

# APPENDIX 2

**Weightmans**

## **Report for South Ribble Borough Council into the leaking of confidential information**

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## **Appendix 1**

**Ref: W15581-21**

### **Investigation into the leak of a confidential report – South Ribble Borough Council**

**Note of Interview with Steve Nugent, Head of Human Resources, 27 February 2017**

1. The interview was conducted on the telephone by Simon Goacher, Weightmans LLP (SG).
2. SG advised Mr Nugent (SN) that the conversation should be treated as confidential but that South Ribble Borough Council ("the Council") may choose to publicise SG's final report and this may include details of the interview or the record of it.
3. SG explained that he had been instructed by the Council to investigate the leaking of a confidential interim report ("the interim report") which had been produced for the Council by Wilkin Chapman solicitors ("WC"). SG explained that it had been suggested that SN may be able to assist SG with details of the circulation of the report within the Council.
4. SN explained that he is the Head of Human Resources for the Council. He explained that as part of his role he is also responsible for managing the PR and Communications Team.
5. SN explained that he could provide information about how the interim report had been circulated within the Council though this would partly involve him providing information which he had obtained from others and was not necessarily information which he had direct knowledge of.
6. SN stated that he had not been aware until early January 2016 that the interim report existed. He stated that he knew from what he had been subsequently been told by Mike Nuttall ("MN"), the former Chief Executive of the Council and Ian Parker ("IP"), the Council's Director of Corporate Governance and Business Transformation and Monitoring Officer there had been an informal cabinet meeting in November 2015. He stated that he had been told that, at that meeting, IP had presented the findings of an

internal review into the licensing service ("the service") of the Council. SN stated that as a result, WC was commissioned to carry out a review and produce a report.

7. SN stated that WC talked to people about the service and then produced the interim report in mid-December 2015. He stated that he believed that this was around 15-20 December 2015. SN explained that the then leader of the Council, Councillor Margaret Smith ("MS"), and the Cabinet portfolio holder for the service, were away on holiday at the time that the interim report was produced. He explained that the then portfolio holder was MS's husband.
8. SN explained that the remaining five members of the Cabinet were called to an informal meeting just before Christmas 2015. He stated that this meeting took place on a Saturday morning just after a Conservative Group meeting. SN stated that he had been told that IP attended the meeting with the Cabinet members and advised them of the contents of the interim report.
9. SN stated that he believed that hard copy versions of the Interim report had been provided to the five cabinet members at that meeting. He stated that he did not know whether the members had been provided with electronic copies afterwards or not. SN stated that IP had been the only Council officer at that meeting.
10. SN stated that he understood that Councillor Warren Bennett ("WB"), who was the Deputy Leader of the Council at the time, had said at the meeting that the report was very serious and talked about staff being disciplined as a result.
11. SN stated that he believed that IP gave MN a copy of the report around this time. SN stated that Councillor Moon (one of the other Cabinet members) had subsequently said in a statement that she had asked MN at that time if he had read the report; MN had stated that he had not been able to read it because he was busy dealing with flooding issues. SN explained that in December 2015 there had been significant flooding which the Council had been responding to.
12. SN stated that he believed that MS and her husband were given a copy of the interim report in January 2016 when they returned from holiday. SN stated that at that point he believed that 9 people had hard copy versions of the interim report; IP, MN and the seven cabinet members. SN stated that at some time after this Councillor Paul Foster ("PF"), the leader of the Labour Group, was provided with a copy of the report.

13. SN stated that he was given a hard copy version of the Interim report by IP on Tuesday 5 January 2016. SN stated that IP told him that he had lots of concerns as a result of the interim report. SN stated that IP was pushing him to take some action against the staff in the service. SN stated that he had told IP that he needed to properly read the report and he would then speak to him again on Thursday 7 January 2016, which he did.
14. SN stated that he believed that another person who was likely to have had a copy of the interim report at that time was Brian Thompson ("BT"). SN explained that BT was a housing benefit fraud Investigator who IP had asked to work on the internal review of the service.
15. SN explained that the interim report had been given to him because of the suggestion that staff in the service should be suspended. SN stated that he was not asked to sign for a copy of the report and the version he was given was not numbered or separately identified in any way. He stated that there was no version control or document management system used for the distribution of the interim report; it was not classified in any way. He stated that WC did introduce password protection and watermarks for later reports.
16. SN stated that he asked IP for an electronic version of the interim report. He stated that he did this because he had written on his original hard copy. He stated that IP emailed him a copy of the interim report. He stated that this was a PDF version of the report. He stated that IP did state in the covering email that the report was, "for your eyes only".
17. SN stated that there was a lot of emphasis in the report about Council staff who had allegedly failed. He stated that there were recommendations about safeguarding and record keeping. SN stated that there was no "big to do" about the interim report at that time.
18. SN explained that he told MN that, given the issues involved, he could not give the matter to his staff to investigate so he himself became focussed on the disciplinary issues arising out of the report. He stated that he would not normally become involved in this as he would be the HR advisor to Appeals Committee. He stated that this investigation was pursued and the interim report was almost in a state of abeyance for a while.

