APPENDIX 4

RECORD OF TAPE RECORDED INTERVIEW

		Ref. No. Number of Pages
Person Interviewed	Councillor Thomas Sharratt	
Place of Interview	Civic Centre	
Date of Interview	<u>13th March 2009</u>	
Time Commenced	<u>11.00 am</u>	Time Concluded 11.15 A.M
Duration of Interview	15.minutes	Tape Ref. No.(s)
Interviewing Officer(s)	Kay Gray – Principal Solicitor	
Other Person(s) Present	Sue McDonald – Legal Officer	

Person Speaking	Text
KG	THE TAPE IS NOW RUNNING. THE TIME IS NOW 11.00 a.m ON 13 th MARCH 2009. MY NAME IS KAY GRAY.I AM THE PRINCIPAL SOLICITOR AND INVESTIGATOR FOR JOHN DAKIN THE MONITORING OFFICER. I HAVE BEEN ASKED TO INVESTIGATE THE ALLEGATIONS THAT HAVE BEEN MADE BY COUNCILLOR JIM MARSH TO THE STANDARDS COMMITTEE ABOUT YOUR CONDUCT.
CTS	THOMAS EDWARD SHARRATT COUNCILLOR FOR SOUTH RIBBLE – IM SORRY COUNCILLOR COUPE GREEN AND GREGSON LANE WARD
KG	THANKYOU SIR WE ARE IN THE INTERVIEW ROOM AT THE CIVIC CENTRE IN LEYLAND AND THE ONLY OTHER PERSON PRESENT IS
 SM	SUE MCDONALD LEGAL ASSISTANT
KG	FOR THE BENEFIT OF THE TAPE DO YOU AGREE THAT THERE ARE ONLY THREE PEOPLE PRESENT AT THIS TIME
CTS	YES
KG	CAN YOU ALSO CONFIRM THAT THE TAPES THAT WERE PLACED IN THE MACHINE WERE UNSEALED IN YOUR PRESENCE
CTS	YES
KG	THANK YOU AS I ADVISED YOU ON THE TELEPHONE AND IN MY LETTER OF THE 27 TH FEBRUARY 2009 I WILL BE RECORDING THIS INTERVIEW. COULD YOU CONFIRM THAT – CONFIRM FOR THE RECORD THAT YOU CONSENT TO THIS

Person Speaking	Text
CTS	YES
KG	THANK YOU
	YOU ARE NOT UNDER ARREST AND YOU ARE FREE TO LEAVE AT ANY TIME. THIS DOOR BEHIND ME IS UNLOCKED. YOU MAY OBTAIN LEGAL ADVICE AT ANY TIME – DO YOU WISH TO OBTAIN LEGAL ADVICE AT THIS TIME
CTS	NO
KG	THANK YOU
	I AM CONDUCTING THIS INTERVIEW UNDER THE POWERS GIVEN TO THE MONITORING OFFICER BY THE LOCAL GOVERNMENT ACT 2000 AND THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008. EITHER THE WHOLE OR PART OF THIS INTERVIEW TRANSCRIPT MAY BE INCLUDED IN THE FINAL REPORT
	IF YOU PROVIDE ME WITH INFORMATION OF A SENSITIVE OR PRIVATE NATURE, I WILL ASK THE ADJUDICATION PANEL FOR ENGLAND OR THE STANDARDS COMMITTEE TO KEEP THIS INFORMATION CONFIDENTIAL. THIS IS HOWEVER, THEIR DECISION AND THEY MAY DISAGREE WITH MY RECOMMENDATION AND ALLOW THE INFORMATION YOU HAVE PROVIDED TO BE MADE PUBLIC
	PLEASE TREAT ANY INFORMATION PROVIDED TO YOU DURING THE COURSE OF THIS INVESTIGATION AS CONFIDENTIAL. IN ADDITION, THERE ARE STATUTORY RESTRICTIONS ON THE DISCLOSE OF INFORMATION OBTAINED DURING AN INVESTIGATION. THIS IS COVERED BY SECTION 63 OF THE LOCAL GOVERNMENT ACT 2000 AND DISCLOSURE OF INFORMATION CONTRARY TO THIS IS A CRIMINAL OFFENCE.
	DO YOU UNDERSTAND WHAT I HAVE JUST OUTLINED
CTS	NO PLEASE READ IT AGAIN
KG	I WILL DO - AND IF YOU WISH TO READ IT ALSO I AM WILLING TO DO SO
	AS I SAID, I AM CONDUCTING THIS INTERVIEW UNDER THE POWERS GIVEN TO THE MONITORING OFFICER UNDER THE LOCAL GOVERNMENT ACT 2000 AND THE STANDARDS COMMITTEE REGULATIONS 2008. EITHER WHOLE OR PART OF THIS INTERVIEW CAN BE INCLUDED IN THE FINAL REPORT.
	THE INTERVIEW WILL BE TRANSCRIBED AND THAT TRANSCRIPT WILL EITHER WILL IN WHOLE OR IN PART MAY BE INCUDED IN THE REPORT. IS THAT FINE
CTS	YES

