remember any contact there is no independent evidence to support that the alleged breach of the code of conduct did occur.

This page is intentionally left blank

Meeting Notes

Appendix F

Reference: Local Investigation SBE 17438.07

Date of meeting: 21st August 2007

Attendees: Anne Marie Darroch, Communications & Customer First Manager
Thelma Warwick, Investigating Officer

Purpose: to request that AMD asks Peter Lammas to check his records for written information.

Meeting notes recorded by Thelma Warwick

During our conversation AMD confirmed that:

- When she originally spoke with Peter Lammas he did check his notebook.
- AMD explained that journalists maintain notebooks in which they record information received in whatsoever format.
- Peter informed AMD that he has no written record and, therefore, it is his opinion that if it is not recorded in his notebook either he did not receive any information or he felt that it was not important or that he could not use it for whatsoever reason.
- Peter was definite in that he was unable to remember telephoning Cllr Peters about an allegation.

This page is intentionally left blank

Chronology

Date	Description
03.11.06	Investigating Officer (Debbie Warren) writes to Councillor Duddy stating that investigation SBE 16030.06 will be carried out and requesting that confidentiality is maintained.
15.11.06	Investigating Officer writes to Councillor Duddy enclosing copy of a statement based on discussions held. Includes reminder that investigation confidential until it enters the public domain.
17.11.06	Councillor Duddy e-mails Investigating Officer acknowledging receipt of 15 th November 2006 letter.
20.11.06	Investigating Officer writes to Councillor Duddy enclosing revised version of statement.
12.12.06	Investigating Officer writes to Councillor Duddy stating that draft report not finalised and, therefore, will not be considered at the 14 th December 2006 Standards Committee.
14.12.06	Standards Committee meeting
15.12.06	<p><u>Information from Councillor Peters' letter to SBE:</u></p> <p>Councillor Peters receives a telephone call from Peter Lammas of the Bromsgrove Advertiser, regarding a Standards Committee agenda item (Local investigation of complaint to the Standards Board) held the previous evening.</p> <p>Peter Lammas informs him that a fellow Councillor has given him details of the allegation and that it concerns Councillor Peters. When pressed, Peter Lammas confirms that Councillor Duddy is the source.</p> <p>Councillor Peters informs Peter Lammas that the information is confidential and should not be disclosed.</p>
15.12.06	<p><u>Information from Councillor Peters' letter to SBE:</u></p> <p>Councillor Peters reports telephone conversation to the Investigating Officer handling the investigation.</p>
19.12.06	Investigating Officer issues draft report to Councillor Duddy and Councillor Peters for comment. Accompanying letter states that as the report is in draft form it remains confidential.

Chronology

Date	Description
22.12.06	Councillor Peters writes to the Investigating Officer stating that he has received the draft report. Councillor Peters refers to a telephone call from the Bromsgrove Advertiser on 15 th December 2006 relating to the referral and suggests that the Investigating Officer may wish to investigate.
29.12.06	Investigating Officer e-mails the Monitoring Officer (Claire Felton) with details of Councillor Peters' letter dated 22 nd December 2006 and stating that she has written to Councillor Peters saying that she has referred his letter to the Monitoring Officer.
03.01.07	Investigating Officer returns Councillor Duddy's phone call a (from before Christmas) and records in a file note he has no comments to make on the draft report.
19.01.07	SBE16030.06 final report issued to Councillor Duddy, Councillor Peters and the members of the Standards Committee.
23.01.07	Monitoring Officer writes to Councillor Duddy enclosing Final Report; stating that she understands that there has been press interest and requesting that Councillor Duddy ensures that the report does not enter the public domain.
29.01.07	Councillor Duddy e-mails the Investigating Officer querying whether final report issued. Response from the Investigating Officer states it has been issued.
30.01.07	Investigating Officer e-mails Councillor Duddy advising that the Standards Committee determines when a report may enter the public domain and, therefore the reports remains confidential unless and until that determination is made.
01.02.07	Investigating Officer e-mails the Monitoring Officer copies of the 29 th and 30 th January 2007 e-mails that she and Councillor Duddy have exchanged.
01.02.07	<p><u>Information from Councillor Peters' letter to SBE:</u></p> <p>Councillor Peters receives a telephone call from Peter Lammas concerning the agenda for the 8th February 2007 Standards Committee. The information is purportedly from Councillor Duddy and reveals that Councillor Peters is the un-named Member and details of the allegation.</p>
04.02.07	Councillor Peters writes to the SBE regarding the conduct of Councillor Duddy.

Chronology

Date	Description
08.02.07	Standards Committee postponed until 21 st February 2007 with revised agenda.
21.02.07	Standards Committee meeting
21.03.07	Special Standards Committee meeting to conduct a hearing into complaint referred to SBE (SBE 16030.06). Agreed by subject of complaint (Councillor Peters) and Investigating Officer (Debbie Warren) that the matter should be dealt with in the public domain.