19. SN stated that in late February 2016, he emailed a copy of the interim report Berni Markham ("BM"), a HR colleague. SN explained that the union branch chairman was being investigated so it was very sensitive. SN stated that he sought BM's opinion. SN stated that he trusted BM implicitly and he was sure that there was no way that she would have leaked the interim report. He stated that she had told him that she had deleted it after reading it.
20. SN stated that during the course of January–March 2016 the interim report was hardly discussed within the Council.
21. SN stated that somebody at some stage provided a copy of the interim report to PF. SN stated that Councillor Claire Hamilton ("CH") also obtained a copy of the report. SN stated that he believed that CH had been passed a copy of the interim report by PF. He stated that he believed this because it had been reported that CH had stated this to be the case. SN stated that he had heard that WB had given the report to PF.
22. SN stated that WB had led on the production of the report. He stated that at the informal Cabinet meeting in November 2015, it had been agreed that MS and MN would step away from the investigation. SN stated that IP and WB were running the overall review from then onwards. SN stated that MN only started to deal with the issue himself after the interim report was leaked.
23. SN stated that on 12 April 2016, the Council's press and PR team were contacted by the New Day Newspaper; by a journalist called Grace McGaskell ("GMc"). He stated that GMc had been given a copy of the interim report and she stated that it was going to be covered the following day in the newspaper. He stated that in fact the newspaper ran the story about the interim report on 18 April 2016. SN stated that he did not know how long prior to 12 April 2016 GMc obtained a copy of the interim report.
24. SN stated that a few months later he became aware of a Radio Lancashire Journalist contacting GMc on the morning of the 18<sup>th</sup> April 2016, after seeing the story in the New Day and asked could he have a copy of the interim report. GMc said no but she would speak to her source/contact. Within 30 minutes The Journalist had a copy of the interim report emailed to them from CH's email address. SN stated that within an hour a number of media organisations had the report. In fact by around 12.30 Look

Northwest were outside the Civic Centre. SN stated that he found this out because he was responsible for the Council's PR and Communications functions.

25. SN stated that CH was a relatively new councillor, having been elected in May 2015.

He stated that, at the time, she was the press and publicity officer for the Labour Group. SN stated that he did not know what had happened on the political side. He stated that CH on 11 November 2016 had tweeted that she leaked the report because PF had asked her to. He stated that he would locate a copy of the tweet and provide it to SG.

26. SN stated that Alison Lowton ("AL") had been appointed by the Council to carry out a fact finding investigation which was considered by the Council's Scrutiny Committee. He stated that this was a publicly available report.

27. SN stated that he was aware that MN had made a complaint to the police about the leak. SN stated that he did not know about this at the time that the complaint was made, but subsequently found out about it in July 2016. He stated that he was aware that the police had interviewed CH and other councillors. SN stated that MN was the Council lead on the police investigation. He stated that, in the end, the police backed off and stated that it was inconclusive.

28. SN stated that a copy of the interim report had also been posted to an employee of Wilkin Chapman. He stated that it had been posted to her from a post office in Leyland. He stated that there was no CCTV in the post office. He stated that the police never found out who did that and he did not understand why anyone would do that.

Simon Goacher

Weightmans LLP

21 March 2017

I agree this is a true and accurate record of the interview.

Signed.....

Steve Nugent

Dated this                      day of                      2017

## **Appendix 2**

**Ref: W15581-21**

### **Investigation into the leak of a confidential report – South Ribble Borough Council**

**Note of Interview with Councillor Paul Foster, Labour Group Leader, 4 April 2017**

1. The interview was conducted by Simon Goacher, Weightmans LLP (SG).
2. SG advised Councillor Foster (PF) that the conversation should be treated as confidential but that South Ribble Borough Council ("the Council") may choose to publicise SG's final report and this may include details of the interview and/or the record of it.
3. PF explained that he is an elected member of the Council and has been for 10 years. PF stated that he had been the Leader of the Labour group on the Council for nearly two years, since May 2015.
4. SG explained that he had been instructed by the Council to investigate the leaking of a confidential interim report ("the interim report") which had been produced for the Council by Wilkin Chapman solicitors ("WC") into the Council's licensing service.
5. PF stated that as far as he could recall he had been given a copy of the interim report early in the New Year in 2016. He stated that he had been asked to attend a meeting with Ian Parker (IP), who was the Monitoring Officer of the Council at that time. He explained that also at that meeting were Councillors Warren Bennett (WB), Caroline Moon (CM) and Michael Green (MG). PF explained that WB, CM and MG were all members of the Council's Cabinet at that time.
6. PF explained that at that meeting he was given a hard copy of the interim report. He stated that he quickly scanned the interim report and asked what the Council was doing about it. He stated that he was told that the issues were being dealt with. PF stated that he recalled at the end of the meeting IP asked what they should do with the report. PF stated that he remembered clearly that WB said, "he's seen it now he may as well keep it." PF stated that he could not recall being told that the report was

confidential. He stated that he does think the report had a watermark on it but he could not recall whether the mark said "confidential" or something else.

7. PF stated that IP kept on re-iterating to him that because there were legal proceedings going on so the report was "sub judice" and PF could not mention it to anyone. PF provided SG with an email which IP had sent to him on 26 January 2016 which stated;

*As I made clear at our very first meeting – these matters under investigation are serious, and our discussion strictly confidential...*

8. PF stated that he told IP a few times that he was uncomfortable with being told about something serious but not being able to do anything about it.
9. PF stated that after another councillor, Councillor Fred Hayworth passed away he came into close contact with Councillor Claire Hamilton (CH). He stated that this was because CH was campaign co-ordinator for the by-election which followed Councillor Hayworth's death. He stated that as a result he would speak to CH most days at that time. He stated that on one occasion when he and CH were campaigning they bumped into CM and WB. He stated that CH picked up on the fact that there were issues between him and WP and CM.
10. PF stated that he spoke to CH about the issue of taxi drivers and child sexual exploitation (CSE). PF stated that CH said that she had knowledge of such issues in Rochdale and Rotherham. PF stated that he told CH about the Interim report. He stated that she said that this was a huge cover up and that he would be accused of being involved in the cover up. PF stated that CH told him that she could get advice on what to do as she knew people who knew about the issue of CSE and taxi drivers.
11. PF stated that initially he was reluctant to give CH a copy of the report but eventually approximately 5-7 days after their initial discussion he did so. He stated that he gave her the report so that she could seek advice on what to do. He stated that this would have been in mid-March 2016.
12. PF stated that CH did not specifically mention who she was going to speak to about the report. PF stated that CH simply said that she knew a lot of people who had investigated issues about CSE and taxi drivers, including journalists. PF stated that CH was well connected and he thought that she would know people who knew more



about the issue than he did. PF stated that he gave CH his paper copy of the report so after that point he did not have a copy of the report.