Person Speaking	Text
KG	IF YOU PROVIDE ME ANY WITH INFORMATION OF A SENSITIVE OR PRIVATE NATURE, I WILL ASK THE ADJUDICATION PANEL FOR ENGLAND OR THE STANDARDS COMMITTEE TO KEEP THIS INFORMATION CONFIDENTIAL. THIS IS HOWEVER, THEIR DECISION AND THEY MAY DISAGREE WITH MY RECOMMENDATION AND ALLOW THE INFORMATION YOU HAVE PROVIDED TO BE MADE PUBLIC
CTS	I UNDERSTAND WHAT YOUR SAYING
KG	FINE
	PLEASE TREAT ANY INFORMATION YOUR PROVIDED WITH AS CONFIDENTIAL. THERE ARE STATUTORY RESTRICTIONS IN RESPECT OF DISCLOSURE OF INFORMATION DURING AN INVESTIGATION AND IF INFORMATION IS DISCLOSED CONTRARY TO SECTION 63 OF THE LOCAL GOVERNMENT ACT 2000 IT WILL BE A CRIMINAL OFFENCE
	DO YOU UNDERSTAND
CTS	YES
KG	THANK YOU
	ARE WE OK TO CONTINUE
CTS	YES
KG	THANKYOU
	IF AT ANY STAGE YOU FEEL LIKE YOU WISH TO HAVE A BREAK PLEASE SAY SO AND WE WILL ADJOURN THE INTERVIEW FOR A SHORT PERIOD.
	ARE YOU OK TO CONTINUE WITH THE INTERVIEW
JM	YES
KG	THANK YOU
	AS YOU WILL KNOW FROM THE INFORMATION PROVIDED A COMPLAINT HAS BEEN RECEIVED BY THE STANDARDS COMMITTEE ABOUT YOUR ALLEGED CONDUCT. COUNCILLOR MARSH HAS COMPLAINED THAT IN A PUBLICATION OF THE "IDLE TOAD" DATED 27 TH NOVEMBER 2008 AN ARTICLE ENTITLED "NOT A REAL TORY" REFERRED TO THE COUNCILLOR AS A "DEFECATOR" AND THAT IN THE PREVIOUS EDITION THE PUBLICATION STATED THAT THE COUNCILLOR "HAD LEFT TO JOIN THE TORIES".
	BEFORE WE GO ANY FURTHER IS THERE ANYTHING YOU WOULD LIKE TO SAY ABOUT THE COMPLAINT?

