

STANDARDS COMMITTEE

MONDAY 10 DECEMBER 2012 AT 2.00PM

PRESENT: Councillor Mrs Bradley (Chairman) Councillors Boaden, Mrs Bowman, Craig, McDevitt and Mrs Parsons, Stothard (as substitute for Councillor Harid).

ALSO PRESENT: Councillor Watson OBE
Dr Tiplady, Independent Person
Mr Walker, Investigating Officer

OFFICERS: Director of Governance and Monitoring Officer

ST.12/12 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Harid.

ST.13/12 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

ST.14/12 CODE OF CONDUCT: DISPENSATIONS

The Director of Governance submitted report GD.68/12 which asked the Standards Committee to grant Dispensations pursuant to section 33 of the Localism Act.

The Director reminded the Committee of the changes to the Code of Conduct regime and explained that the Localism Act 2011 required that a Member who had a disclosable pecuniary interest (DPI) in any matter to be considered at a meeting, may only participate in the discussion and voting at that meeting if a dispensation had been granted under Section 33 of the Act.

Section 33 provides that the Council may, on receiving a written request made to the Monitoring Officer, by a Member, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions or voting at a meeting.

The Director outlined the relevant circumstances that the Council had to have regard to when granting dispensations and added that a dispensation must specify the period for which it had effect and must not exceed four years.

Each of the 52 City Councillors had signed and returned a dispensation letter for the setting of the Council Tax when they had a DPI by virtue of a property interest within the District and secondly, in circumstances when they had a DPI, to allow them to attend a Meeting to make representations, answer questions or give evidence in relation to the business being transacted providing that the public had the right to attend for that purpose.

RESOLVED – That the Standards Committee grant all 52 Carlisle City Council Members the dispensation as detailed in report GD.68/12.

ST.15/12 LOCAL GOVERNMENT ACT 1972

It was agreed that, as the Councillor who was the subject of the complaints had not indicated that he wished the matter to be dealt with in private, that consideration of the Investigator's Report be dealt with in public.

ST.16/12 HEARING IN RELATION TO POSSIBLE FAILURE TO FOLLOW CODE OF CONDUCT FOR MEMBERS

Consideration was given to a report which had been prepared by the Director of Governance as the authority's Monitoring Officer (GD.66/12) which set out the background to two complaints which related to an alleged failure to declare a prejudicial interest by Councillor Watson OBE.

Two separate complaints had been submitted to the Monitoring Officer regarding the alleged breach of the Code of Conduct and, as both complaints were similar, they had been considered as though they were one single complaint relating to the same conduct.

The complaints alleged that the Councillor failed to declare that his personal interest in an item of business at the meeting of the City Council on 8 November 2011 was also a prejudicial interest and he thereafter participated in the debate when he should have withdrawn from the Council Chamber. It was also considered whether Councillor Watson had brought his office or the Authority into disrepute. The complaints were considered by the Assessment Sub Committee of the Standards Committee on 21 December 2011 and they decided that the complaints should be investigated and referred it to the Monitoring Officer for local investigation and determination.

The Monitoring Officer appointed Mr Brain Walker as the Investigating Officer and he had investigated the complaints and produced a report.

The Monitoring Officer set out the pre-hearing process which had been carried out, the key issues arising from the investigation and the procedure to be followed during the hearing. A copy of the procedure and the relevant City Council Code of Conduct had been circulated with the report.

The Investigating Officer had no questions.

RESOLVED – 1) That report GD.66/12 be received;

2) That the proposed procedure to be followed in determining the hearing be agreed.

ST.17/12 INVESTIGATION REPORT

Mr Walker presented his report which was dated May 2012. The report set out the details of the allegations that:

Councillor Watson OBE had attended the Council meeting on 8 November 2011 which contained an agenda item relating to elected Police Commissioners. As a member of Cumbria Police Authority, for which he was remunerated, Councillor Watson failed to declare this as being a prejudicial interest in the matter, declaring only a personal interest.

Another Councillor had sought clarification of this from the Council's Monitoring Officer and advice was given on the issue with clarity. Councillor Watson did not change his declaration. At the commencement of the debate two other Councillors with similar declared prejudicial interests left the room, Councillor Watson remained in the Council Chamber and seconded and spoke on the motion.

The complaints alleged that Councillor Watson failed to declare a personal and prejudicial interest in the matter and voted and spoke on a position where he had a financial interest in the outcome. The complaints alleged that had the motion been carried the Council would have lobbied for a continuation of the present system of Police Authorities, from which Councillor Watson derived an income and that such actions risked the reputation of all present.

The report then set out the relevant provisions of the City Council's Code of Conduct and attached copies of supporting documentary evidence. The report set out the findings of fact and the reasoning behind those findings, together with the Investigating Officer's conclusions and findings.

Councillor Watson OBE presented his case and the Investigating Officer and the Members of the Committee questioned Councillor Watson on details of his submission. He clarified that the Police Reform and Social Responsibility Bill gained Royal Assent on 15 September 2011 which was before the City Council meeting, therefore, the decision to move ahead with the Police and Crime Commissioners had already been made.

The Investigating Officer and the Member then summed up their cases and the parties left the meeting at 2.50pm whilst the Committee considered the matter.

The parties returned to the meeting at 3.20pm when the Chairman announced that the Committee, having carefully considered the submissions by the Investigating Officer and the Member, had reached a decision and asked the Monitoring Officer to read out the decision.

Having weighed the evidence the Standards Committee held that:

1. A member of the public with knowledge of the relevant facts would reasonably regard Councillor Watson's personal interest as so significant that it is likely to prejudice the Member's judgement of the public interest.
2. Accordingly, Councillor Watson OBE had failed to declare a personal and prejudicial interest and withdraw from the Council meeting on 8 November 2011 and had, therefore, breached the Code of Conduct for Members.
3. However, in weighing the evidence the Standards Committee did not find that Councillor Watson OBE had brought his office or the authority into disrepute.
4. The Standards Committee Decision be reported to Full Council.

(The meeting ended at 3.25pm)