13. PF stated that a few days after this CH told him that she had been in contact with Grace Macaskill (GM), a journalist who works for Trinity Mirror. PF stated that CH told him that GM was a personal friend of hers and had expertise in this area. PF stated that the only contact he had with GM had been a few days before the story about the interim report was published in the press. He stated that GM contacted him to ask if he had any comments for the story she was writing about the interim report.
14. PF stated that his reaction to the leak of the report to the press was indifferent. He stated that his priority was to ensure that there was no danger to the public. PF stated that he could not see any harm in the issues being reported in the press; if the Council had nothing to hide what was the problem.
15. PF stated that he told CH to be careful and protect her own position and that of her daughter. PF stated that CH told him that she dealt with the media on a daily basis and told him not to worry about her.
16. PF stated that he did not tell CH to leak the report to the media. He stated that after CH did it, he did not criticise her for it but he did not tell her to do it. PF stated that CH did not seek his authority to leak the report to the press before she did it.
17. SG asked PF about CH's tweet of 11 November 2016 in which she stated that he had asked her to leak the interim report to the media. He stated that this was categorically not true. PF stated that by November 2016 CH's behaviour was becoming more and more irrational. He stated that CH was conducting her own private investigation with the Mail on Sunday in to officers of the Council. PF stated that CH was saying that officers had been involved in grooming and that a senior officer lived with a sex offender. PF stated that CH had no evidence to support any of these allegations. PF stated that he told CH that she should report this to the Council and the police. PF stated that because he was not supporting CH in her allegations she linked it back to the Labour Party and said that it was a cover up.
18. PF stated that he remembered 11 November 2016 very well because it was his birthday and he had been travelling to Wembley stadium to watch an England v Scotland football match as a birthday treat. PF stated that CH had contacted him and told him that David Rose, a Mail on Sunday journalist had told him that there was no

story. He stated that CH had made further allegations that other members of the labour party were involved in CSE. PF stated that he believed that CH had posted this tweet because he was not supporting her in her allegations.

19. PF stated that CH had been suspended by the Labour Group. He stated that CH had not been suspended because she leaked the report. PF stated that he would always support the anonymity of a whistleblower. He said that he believed that CH had leaked the report because she believed it was in the public interest and he would not criticise her for doing that. PF stated that CH had been suspended from the Labour Group because of the false accusations and comments she had made after she had leaked the report. PF stated that CH had been disciplined because of inappropriate conduct over a substantial period. PF stated that the Chief Whip of the group had carried out an investigation and found that CH had been in breach of the Labour Party Rules in respect of 4 or 5 matters. He stated that the Labour Group on the Council unanimously agreed that CH should be suspended.
20. PF stated that with the benefit of hindsight he wishes that he had taken the report to the safeguarding officer and the police as soon as he received it. He stated that he had been told by the Monitoring Officer that he was not allowed to do that.
21. PF stated that he could not understand how it had come about that the Leader of the Council and the chief executive had been excluded from the investigation and discussion about the interim report.
22. PF stated that the Council had "sat on" the interim report for four months. He stated that the Council were not saying what they were going to do with the interim report. He stated that IP sent him some updates on Project Tanner (which is what he called the investigation). PF stated that the updates did not say anything about what was actually happening. PF provided SG with copies of the updates which IP had sent to PF on 22 January and 6 February 2016.
23. PF stated that there was no other person present at his meetings with CH when they had discussed the interim report.
24. PF stated that CH was a very convincing individual and she had convinced him that he needed to seek a third party judgment on the report. PF stated that CH convinced him that she had contacts with people who had the knowledge and information to deal with the issues in the interim report.

25. PF stated that in November 2016 he went to the police safeguarding team and shared all of the information which CH had given to him about CSE. He said that he also shared the information with Jean Hunter, the Council's interim Chief Executive.
26. PF stated that he understood that the leak of the report had been referred to the police. He stated that he did not talk to the police about the leaking of the report himself. PF stated that CH had told her that she had spoken to the police about the leak of the report. He stated that he did not believe that the police had taken any action.
27. PF stated that he believed that he should never have been given the interim report in the way that he was. He stated that the interim report should have been shared with the safeguarding officer, the Chief Executive, the Leader of the Council , the Head of Licensing, the Chair of Licensing and the police, he stated that it was shocking that the report had not been shared with any of these. He stated that the interim report should also have been taken to the full council.

Simon Goacher

Weightmans LLP

12 April 2017

I agree this a true and accurate record of the interview.

Signed.....