Person Speaking	Text
CTS	YES YOU PROVIDED ME WITH A COPY OF COUNCILLOR MARSH'S COMPLAINT. YOU HAVE NOT PROVIDED ME WITH A WRITTEN COPY OF THE INDICTMENT – YOU HAVE EXPLAINED THAT THIS IS NOT A CRIMINAL PROCEEDING NEVERTHELESS ITS GOVERNED BY THE RULES OF EVIDENCE AND I WANT TO KNOW WHAT I AM ACCUSED OF
KG	SIR AS I HAVE EXPLAINED THIS IN NOT A CRIMINAL OFFENCE. AN INDICTMENT IS FOR A CRIMINAL OFFENCE. YOU ARE ACCUSSED OF THE MATTERS THAT AROSE IN THE COMPLAINT FORM AND THAT HAVE BEEN HIGHLIGHTED TO YOU SINCE AS I HAVE JUST READ OUT ABOVE
CTS	BUT – YOU SUBSEQUENTLY PUT TO ME TWO FURTHER CHARGES
KG	THERE ARE NO CHARGES THIS IS NOT A CRIMINAL MATTER
CTS	I WILL READ THEM OUT. IN YOUR LETTER OF THE 9 TH MARCH YOU STATE – YOU MUST TREAT OTHERS WITH RESPECT. YOU MUST NOT CONDUCT YOURSELF IN A MANNER WHICH COULD REASONABLY BE REGARDED AS BRINGING YOUR OFFICE INTO DISREPUTE
KG	SIR THEY ARE NOT CHARGES. IF I COULD JUST EXPLAIN. THOSE ARE NOT CHARGES THEY ARE AREAS OF THE CODE OF CONDUCT WHICH THE COMMITTEE – NOT THE COMMITTEE – IT IS BELIEVED YOU MAY HAVE BREACHED
CTS	NEITHER OF THOSE ALLEGATIONS APPEARS IN COUNCILLOR MARSH'S COMPLAINT AGAINST ME AND I WOULD LIKE TO KNOW WHOSE PUT THEM TO ME
KG	THE REFERRAL TO THE SECTIONS IN THE CODE OF CONDUCT ARE WHAT IT IS BELIEVED THE COMPLAINT ARISES TO
CTS	BELIEVED BY WHOM
KG	I CANT SAY SIR. THE INITIAL REPORT I BELIEVE WAS DONE BY DAVID WHELAN TO THE STANDARDS COMMITTEE. IT HAS HIGHLIGHTED THE POTENTIAL BREACH OF THE CODE OF CONDUCT
CTS	YET NEITHER OF THOSE ALLEGATIONS APPEARS IN COUNCILLOR MARSH'S COMPLAINT. WHY HAVE THEY NOW BEEN INTRODUCED
KG	SIR THEY ARE THE AREAS OF THE CODE OF CONDUCT THAT THE COMMITTEE FEEL MAY HAVE BEEN BREACHED IF I MAY MOVE ON
CTS	SO THE COMMITTE
KG	IF I MAY MOVE ON
CTS	SO THE COMMITTEE – IF YOU WOULD ALLOW ME TO SPEAK. SO THE COMMITTEE IS MAKING THESE CHARGES AGAINST ME

Person Speaking	Text
KG	THE COMMITTEE IS NOT MAKING THESE CHARGES. THERE HAS BEEN A SUGGESTION THAT THESE ARE POTENTIALLY THE AREAS OF CODE OF CONDUCT THAT HAVE BEEN BREACHED
CTS	BY WHOM
KG	BY YOU
CTS	NO NO NO - A SUGGESTION BY WHOM
KG	I WOULD PRESUME THAT IT WOULD HAVE BEEN DAVID WHELAN IN HIS REPORT TO THE COMMITTEE AFTER FOLLOWING THE COMPLAINT. IT IS STANDARD PROCEDURE WHEN A COMPLAINT IS RECEIVED THAT THE CODE OF CONDUCT IS REVIEWED TO SEE IF THERE ARE ANY BREACHES OF THAT CODE OF CONDUCT AND FOLLOWING THAT THOSE BREACHES OR POTENTIAL BREACHES ARE REFERRED TO THE STANDARDS COMMITTEE
CTS	SO DAVID WHELAN THE CHIEF SOLICITOR I THINK
KG	HES THE LEGAL SERVICES MANAGER
CTS	LEGAL SERVICES MANAGER IS MAKING THE ALLEGATIONS AGAINST ME
KG	HE IS NOT MAKING ALLEGATIONS ALL HE IS SAYING IS THAT THESE ARE POTENTIALLY THE AREAS OF CODE OF CONDUCT THAT MAY HAVE BEEN BREACHED
CTS	BUT THEY DO APPEAR IN COUNCILLOR MARSH'S COMPLAINT.
KG	THERE IS NO – THERE IS NOTHING TO SAY THAT THEY HAVE TO REFER TO SPECIFICALLY IN COUNCILLOR MARSH'S COMPLAINT. THERE IS NOTHING IN THE CODE OF CONDUCT THAT SAYS THAT THE COMPLAINT FORM HAS TO SPECIFICALLY SAY THE BREACHES OF THE CODE OF CONDUCT
CTS	SO WE DON'T KNOW WHAT THE COMPLAINT IS
КG	WE DO KNOW WHAT THE COMPLAINT IS. THE COMPLAINT IS THAT IN THE PUBLICATION OF THE IDLE TOAD YOU HAVE REFERRED OR SOMEONE HAS REFERRED TO A COUNCILLOR AS A DEFECATOR AND IN A PREVIOUS PUBLICATION HAS STATED THAT A COUNCILLOR HAS LEFT TO JOIN THE TORIES
	PLEASE COULD YOU CONFIRM WHEN YOU WERE ELECTED TO OFFICE AND HOW LONG YOU HAVE SERVED THE COUNCIL
CTS	I THINK IT WAS 1995 I THINK AND I HAVE BEEN A MEMBER OF THE COUNCIL – SOUTH RIBBLE BOROUGH COUNCIL SINCE THEN
KG	ON AN ONGOING BASIS
CTS	YES SINCE THEN
KG	THANK YOU SIR
	PLEASE COULD YOU CONFIRM AT THE PRESENT TIME WHAT COMMITTEES YOU SERVE