This page is intentionally left blank

INVESTIGATION SBE 17438.07
SUPPLEMENTAL FINAL REPORT
6 NOVEMBER 2007

Investigation conducted under section 66 of the Local Government Act 2000 by Thelma Warwick, Auditor, into an allegation concerning Councillor James Duddy, Member of Bromsgrove District Council – Supplemental Report

Councillor Peters has supplied additional information in that he has provided copies of a letter that he wrote to the Editor of the Bromsgrove Advertiser (Alan Wallcroft) together with Mr. Wallcroft's response, copies of which are attached. This information does not alter the conclusion reached in my report. However, I feel that it should be made available to the Committee.

Dated: 6 November 2007

Signed: Thelma Warwick

Mr Alan Wallcroft
Editor
Bromsgrove Advertiser

3 October 2007

Dear Mr Wallcroft,

PRIVATE & CONFIDENTIAL

Re: Bromsgrove District Council - Standards Committee Hearings

I am writing to you, in confidence, in order to investigate the train of events during late 2006 and early 2007, leading up to my appearing before the Standards Committee on a charge of failing to observe the Council's Code of Conduct.

On the afternoon of Friday 15 December 2006 I received an unexpected telephone call from your Chief Reporter, Mr Peter Lammas. He told me that he had received information (I believe it was some sort of document) from an un-named person giving details about the investigation into my conduct which had been the subject of a confidential report to the Standards Committee held on the previous day, 14 December 2006. At this stage, my identity had not been revealed to anyone, not even the Committee members, and yet the information in the possession of Mr Lammas gave full details of the allegation against me. I confirmed the information Mr Lammas read out to me and I told him that the matter was confidential and that he should not publish anything that might prejudice the subsequent hearing. I believe he honoured my request.

I received another telephone call from Mr Lammas on the morning of Thursday 1 February 2007 concerning new briefing information that he had received from an un-named source, concerning the agenda for the Standards Committee to be held on the following Thursday, 8 February 2007. Again, at this stage my identity had not been made known to the committee or the public and I again stressed to Mr Lammas that the matter was still confidential and that he should not publish anything that might prejudice the hearing. I believe he honoured this request too.

What I am seeking from you is confirmation that Mr Lammas did indeed receive the information I have outlined and did telephone me to discuss the matter on the two occasions. I understand that a Council officer has broached the subject informally with him and he denies having any recollection or records of the incidents. I am sure you must keep written records and diaries concerning contacts and enquiries, and possibly have evidence of telephone calls made to and from your office.

I would ask you to investigate this for me, without disclosing any identities of persons involved, simply to confirm what I have stated. You will know that disclosure of confidential information concerning elected Councillors is taken very seriously by the Council and if anyone has broken the Code of Conduct this may be a matter for referral to the Standards Board for England. Any subsequent investigation by the Standards Board would be obstructed if the information I allege existed was denied by persons who had received it and it might become a matter for the Press Complaints Commission to look into.

Yours sincerely,

Cllr Stephen Peters

Bromsgrove Advertiser

Droitwich Spa Advertiser Bromsgrove Messenger

5 High Street
 Bromsgrove
 Worcestershire B61 8AJ
 Tel: 01527 879211 (Sales)
 Fax: 01527 877456 (Sales)
 Tel: 01527 837000 (Editorial)
 Fax: 01527 835687 (Editorial)

Cllr Stephen Peters
 325 Alcester Road
 Wythall
 Birmingham
 B47 6JG

October 31, 2007

Dear Councillor Peters,

First of all apologies for taking a while to respond to your letter of October 3 but life is somewhat busier now that I have two extra newspaper titles to look after and work out of three different offices. Also I have been on holiday and so has Pete Lammass, who is mentioned in your letter, so our paths haven't crossed for a while in person, although we have spoken on the 'phone.

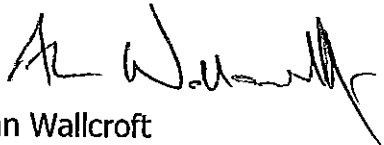
Your letter refers to events of late 2006 and early 2007 regarding the Standards Committee and yourself, information allegedly in the hands of this newspaper, and subsequent phone calls to you.

I have spoken to Pete, who is our chief reporter, who tells me he can't really recall with great clarity the various events surrounding this matter and the telephone calls you say he made to you. He says he doesn't dispute that he would have called you on the matter in question, but there are so many calls made by him to various councillors each week he simply cannot recall exactly what may have been said and when, as it was quite a time ago.

We haven't any written records/diaries concerning contacts and enquiries we make on a daily basis, or evidence to hand of all our 'phone calls - incoming or outgoing. Reporters do have appointment diaries, but do not record every person they contact or conversation they have with them. They do keep their interview/story notebooks for a time but these are normally binned after six months.

All I can confirm is that Pete Lammas recalls he was probably checking out information which had come to him, from what source I couldn't say, and would have been following the normal practice of verifying matters. This would not necessarily have been for publication, but if there was a story we had wished to pursue he would have been seeking to ensure it was a balanced report.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Alan Wallcroft', with a stylized flourish at the end.

Alan Wallcroft
Editor

This page is intentionally left blank