Councillor Paul Foster

Dated this                      day of                      2017

## **Appendix 3**

**Ref: W15581-21**

### **Investigation into the leak of a confidential report – South Ribble Borough Council**

**Note of Interview with Councillor Warren Bennett, 25 April 2017**

1. The interview was conducted on the telephone by Simon Goacher, Weightmans LLP (SG).
2. SG advised Councillor Bennett (WB) that the conversation should be treated as confidential but that South Ribble Borough Council ("the Council") may choose to publicise SG's final report and this may include details of the interview and/or the record of it.
3. WB explained that he is an elected member of the Council. SG explained that he had been instructed by the Council to investigate the leaking of a confidential interim report ("the interim report") which had been produced for the Council by Wilkin Chapman solicitors (WC) into the Council's licensing service.
4. SG explained that Councillor Paul Foster (PF) the leader of the Labour Group had told him that he had been given a copy of the Interim report in January 2016 by Ian Parker (IP) the then Monitoring Officer of the Council. SG explained to WB that PF had stated that also present at that meeting in January 2016 had been WB, Councillor Caroline Moon (CM) and Councillor Michael Green (MG). WB stated that this was wholly inaccurate.
5. WB stated that he had only met formally once with PF regarding the licensing review and that had been on 11 November 2015. WB stated that he could clearly recall it because 11 November 2016 had been the date of a significant occasion for the Council. WB explained that it had been the date of the unveiling of a war memorial at Lostock Hall. He stated that the Council had held a civic reception in the Civic Centre on 11 November 2015 to mark the occasion.
6. WB explained that on 10 November 2015 IP had presented a Monitoring Officer's report to the Cabinet about concerns about the Council's licensing service. He stated

that IP had been asked to do this by the then leader of the Council, Margaret Smith (MS) because of concerns which had been expressed about the service. WB stated that MS had asked IP to produce the report.

7. WB stated that several months before this occurred concerns had been raised with MS and the CEO Mike Nuttall (MN) about the licensing service with no apparent action taken to address concerns of both members and officers.
8. WB explained that the Cabinet unanimously agreed at the meeting of 10 November 2016 that MS, Phil Smith (PS) and Mike Nuttall (MN), the then Chief Executive of the Council, should step aside from the investigation into the Council's licensing service. This was because concerns had previously been raised with them in their respective capacities and it was felt to be better that the matter be investigated externally. WB stated that it was also because PS had been the Cabinet member responsible for the service for some time and MS was his wife and it's not just how react to an issue but how you are seen to you act in order to show transparency. WB stated that all the cabinet members agreed the recommendations. He stated that he believed that Cliff Hughes (CH) was the only cabinet member who was not at that meeting. WB stated that it was suggested that they approach the LGA for its support for an external investigation. WB stated that he believed that IP had tried to do this but was not successful in getting a reply. He stated that everyone agreed that the external review needed to be started as soon as possible so subsequently WC were asked to carry out the review.
9. WB stated that on the following day he asked the remaining cabinet members (i.e. all those save for MS and PS) if they agreed to him speaking to PF about IP's report. WB stated that he wanted to inform the opposition what was happening. He stated that he believed given that the officers in the licensing team were senior members of Unison and the Labour Party would be made aware very soon anyway. WB stated that he did regret that he did not inform the leader of the Liberal Democrat Group at the same time, though there were only two members of the Liberal Democrat Group on the Council. WB stated some of the Cabinet members expressed concern about informing the opposition but he had said that they would find out anyway and that would put the Cabinet on the back foot so he would prefer to get their support for the approach. WB stated that the Cabinet members agreed to this.

10. WB stated that on 11 November 2015 he attended a meeting with PF, CM, MG and IP where PF was shown a copy of IP's report. He stated that PF was given some time to read the report in another room. WB stated that PF re-entered the room and fully agreed with the proposed course of action agreed by Cabinet. WB stated that PF 100% supported the approach which the Cabinet was taking. WB stated that afterwards PF went to put a copy of IP's report in to his pocket but WB stated that he had said that the report should be returned to IP which PF readily agreed.
11. WB stated that he did not have any further formal meetings with PF about the licensing review and was not at any meeting with him in January 2016 at which PF states that IP gave him a copy of the interim report.
12. WB stated that he believed that SG should speak to everyone who was on the circulation list for the interim report. WB stated that he did not believe that there was a formal written circulation list but he believed that copies had been provided to all the members of the Cabinet, namely himself, CM, MG, CH, MS, PS, CH and Councillor Peter Mullineaux (PM). WB stated that IP and MN also had copies and he believed that at some point the Head of HR, Steve Nugent, had been given a copy. WB stated that he believed that this had been done because of the fact that disciplinary processes were taking place connected to the interim report.
13. WB stated that the interim report had been presented to Cabinet at a meeting on a Saturday morning following a Conservative Group meeting. WB stated that this would have been on the second Saturday in December 2015 as they always had their group meetings on the second Saturday of the month. WB stated that, as far as he could recall, after the meeting a copy of the interim report had been hand delivered to his house by Darren Cranshaw, Scrutiny Officer. WB stated that IP presented the report at the meeting and all Cabinet members were provided with a copy of the interim report. He stated that MS and PS were not at that meeting as they had been on holiday but they had received copies of the report on their return in January 2016.
14. WB stated that he could not recall exactly what IP had said at the meeting with the Cabinet in December 2015 but WB was clear that every Cabinet member would have known that the interim report was confidential and not to be disclosed. WB stated that the Cabinet members received many draft reports and were well used to dealing with confidential material.

