

PUBLIC INTEREST FORM

TO CONSIDER A COMPLAINT AGAINST A FORMER COUNTY COUNCILLOR FOLLOWING INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Paragraph(s)	12, 13, 14, 18A, 18C	Schedule 12A Local Government Act 1972
THE TEST		
<p>There is a public interest in disclosure as:-</p> <p>This is a hearing into a finding by the Public Services Ombudsman for Wales (PSOW) that a former Councillor may have breached the Code of Conduct for Members.</p> <p>The purpose of the Code is to encourage standards of conduct in public life, as described in the Code, and, when necessary, to enforce them. This is a public interest issue as compliance with the Code plays an important assurance role in the actions of elected Members when representing the public. In short, the fact that the Code exists is largely for the benefit of the public.</p>	<p>The public interest in not disclosing is:-</p> <p>Paragraph 12 relates to information about individuals and paragraph 13 about information revealing the identity of individuals. The papers before the Standards Committee contain information about individuals and reveals the identity of individuals who are not either members or officers of the Council.</p> <p>Paragraph 14 deals with the business or financial affairs of an individual. The papers before the Committee reveal details about the financial affairs of an individual who is not a member or officer of the Council.</p> <p>Schedule 18A relates to "information which is subject to any obligations of confidentiality".</p> <p>The PSOW has imposed a confidentiality obligation on his Report. This creates an expectation of confidentiality on the part of the Council, albeit it is questionable whether the confidentiality requirement could be maintained if challenged in relation to all or parts of the Report.</p> <p>Nevertheless, disclosure by the Council of any of the Report would now breach the PSOW's explicit expectation of confidentiality and might leave the Council open to legal challenge or complaint to the Information Commissioner. Regardless of the merits of such challenge this has the potential to involve the Council in needless disputes that waste public resources.</p>	

Having imposed a “blanket” confidentiality obligation it should be for the PSOW to justify his position in the event of challenge to non-disclosure, as the Council is not privy to his reasoning or justification.

Paragraph 18C allows the Standards Committee to deliberate on matters in private and this could include the hearing of evidence on matters exempt under other paragraphs.

Recommendation - On balance, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.