	Person Speaking	Text
СТ	S	NOT MANY. IM TRYING TO THINK I AM ON THE MEMBERS WORKING GROUP, IM ON THE COUNCIL IM ON THE AREA COMMITTEE, EASTERN AREA COMMITTEE. BEYOND THAT I DON'T THINK I AM A MEMBER OF ANY OTHER COMMITTEES
KG	ì	IS IT TRUE TO SAY THAT YOU STAND FOR COUNTY AS WELL
СТ	S	I AM A MEMBER OF LANCASHIRE COUNTY COUNCIL
KG	ì	FINE SIR
		FOLLOWING YOUR ELECTION DID YOU GIVE A WRITTEN UNDERTAKING TO OBSERVE THE CODE OF CONDUCT
СТ	S	YES
KG	ì	THANK YOU
		HAVE YOU RECEIVED ANY AWARENESS TRAINING ON THE CODE OF CONDUCT
СТ	S	YES
KG	ì	THANK YOU
		DO YOU PRODUCE THE PUBLICATION THE IDLE TOAD
СТ	S	YES
KG	ì	WHAT PREVIOUS EXPERIENCE HAVE YOU HAD IN JOURNALISM
СТ	S	30 YEARS WITH THE GUARDIAN
KG	ì	RIGHT
		DID YOU WRITE THE ARTICLE NOT A REAL TORY
СТ	S	YES
KG	ì	DID YOU EDIT THE PUBLICATION
СТ	S	YES
KG	ì	DOES ANYONE ELSE PRODUCE ARTICLES FOR THE PUBLICATION OR CARRY OUT ANY EDITORIAL FUNCTIONS
СТ	S	WHICH QUESTION DO YOU WANT ME TO ANSWER
KG	ì	ВОТН
		I WILL START WITH THE FIRST ONE – DOES ANYONE ELSE PRODUCE ARTICLES FOR THE PUBLICATION
СТ	S	YES
KG	ì	FINE. WHO IS THAT
СТ	S	VARIOUS PEOPLE FROM TIME TO TIME
KG	ì	AND DOES ANYBODY ELSE CARRY OUT EDITORIAL FUNCTIONS
СТ	S	NO