15. WB stated that the only time other than in November 2015 when he had spoken to PF about the WC investigation into the licensing service was at some time around the end of March or start of April 2016. He stated that a by election had been taking place for a Council ward and two campaign teams had been out in the ward, one labour and one conservative. He stated that PF asked him for a word. WB stated that PF asked him when the WC report would be coming through. WB stated that he told PF that the report was due anytime. WB stated that he had met with Jonathan Goolden of WC the following week. WB stated that PF said that he was concerned that the disciplinary proceedings had taken a long time. WB stated that he had told PF that he agreed with him. WB stated that he believed that WC had worked quickly, they had been brought in, in November 2015, had produced an interim report in December 2015 and were on track to produce their final report by April 2016.
16. WB stated that PF had said different things at different times about the licensing service. WB stated that he, CM and MG had always been consistent. WB stated that PF had attacked him, CM and MG at the Council meeting in April 2016. WB stated that PF had subsequently retracted what he had said at that meeting and stated that this had been orchestrated by MS and MN. WB stated that he had an email from PF to that effect which he could provide a copy of to SG.
17. WB stated that, at the time it happened, he did not know how the interim report came to be leaked to the press. He stated that he had heard different rumours. He stated that it had been said that PM had left his copy on the photocopier but he did not believe that. He said that originally he did not suspect that PF had leaked the report.
18. WB stated that he had spoken to Councillor Claire Hamilton (CH) twenty minutes after she had tweeted that she had leaked the report on the instructions of PF. WB stated that that was the first conversation he had ever had with CH beyond saying hello to her before. He stated that he believed what CH had said in her tweet. WB stated that he was informed that Councillor Tomlinson was aware of an intended leak to the press and Councillor Titherington was potentially likely to know due to the close relationship to Councillor M Tomlinson.
19. WB stated that he believed that SG should interview MS in person. He stated that PF had met with MS and MN before the Council meeting in April. WB stated it may well be the case that MS and MN were present when PF may have been given a copy of the interim report. WB stated that he had tried to clarify with MS when she had met with PF but MS had responded saying that there was nothing in her diary about any meeting in that period. WB stated that this was not answering the question.

20. WB stated that the scrutiny review carried out by the Council had not taken into account a submission which he had made together with MG and CM. He stated that this set out what had happened and the important timings. WB stated that this could be seen on his website: <https://www.warrenbennett.org/>

21. WB stated that it is now a year since the report was leaked and he wondered why more was not done at the time to identify who had leaked the report and raised concerns over the cost of carrying out the investigation.

Simon Goacher

Weightmans LLP

26 April 2017

I agree this a true and accurate record of the interview.

Signed.....

Councillor Warren Bennett

Dated this                      day of                      2017



## **Appendix 4**

**Ref: W15581-21**

### **Investigation into the leak of a confidential report – South Ribble Borough Council**

#### **Note of Interview with Councillor Caroline Moon, 24 April 2017**

1. The interview was conducted on the telephone by Simon Goacher, Weightmans LLP (SG).
2. SG advised Councillor Moon (CM) that the conversation should be treated as confidential but that South Ribble Borough Council ("the Council") may choose to publicise SG's final report and this may include details of the interview and/or the record of it.
3. CM explained that she is an elected member of the Council. SG explained that he had been instructed by the Council to investigate the leaking of a confidential interim report ("the interim report") which had been produced for the Council by Wilkin Chapman solicitors (WC) into the Council's licensing service.
4. SG explained that Councillor Paul Foster (PF) the leader of the Labour Group on the Council had told him that he had been given a copy of the interim report in January 2016 by Ian Parker (IP) the then Monitoring Officer of the Council. SG explained to CM that PF had stated that also present at that meeting in January 2016 had been CM, Councillor Warren Bennett (WB) and Councillor Michael Green (MG). CM stated that this was not true and she had never been to such a meeting.
5. CM stated that she had only met once with PF regarding the licensing review and that had been on 11 November 2015. She stated that she could clearly recall the date as it had been after the unveiling of a world war one memorial. She stated that she also recalled that it was PF's birthday and he had left the meeting to meet with his wife.
6. CM explained that IP had produced a Monitoring Officer's report into the Council's licensing service. She stated that it was agreed that PF should be briefed on this as leader of the opposition. She stated that PF was given some time to read the report in

another room. CM stated that PF re-entered the room and they discussed IP's report though not in any detail.

7. CM stated that other than that meeting in November 2015 she had never been in another meeting with PF about the WC report.
8. CM stated that she had never seen a distribution list for the interim report. She stated that she received a copy of the Interim report on 22 December 2015. She stated that Mike Nuttall (MN), the then Chief Executive of the Council had also received a copy of the interim report at that time. CM stated that all the members of the Cabinet had received copies of the report on 22 December 2015 save for Councillors Margaret and Phil Smith (MS and PS) as they were away on holiday.
9. CM stated that she still had her copy of the interim report with annotations written on it safe at home. She stated that IP had said that the interim report was confidential and no-one present would have been under any illusions that they should not disclose the interim report. CM explained that one of the cases referred to in the interim report was going through the courts. She explained that the interim report recommended that the conduct of some staff be looked at and this was enough for the Chief Executive and the Head of HR to look at staff actions.
10. CM stated that there were some basic errors in the report. She stated that for example it mixed up her Cabinet title with that of MG. She stated that she raised this at the meeting but was told that this would not be changed because it was an interim report and effectively a working document and any such errors would be corrected in the final report when that was issued. She stated that it was clear that the final report would be going to full Council when the court case and any disciplinary proceedings had been concluded so that no-one would be prejudiced.
11. CM stated that she recalled that she had seen MN on New Years Eve 2015 as she had gone to the Civic Centre because there had been a major issue with flooding. CM stated that she had asked MN what he thought of the report and he had replied that he had not had chance to read it yet. CM stated that she was surprised that he had not read such an important report in that period of time.
12. CM stated that the timing of the leaking of the Interim report was too co-incidental to be a co-incidence. CM stated that MS was given a briefing on the contents of the final WC report on 12 April 2016. CM stated that a draft final report had been produced

and it was just subject to any fact checking. She stated that all of the Cabinet members expected the report to be taken to a full council meeting on April 2016. CM stated that the report was leaked on 18 April 2016 and then a whole new narrative was created around a "cover up" by "Moon, Bennett and Green." CM stated that this was utter nonsense.

