EXTRACT FROM AN EMAIL FROM CLLR HARROWER TO THE COURT OF COMMON COUNCIL ON 25 JULY 2019

Summary of unanswered points raised about the current "standards" regime

(1) The current dispensations policy is largely based on a perception of "public confidence" which the residents' petition has proved to be entirely wrong. The residents are the public, and they have declared that they have no confidence in our current standards regime, including the dispensations policy.

The Standards Chair has repeatedly ignored this critical point. In her speech [at the Court meeting on 18 July] she made two comments that were either irrelevant or cast false doubt on the validity of the views expressed in the petition.

She said that "well over 90% of the petitioners came from the Barbican and Golden Lane Estates". But what point was she trying to make? A large majority of the petitioners came from the Barbican and Golden Lane Estates because that is where a large majority of the City's residents live.

She went on to say that "the only response I received came jointly from the Chairs of the Barbican Association and the Golden Lane Estate Residents' Association". These two associations represent a large majority of the City's residents, and rejected her position that the residents were "confused".

She need not look only to representative associations to know the views of residents. Residents expressed their views strongly at the ward mote resolutions of the two largest residential wards, and at the annual residents' meeting on 8 May which she herself attended.

Ignoring the fact that the public has no confidence in the current dispensations policy, and that this policy consequently has no future, is not a tenable position to take.

(2) Requests made by four resident members for "general" dispensations to speak and vote on matters that do not affect them uniquely or more than other residents were rejected without proper consideration by the Dispensations Sub-Committee.

The Standards Chair said in her speech that this "tiny minority of members….seem to believe that they're entitled" to "create their own personalised policy". The four members made clear in their requests that the terms of the "general" dispensations they sought reflected what the public had called for in the petition. So it was the public speaking to the Dispensations Sub-Committee through those members, not the members trying to create a "personalised policy" for themselves.

The City Solicitor advised the Dispensations Sub-Committee that it was not bound by the current policy in considering those requests. The sub-committee, though, ignored all the points made by the members in support of being granted "general dispensations". The members resubmitted identical requests because their original ones had not been properly considered. The "unnecessary workload for our officers" was caused by the Dispensations Sub-Committee failing to consider the requests properly the first time.

(3) The Corporation recently failed to comply with its own procedure under the current dispensations policy by neither granting nor refusing a dispensation sought by a member in a recent urgent case, thus leaving the member at risk of prosecution if the member took a different view from the City Solicitor on whether a DPI was engaged.

The Standards Chair has not addressed this point.

(4) In the same recent urgent case, the City Solicitor's office declined to express a view on the scope of section 618 of the Housing Act 1985 (from which no dispensation to vote can be sought), thus leaving the member at risk of prosecution if the member took a different view from the City Solicitor on the scope of that section.

The Standards Chair has not addressed this point.

(5) It was pointed out to the Standards Committee ten months ago that section 618 belongs to a statutory regime that has long since abolished and its own repeal appears to have been overlooked, but the committee has taken no action to propose its repeal.

The Standards Chair said in her speech that "I know some members consider it desirable to abolish section 618….they are at liberty to bring this matter to this Court." Is this not a technical matter that the Standards Committee and the relevant officers ought to be dealing with (which is a reason for retaining the Standards Committee, at least temporarily)? And how could anyone not consider it "desirable" to seek the repeal of redundant legislation that restricts democratic representation in the City?

(6) On 3 April 2019, and before the partial change in membership of the Standards Committee, the committee held a secret meeting to discuss imposing further restrictions on members.

The Standards Chair has not addressed how holding a secret meeting accords with the "openness" and "accountability" Principles of Public Life, or how the further restrictions discussed in that meeting - including on the use of email by members to communicate - can be justified.

In her speech, the Standards Chair made a cryptic remark about a "need to make changes….which will prevent current unacceptable behaviours". What are those behaviours?

(7) Why is the "selflessness" Principle of Public Life invoked to restrict resident members from voting on matters that do not affect them uniquely or more than other resident constituents, but not invoked to restrict business members from voting on any matters unless those matters affect them uniquely or more than their business constituents (e.g. on the Planning Committee)?

The Standards Chair has not addressed this point.

The Standards Committee is familiar with all the points summarised above. It is time for it to address each of them properly.

Regards,

Graeme Harrower