Person Speaking	Text
KG	FINE WHO DOES THE ARTICLE REFER TO
CTS	IT DOESN'T SAY
KG	BUT YOU HAVE PREVIOUSLY CONFIRMED THAT YOU WROTE THE ARTICLE
CTS	YES
KG	SO WHO WERE YOU REFERRING TO WHEN YOU WROTE THE ARTICLE
CTS	I HAVEN'T IDENTIFIED THE PERSON THE ARTICLE REFERS TO
KG	BUT THAT IS THE QUESTION I AM ASKING WHO WAS THE PERSON YOU WERE REFERRING TO
CTS	IT IS NOT IDENTIFIED THE PERSON IS NOT IDENITIFIED, IS NOT NAMED
KG	I UNDERSTAND THAT BUT WHO WERE YOU INTENDING TO REFER TO
CTS	OH TO COUNCILLOR MARSH
KG	THANK YOU
	WHAT WAS INTENDED BY THE ARTICLE
CTS	IT WAS TO QUOTE WHAT HE SAID
KG	FINE. WHAT DID HE SAY
CTS	ONE OF THE THINGS HE SAID WAS THAT HE WAS NOT A REAL TORY
KG	AND WHO DID HE SAY THAT TO
CTS	TO A LADY IN GREGSON LANE
KG	AND DID SHE PROVIDE THIS INFORMATION TO YOU
CTS	NO
KG	HOW DID YOU COME ABOUT THIS INFORMATION
CTS	SOMEONE ELSE TOLD ME ABOUT IT SHE TOLD THEM
KG	AND WHO TOLD, WHO TOLD YOU
CTS	THAT PERSON
KG	COULD YOU NAME THAT PERSON
CTS	NO
KG	FINE. WHAT WAS INTENDED BY THE USE OF THE WORD DEFECATOR
CTS	IT WAS A MISPRINT
KG	IT WAS A MISPRINT

	Person Deaking	Text
CTS	`	YES I TOLD YOU THAT IN MY LETTER
KG		KNOW BUT I WANTED IT FOR THE PURPOSES OF THE TAPE
CTS	I	T WAS A MISPRINT
KG	I	FINE
		N RELATION TO THE ARTICLE THAT APPEARED IN THE PREVIOUS ADDITION IN WHICH IT WAS STATED THAT A COUNCILLOR HAD LEFT TO JOIN THE TORIES – DID YOU WRITE THAT ARTICLE
CTS		YES BUT I DON'T REMEMBER THE PARTICULAR ARTICLE BECAUSE IT HAS NOT BEEN IDENTIFIED
KG		RIGHT
		DO YOU RECALL THE ARTICLE
CTS	1	NO
KG		RIGHT SO HOW COULD YOU THEN SAY THAT YOU WROTE IT
CTS	Y	WELL I WRITE PRACTICALLY EVERYTHING IN THE IDLE TOAD
KG		RIGHT – OBVIOUSLY YOU HAD PREVIOUSLY SAID THAT OTHER PEOPLE HAD WROTE ARTICLES
CTS	(OH YES YES
KG	1	BUT NOT THIS ONE
CTS	1	NO NO
KG	I	DID YOU EDIT THE ARTICLE
CTS	`	YES I AM THE EDITOR OF THE IDLE TOAD
KG		JUST CLARIFYING ISSUES – WHO DID THE ARTICLE REFER TO
CTS	-	WELL I CAN'T REMEMBER. I DON'T PARTICULARLY REMEMBER THE ARTICLE. IT MIGHT HAVE BEEN A REFERENCE, A PASSING REFERENCE IN SOMETHING I WROTE
KG		DO YOU THINK THAT REFERENCE WAS IN RESPECT OF COUNCILLOR MARSH
CTS		T MIGHT HAVE BEEN
KG		FINE –
	,	WHAT WAS INTENDED BY THE ARTICLE WHICH I PRESUME FROM WHAT YOU HAVE SAID WOULD BE A BIT DIFFICULT TO SAY AS YOU CAN'T RECALL IT. I THINK WE WILL MOVE ON
	:	WHAT DO YOU BELIEVE TO BE THE CIRCUMSTANCES SURROUNDING COUNCILLOR MARSHS DECISION TO LEAVE THE DLE TOAD PARTY
CTS		DON'T KNOW HE NEVER TOLD ME