13. CM stated that this was what PF said at the council meeting in April 2016. She stated that he later apologised stating that he made his comments based on what he was advised by MN and MS.
14. CM stated that she never went against any of the advice which she was given by any of the officers. CM queried why things were not shut down after the leak happened. CM explained that she had worked previously in the prison service and if they had a leak they would shut off access to emails, to photocopiers and systems to identify how the document had been passed electronically. CM stated that she did not believe that the Council's IT team had been asked to check up on email distribution of the report.
15. CM stated that she has a copy of an email from Jonathan Goolden of WC which refers to a copy of the interim report which had been sent to an employee of WC. CM stated that the email stated that the report had been bagged and tagged and could be collected for evidence. CM stated that as far as she was aware no-one from the Council had ever collected the report from WC.
16. CM stated that she did not understand why there had been such apathy about the leak and nothing was being done to try and find out what had happened.
17. CM stated that she had never shared her copy of the interim report with anyone else and it was still in her home. She stated that she was aware that another cabinet member had carried his copy of the interim report around with him for some time as she had seen it in his papers.
18. CM stated that she had "zero recall" of being present at a meeting when PF was given a copy of the interim report. CM stated that she would have objected to the interim report being given to PF at that time. She explained that the interim report was shared on a "need to know" basis and she did not believe that the leader of the opposition would have a need to know at that stage.

19. CM stated that she had been told by Councillor Claire Hamilton that it was her who had leaked the report and she had been told to do so by PF. CM stated that CH had also stated that Councillor Tomlinson had been involved. She stated that CH had told her that MN had given the report to PF.
20. CM stated that she had heard some people say that PF took the report off of IP's desk. She stated that she found that hard to believe as IP had a clear desk and would not leave documents lying around.
21. CM stated that she did not have any evidence that PF had asked CH to leak the report other than CH's comments but she had heard that there was written evidence that PF was preparing for the leak prior to it occurring; sending emails to colleagues that pre-date the newspaper article. CM stated that she had not seen these emails but had heard that they exist.

Simon Goacher

Weightmans LLP

27 April 2017

I agree this a true and accurate record of the interview.

Signed.....

Councillor Caroline Moon

Dated this                      day of                      2017

Yours sincerely,

Simon Goacher  
Partner  
Head of Local Government  
Weightmans LLP

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**From:** Claire Hamilton [REDACTED]  
**Sent:** 31 March 2017 17:17  
**To:** Simon Goacher  
**Cc:** Jean Hunter; David Whelan  
**Subject:** South Ribble Council Interim Report Investigation

Dear Simon,

Further to your phone call, I have considered your request carefully, and I seek answers to the following questions:

- Who has instructed you to undertake this investigation? Under what legal rubric is it taking place?
- What is its intended outcome?
- How much have Weightmans quoted to South Ribble Council to undertake this investigation? Is the budget unlimited, and at what rates is it being charged?
- How much have you billed in connection with this inquiry to date?
- What is your full remit and what purpose does this investigation serve?
- What questions do you intend to ask me, and why?

I regret to say that unless and until you provide me with comprehensive answers to all these questions, I will not be able to meet you or undertake any further communication. I am copying this to the SRBC chief executive and legal director.

Regards

Councillor Hamilton

**Simon Goacher**

---

**From:** Simon Goacher  
**Sent:** 03 April 2017 12:12  
**To:** 'Claire Hamilton'  
**Cc:** 'Jean Hunter'; 'David Whelan'  
**Subject:** RE: South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21)

**Importance:** High

Councillor Hamilton

Further to my email below I would be grateful if you could confirm whether you will be attending our scheduled meeting at 2.00pm this afternoon?

I will be travelling from Liverpool and would be leaving at approximately 12.45pm. Therefore, if I have not heard from you by that time I will assume that you are not attending the meeting and I will not travel to Leyland.

If you are not able to meet with me today but would be able to meet with me in the future then I would be available to meet with you on Wednesday 12 April (pm only) or Thursday 13 April.

If you are unwilling to meet with me I will complete my report on the basis of the evidence which I am able to gather.

Yours sincerely,

Simon Goacher  
Partner  
Head of Local Government  
Weightmans LLP

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**From:** Simon Goacher  
**Sent:** 03 April 2017 10:02  
**To:** 'Claire Hamilton'  
**Cc:** Jean Hunter; David Whelan  
**Subject:** RE: South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21)  
**Importance:** High  
**Sensitivity:** Confidential

Councillor Hamilton

Thank you for your email. I was surprised to receive your email so shortly after you had agreed to meet with me today at 2.00pm. In response to your specific questions:

1) David Whelan the Council's Monitoring Officer has instructed me. I understand that he has been asked by full council to arrange for such an investigation to be carried out. The Council is entitled to take such a step to assure itself of the manner in which confidential information is managed by the

Council.

- 2) The Intended outcome is to identify how and why the information was leaked and to make any recommendations to the Council arising from the conclusions reached on those issues;
- 3) The estimate provided was £4,000-£6,000 plus VAT. The rates which are being charged are the rates which were tendered as part of the North West Legal Consortium of which the Council is a member, the hourly rates are confidential but have been reached via a competitive process;
- 4) We have so far billed £675 plus VAT;
- 5) As set out in 1) and 2) above;
- 6) My questions will be:
  - a) When did you receive the interim report by Wilkin Chapman LLP into the Council's licensing service?
  - b) Who gave it to you?
  - c) Why did they give it to you (what reasons did they give)?
  - d) In what format did they give it to you? A hard copy or electronic?
  - e) What did they say to you about what you should do with the report?
  - f) You tweeted on 11 November 2016, "In early April 2016 Labour Leader Paul Foster gave me the taxigate interim report and asked me to leak it to the media." Can you explain the contents of this tweet? What did Cllr Foster say to you, it would be helpful if you could be as specific about the wording he used as possible.
  - g) Do you have anything in written form (email, letter or note) from Cllr Foster or any other councillor or officer about the report and/or what you should do with it?
  - h) Who did you give copies of the report to? In what format did you provide it?
  - i) If you did provide it to other persons why did you do so?
  - j) Are you aware of the legal rules of confidentiality and your obligations as a member under the Council's code of conduct for elected members?
  - k) Are you aware of the Council's whistleblowing procedure and the process for raising a concern?
  - l) Did you raise any concerns about the interim licensing report with the Council's Monitoring Officer? If so what did you raise and when? If you did raise a concern what happened about it?
  - m) Did you disclose to any member of the press or the public the identity of [REDACTED] If so to whom and why?

