



**22 October 2020**

**MEDIA RELEASE**

## **ABERDEEN CITY COUNCILLOR CENSURED FOR DISCLOSING CONFIDENTIAL INFORMATION**

An Aberdeen City Councillor, Marie Boulton, was censured by the Standards Commission at a Hearing held online on 22 October 2020. The Hearing Panel of the Standards Commission found that Councillor Boulton had disclosed confidential information concerning the Council's budget at a public meeting of Cults, Bielside and Milltimber Community Council on 24 January 2019.

Mr Mike McCormick, Chair of the Hearing Panel, said: "the requirement for councillors to maintain confidentiality is a fundamental requirement of the Code. A failure to do can damage the reputation and integrity of a Council and, further, can impede discussion and decision-making."

"It is legitimate and important for officers to be able to consult, in confidence, with elected members on a council's finance and budget before expenditure and any savings options are finalised. This is so they can manage internal and external communications, and avoid causing any undue concern or alarm to those potentially affected - in particular staff and service users."

"In this case, the Panel found that Councillor Bolton failed to maintain confidentiality as required by the Code."

The Panel found that Councillor Boulton advised members of the community council that the Council was looking at having to save £45 million over the following year in order to address a budget gap. The Panel noted that the figure of £45 million had been included in a confidential budget pack provided to councillors in advance of a Council budget discussion on 5 March 2019. While the Panel accepted that some items in the budget pack were already in the public domain, it was evident that the figure £45 million was an essential element of the matters to be discussed at the budget meeting. As such, the Panel was of the view that the headline figure was confidential.

The Panel noted that sometimes confidentiality is a matter of timing, in that information may eventually be released into the public domain. In this case, the Panel considered that while information that there was a budget gap was in the public domain at the time of the community council meeting, it was not satisfied the figure of £45 million was readily accessible and identifiable.

The Panel accepted that Councillor Boulton had not intended to disclose the information and had only done so under scrutiny at the meeting, in order to manage expectations about potential expenditure. The Panel was satisfied that Councillor Boulton had not disclosed the

information for personal or party-political gain. The Panel nevertheless concluded, therefore, that Councillor Boulton's actions, in disclosing confidential information at the meeting on 24 January 2019, amounted to a contravention of the Code.

A full written decision in respect of the Hearing will be issued and published on the Standards Commission's website within 14 days.

Notes:

The Councillors' Code of Conduct is based on nine key principles, which include integrity, honesty and transparency.

Paragraphs 3.16 and 3.17 of the Code concern confidentiality and state that:

"Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to or held by the Council in a confidential manner, in which case you must observe such requirements for confidentiality."

"You will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. You must always respect and comply with the requirement to keep such information private, including information deemed to be confidential by statute. Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties. Such information is, however, for your use as a councillor and must not be disclosed or in any way used for personal or party-political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available."

The Standards Commission works independently of Government and political parties. It promotes and enforces Codes of Conduct for councillors, as well as individuals appointed to a wide range of national and regional public bodies across Scotland such as the Accounts Commission, the Scottish Qualification Authority, Sport Scotland, Scottish Water and the Scottish Police Authority and many other organisations, including NHS Boards and further education colleges.

Further information on the work of the SCS can be found at

<http://www.standardscommissionscotland.org.uk/>

**ENDS**

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