Person Speaking	Text
KG	RIGHT SO THERE WAS NO CIRCUMSTANCES LEADING UP TO HIS LEAVING THE PARTY
CTS	YES THERE WERE CIRCUMSTANCES
KG	WHAT ARE THOSE CIRCUMSTANCES
CTS	THAT HE TELEPHONED ME AS I SAID IN MY LETTER. HE TELEPHONED ME EARLY ONE MORNING IN JANUARY LAST YEAR AND SAID WAS I GOING TO A TRAINING EVENT THAT EVENING AND I SAID YES. HE SAID THAT'S ME FINISHED THEN AND PUT THE PHONE DOWN
KG	AND THAT WAS THE END OF THE CONVERSATION
CTS	YES
KG	AND NOTHING HAS BEEN SAID SINCE
CTS	NO
KG	FINE
	THAT IS THE END OF THE QUESTIONS I WOULD LIKE TO ASK YOU. IS THERE ANYTHING YOU WISH TO SAY IN RESPECT OF THE COMPLAINT, OR ISSUES SURROUNDING IT OR ANYTHING ELSE YOU WOULD LIKE TO SAY BEFORE I TERMINATE THE INTERVIEW
CTS	YES I WOULD LIKE TO HAVE THE ALLEGATIONS IN WRITING AND WHAT AND WHAT RULES I AM SUPPOSED TO HAVE BROKEN. I HAVE ASKED REPEATEDLY FOR THIS INFORMATION AND YOU HAVEN'T GIVEN IT TO ME
KG	AS I HAVE STATED COUNCILLOR SHARRATT THE COMPLAINT IS THE IN COMPLAINT FORM THE AREAS OF THE CODE OF CONDUCT WHICH ARE ALLEGED TO HAVE BEEN BREACHED ARE THOSE THAT HAVE BEEN PROVIDED TO YOU PREVIOUSLY IN WRITING
CTS	I DON'T KNOW WHAT I AM ACCUSSED OF. IT'S VERY DIFFICULT FOR ME TO RESPOND TO WHAT I AM ACCUSED OF
KG	I FIND IT VERY HARD TO NOT FOR YOU NOT TO UNDERSTAND WHAT YOU ARE ACCUSED OF WHEN ALL THE PAPERWORK HAS BEEN PROVIDED. I HAVE WRITTEN I HAVE READ TO YOU THE NATURE OF THE COMPLAINT THIS MORNING AND WE HAVE DISCUSSED THE ISSUES IN RESPECT OF THE CODE OF CONDUCT
CTS	AND I HAVE POINTED OUT THAT THE ISSUES WHICH YOU STATE IN YOUR LETTER OF THE 9^{TH} MARCH DO NOT IN FACT APPEAR IN COUNCILLOR MARSH'S COMPLAINT
KG	AND I HAVE EXPLAINED COUNCILLOR SHARRATT THERE IS NO NEED FOR THOSE ISSUES TO ARISE IN COUNCILLOR MARSH'S COMPLAINT
CTS	THEN IT IS VERY DIFFICULT FOR ME TO RESPOND. I WOULD FURTHER LIKE YOU TO SPECIFY THE RULE OF DOUBLE JEOPEARDY
KG	THERE IS NO DOUBLE JEOPEARDY IN THIS INSTANCE COUNCILLOR SHARRAT. YOU ARE NOT BEING TRIED FOR THE SAME ISSUE TWICE. THIS HAS BEEN EXPLAINED TO YOU IN CORRESPONDENCE WITH DAVID WHELAN WHICH AGAIN IS

Person Speaking	Text
	CORRESPONDENCE WHICH WILL GO BEFORE THE STANDARDS COMMITTEE
CTS	I FIND IT HARD TO BELIEVE THAT THE RULE OF DOUBLE JEOPARDY DOES NOT APPLY IN THIS CASE WHERE I AM BEING TRIED TWICE FOR THE SAME OFFENCE
KG	YOU ARE NOT BEING TRIED FOR THE SAME OFFENCE. IT WAS EXPLAINED TO YOU IN WRITING THAT THE COMPLAINANT HAD A RIGHT TO APPEAL AGAINST THE ORIGINAL DECISION. MORE EVIDENCE WAS PROVIDED WHICH IS THE LETTER WHICH YOU HAVE ALSO BEEN PROVIDED WITH FROM COUNCILLOR MARSH AND FROM THAT THE REVIEW SUB COMMITTEE CONCLUDED THAT THERE WAS AN AREA FOR FURTHER INVESTIGATION HENCE THE INTERVIEW TODAY
CTS	WILL YOU PROVIDE ME WITH A COPY OF THE TAPE
KG	YES YOU ARE ENTITLED TO A COPY OF THE TAPE
CTS	THANKYOU
KG	THANKYOU
KG	IS THERE ANYTHING ELSE YOU WOULD WISH TO SAY
CTS	NO
KG	THE TIME IS NOW 11.15 THERE ARE NO MORE QUESTIONS TO ASK AND THIS INTERVIEW IS TERMINATED THANK YOU

END OF INTERVIEW