I may ask supplementary questions as a result of any responses which you provide if clarification or further information is required. It will also be an opportunity for you to tell me anything which you think I should take into account in reaching my conclusions or making recommendations to the Council.

I would be grateful if you could confirm whether you are still willing to meet with me at 2.00pm today at the Civic Centre, Leyland as agreed on Friday.

I look forward to hearing from you.

Yours sincerely,

Simon Goacher  
Partner  
Head of Local Government  
Weightmans LLP

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From: Claire Hamilton [<mailto:clairehmltn@yahoo.co.uk>]

**Simon Goacher**

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**From:** Simon Goacher  
**Sent:** 10 April 2017 12:58  
**To:** 'Claire Hamilton'; [REDACTED]  
**Cc:** 'David Whelan'  
**Subject:** South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21)  
**Attachments:** RE: South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21); RE: South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21)

**Importance:** High

Councillor Hamilton

I refer to my emails to you of 3 April 2017, copies attached for ease of reference.

I would be grateful if you could confirm whether you are willing to meet with me and if so whether you are able to do so on Wednesday 12 or Thursday 13 April 2017.

I look forward to hearing from you.

Yours sincerely,

Simon Goacher  
Partner  
Head of Local Government  
Weightmans LLP

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## **Simon Goacher**

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**From:** Simon Goacher  
**Sent:** 18 April 2017 09:49  
**To:** 'Claire Hamilton'; [REDACTED]  
**Cc:** 'David Whelan'  
**Subject:** South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21)  
**Attachments:** South Ribble Council Interim Report Investigation (Weightmans Ref:W15581/21)

**Importance:** High

Cllr Hamilton

I refer to my previous emails of 3 and 10 April 2017, copies attached for ease of reference.

I would like to give you the opportunity to contribute to the investigation which the Council has asked me to carry out.

I would be available to meet with you to discuss this on Wednesday 19 April, Thursday 20 April or Monday 24 April.

If I do not hear from you I will proceed with my report which will make reference to the fact that you have been given the opportunity to contribute but have declined to do so.

If you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely,

Simon Goacher  
Partner  
Head of Local Government  
Weightmans LLP

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## APPENDIX 8

### Wallwork, James

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**From:** Cllr.PFoster  
**Sent:** 04 April 2017 10:26  
**To:** Wallwork, James  
**Subject:** FW: TANNER - Confidential

Cllr Paul Foster

Leader of the Labour Group  
Bamber Bridge West  
South Ribble Borough Council

T: 01772 600374  
M: 07917 476275  
E: [cllr.pfoster@southribble.gov.uk](mailto:cllr.pfoster@southribble.gov.uk)

**From:** Parker, Ian  
**Sent:** 26 January 2016 19:44  
**To:** Cllr.PFoster <[Cllr.PFoster@southribble.gov.uk](mailto:Cllr.PFoster@southribble.gov.uk)>  
**Subject:** TANNER - Confidential

Hi Paul

Sorry for not getting back to you sooner - I've been meeting myself coming backwards !!

I hope your back is feeling better ..... keep taking the tablets !

When we reviewed the interim draft report re Licensing, you later had a number of concerns / questions and sort my advice. I requested that any and all questions were deferred until the full investigation is over. In your role as a Councillor you obviously have concerns about the services we deliver and public safety.

Throughout this enquiry I have taken full advice from the legal firm acting on my behalf as MO. On behalf of the Council I have made public safety and the issue of safeguarding my only priority. I honestly believe I have and the Council has acted both reasonably and proportionately, but you are right to question whether any more can be done and how this situation arose. It is these two points I would like to focus upon. The investigation is not over, we have paused (not quite the case but I hope you get my drift) to allow HR to undertake a disciplinary investigation. It is reasonable to anticipate that this phase might expose additional and new information. In light of this phase, we have worked behind the scenes to ensure that all taxi licenses are bona fida. This exercise has been ongoing quietly and will inform a separate report. Future reports, following the completion of the disciplinary inv will consider how (if it proves to be so) this situation arose at the Council.


Your personal concerns about having knowledge about matters pertaining to licensing but unable to openly question them are entirely understandable. However, as you will have seen from my communication update (again confidential) last Friday, there are outstanding matters that look like they will end up in Court. Consequently, because of this, and to ensure any disciplinary proceedings are not in anyway compromised, I value your continued confidence in these matters.

As I made clear at our very first meeting - these matters under investigation are serious, and our discussion

strictly confidential. But equally I made it clear to the whole group that your co-operation is both welcomed and acknowledge, but once a line is drawn under proceedings by the MO, then legitimate political exchanges will be expected.

I hope my email (although on rereading it seems a bit pompous - that wasn't my intention) provides you with the right information that supports your ongoing confidence.

As ever, if you need further info etc; please don't hesitate to contact me on

  
..... and I do hope you are feeling fighting fit soon.

