

COUNCIL

23 MARCH 2017

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

ADJUDICATION PANEL FOR WALES – NOTICE OF DECISION

Reason for this Report

1. To inform Council of the recent decision of the Adjudication Panel for Wales (APW) in relation to a complaint against Councillor McEvoy.

Background

2. In August 2015 the Council's Monitoring Officer referred to the Public Services Ombudsman for Wales a number of complaints she had received from staff members, members of the public and other Councillors alleging that Councillor Neil McEvoy's conduct on and about Thursday 23rd July 2015 had breached the Members' Code of Conduct and put Council employees at risk.
3. The Ombudsman investigated the complaints and issued a report of his findings under section 69 of the Local Government Act 2000. The Ombudsman's finding was that the report of his investigation should be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

Issues

4. A Case Tribunal was convened by the President of the Adjudication Panel for Wales and a public hearing was held on Thursday 2nd and Friday 3rd March 2017 at the Cardiff and Vale Magistrates Court.
5. The Case Tribunal "*found by unanimous decision that Councillor McEvoy failed to comply with Cardiff Council's Code of Conduct*" and "*that Councillor McEvoy should be suspended from acting as a member of Cardiff Council for a period of one month*". A copy of the APW's Notice of Decision dated 3rd March 2017 is appended as **Appendix A** to this report. Members will note that Councillor McEvoy has the right to seek the leave of the High Court to appeal against the decision. Permission to appeal must be requested by filing a notice at the High Court within 21 days from the date of the decision (Civil Procedure Rules, Rule 52.12(2) (b)).

6. The APW's full Decision Report has also now been published on the APW website dated 14th March 2017 at <http://apw.gov.wales/decision/refs1-decisions/ref-apr16-mar17/cllr-neil-mcevoy-final/?lang=en>
7. The implications of the Adjudication Panel's decision are that Councillor McEvoy is suspended from the Office of Councillor for 1 month from 3 March 2017 to 3 April 2017. The suspension means that his allowance as Councillor has been stopped; his email account suspended; and a note put on the website to advise of his suspension. Mr McEvoy may raise matters in his role as Assembly Member or as a member of the public during his suspension period.

Legal Implications

8. Under Part III of the Local Government Act 2000 ("the Act"), the Public Services Ombudsman may investigate complaints of misconduct by elected Members. Following such an investigation, the Ombudsman may determine that the matters which are the subject of the investigation should be referred to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(1) of the Act ("a case tribunal").
9. This is the first time Cllr McEvoy has been found to be in breach of the Code of Conduct. If there were to be any further breaches of the code, this breach would be taken into account in deciding on an appropriate sanction.

Financial Implication

10. There are no direct financial implications arising from the content of this report.

Recommendations

The Council notes the findings of the Adjudication Panel for Wales in relation to this case.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING
OFFICER
15 March 2017

Appendix A – Adjudication Panel for Wales, Notice of Decision, Tribunal Case Reference APW/002/2016-017/CT, dated 3rd March 2017

Background Paper

Adjudication Panel for Wales, Decision Report, Tribunal Case Reference APW/002/2016-017/CT, dated 14th March 2017
<http://apw.gov.wales/decision/refs1-decisions/ref-apr16-mar17/cllr-neil-mcevoy-final/?lang=en>