Regards

Ian

## Wallwork, James

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**From:** Cllr.PFoster  
**Sent:** 04 April 2017 10:27  
**To:** Wallwork, James  
**Subject:** FW: Communication Update TANNER  
**Attachments:** Communication Update TANNER.docx

**Importance:** High  
**Sensitivity:** Confidential

Cllr Paul Foster

Leader of the Labour Group  
Bamber Bridge West  
South Ribble Borough Council

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---

**From:** Parker, Ian  
**Sent:** 22 January 2016 16:30  
**To:** Cllr.PFoster <[Cllr.PFoster@southribble.gov.uk](mailto:Cllr.PFoster@southribble.gov.uk)>  
**Subject:** Communication Update TANNER  
**Importance:** High  
**Sensitivity:** Confidential

Hi Paul,

Please see attached a brief communications update. I agreed with Cllr Bennett that any of my communications regarding this matter would be shared with you. As ever, please treat as strictly confidential.

I will send an email early next week addressing the points we have discussed regarding the interim report.

Should you have any issues please don't hesitate to call me – evenings or weekends

  
Hope your back is on the mend and you're soon feeling fighting fit

Regards

Ian

**To:** Councillors Mrs M Smith, Bennett, Mullineaux, Hughes,  
Green and Moon

**From:** Ian Parker

**Copy:** M Nuttall  
File

**Date:** 22<sup>nd</sup> January 2016

**Subject:** Ongoing Investigation

**Action:** Information Only

**Sensitivity:** **STRICTLY CONFIDENTIAL**

I thought it appropriate to provide an update to you all regarding the ongoing external investigation. I will keep it brief and provide ongoing updates as appropriate.

**1 Suspensions**

Following the interim report, HR suspended two officers in line with Council policies. Another officer has not been suspended - but has been moved away from the Licensing Service.

This is an entirely neutral action.

**2 External Investigation**

External Investigators are undertaking a disciplinary investigation, supported by HR. Again, this is entirely in line with the Council's HR's policies.

**3 Licensing Service**

The service is being covered and our approach is '*business as usual*'. Additional resources have been brought in to ensure the day to day running continues; Licence applications continue to be processed and awarded/refused/suspended as necessary. Officers attended Court on Tuesday regarding a licensing issue – the case was won and costs of £800 awarded. The GLC met as normal. Mark Gaffney continues to have day-to-day responsibility for the service.

**4 Validation Exercise**

An end-to-end validation exercise has been ongoing and is nearing completion. This exercise is designed to provide assurance that all drivers have all necessary documentation in place. The Trade are being contacted seeking their support. So far they have been fully compliant.

**5 Gateway**

A number of new processes have migrated to Gateway to allow the back office to complete the validation exercise as quickly as possible. Any additional migrations have been agreed with the Licensing Officer prior to migration (the reality is that these are his suggestions)

**6 Disciplinary Investigation**

As the MO I play no part whatsoever in the disciplinary investigation, this is a matter for HR, but be assured due process will be followed meticulously.

**Ian Parker**  
**Dir Business Transformation & Monitoring Officer**  
**01772 625550**

## Wallwork, James

---

**From:** Cllr.PFoster  
**Sent:** 04 April 2017 10:26  
**To:** Wallwork, James  
**Subject:** FW: Communication Update TANNER 2  
**Attachments:** Communication Update TANNER 2.docx

**Importance:** High  
**Sensitivity:** Confidential

Cllr Paul Foster

Leader of the Labour Group  
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---

**From:** Parker, Ian  
**Sent:** 08 February 2016 15:51  
**To:** Cllr.PFoster <[Cllr.PFoster@southribble.gov.uk](mailto:Cllr.PFoster@southribble.gov.uk)>  
**Subject:** Communication Update TANNER 2  
**Importance:** High  
**Sensitivity:** Confidential

Hi Paul,

I have attached the briefest of updates for your information. Whilst the investigation process is underway, there is little I can add to my earlier update – but I wanted to avoid a communication vacuum.

As ever, happy to discuss

Regards

Ian

[REDACTED]

**To:** Councillors Mrs M Smith, Bennett, Mullineaux, Hughes,  
Green and Moon

**From:** Ian Parker

**Copy:** M Nuttall  
File

**Date:** 8<sup>th</sup> February 2016

**Subject:** Ongoing Investigation

**Action:** Information Only

**Sensitivity:** **STRICTLY CONFIDENTIAL**

At this stage there is very little to add from my previous update, but to avoid a communication vacuum that might lead to speculation etc, I thought it best to keep you informed of the minor developments.

**(1) License Irregularities**

There were a number of cases that were being reviewed following anomalies being highlighted for further investigation. That exercise is completed.

A local assessment has considered the merit of undertaking a wholesale review of the paper files against LALPAC. The service is updating its LALPAC system and I have requested that a further forensic review of the paper files and the data held on the current LALPAC system is undertaken as part of a migration exercise. Rather than simply migrating existing data onto the new system, cases will be individually checked and a managed transfer across will take place. This will include a counter-signing stage to ensure the highest standards of integrity.

**(2) HR Disciplinary Investigation**

This is a matter for the Head of HR; I am not involved in this stage.

**(3) The Taxi Trade**

At some point in the near future (but not wanting to compromise ongoing disciplinary investigation) it will be useful to inform the taxi trade of changes. Word has got out amongst the trade, but to date they have all been most helpful. I visited an operator recently and he was able to provide the full suite of supporting documents for all his drivers, which was reassuring.

**(4) Legal Matters**

Whilst I can't go into any detail, a recent SO38 is being appealed in the Magistrates Court. This action was anticipated and external legal support had already been obtained.

**Ian Parker**  
**Dir Business Transformation & Monitoring Officer**  
**01772 625550**

