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AGENDA

Committee	STANDARD AND ETHICS SUB COMMITTEE - HEARING PANEL CDC19/010
Date and Time of Meeting	WEDNESDAY, 13 JANUARY 2021, 9.45 AM
Venue	REMOTE MEETING VIA MS TEAMS
Membership	Councillor James Downe (Chair) Councillors Bartlett and Hollie Edwards-Davies

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Hearing under the Local Resolution Protocol (*Pages 3 - 144*)

Report of the Deputy Monitoring Officer

[Information relating to individuals has been redacted, on the basis that it is exempt from publication under the Local Government Act 1972, Schedule 12A, paragraphs 12 and 13]

Davina Fiore
Director Governance & Legal Services
Date: Thursday, 7 January 2021
Contact: Mandy Farnham,
02920 872618, Mandy.Farnham@cardiff.gov.k

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**CYNGOR CAERDYDD
CARDIFF COUCIL**



**STANDARDS & ETHICS COMMITTEE
SUB-COMMITTEE:**

13th January 2021

REPORT OF THE DEPUTY MONITORING OFFICER

HEARING UNDER THE LOCAL RESOLUTION PROTOCOL

The appendices to the report have been redacted to remove personal information which is Exempt from publication under paragraphs 12 and 13 of Schedule 12A to the Local Government Act 1972

Reason for this Report

1. To enable the Hearings Panel (Sub-Committee) to determine a complaint referred to it under the Local Resolution Protocol.

Background

2. The Council has adopted a Local Resolution Protocol for the resolution of low-level 'Member on Member' complaints (updated in November 2017), attached as **Appendix H**.
3. Under the Protocol, if a complaint is not resolved informally, the complainant may request the Monitoring Officer to refer their complaint to a Hearings Panel (sub-committee of the Standards and Ethics Committee) for determination.
4. The Standards and Ethics Committee has adopted a Local Resolution Hearings Procedure for hearings under the Local Resolution Protocol (updated in March 2016), attached as **Appendix J**.

Issues

5. The Monitoring Officer has referred a complaint to the Hearings Panel under the Local Resolution Protocol. The Monitoring Officer's report attached as **Appendix 1** sets out the details of the complaint submitted, the Monitoring Officer's attempts to resolve it informally and her investigation.

6. As the Monitoring Officer has been involved in attempts to informally resolve the complaint, she has asked the Deputy Monitoring Officer to advise the Hearings Panel in relation to the hearing.
7. In preparation for the Hearing, Cllr Michael was asked to confirm the details of his complaint (in accordance with the Local Resolution Procedure paragraph 3.1). On 19th February 2020, during correspondence on this matter, Cllr Michael raised an additional complaint about inaccurate and misleading information given by Cllr McEvoy to a member of the public (details of which are set out under Cllr Michael's Complaint, point 4, below).
8. The complaints for determination by the Hearings Panel, as confirmed by Cllr Michael on 20th February 2020, are set out below.

CLLR MICHAEL'S COMPLAINT

Cllr Michael says that Cllr McEvoy has put out inaccurate and misleading information to the public, specifically:

- (1) Information about the Local Development Plan (LDP) put out by Cllr McEvoy in a newsletter for residents ('the Newsletter', **Appendix A**), informing of a public consultation meeting with 'local Assembly Member, Neil McEvoy', to be held on 1st July 2019,; specifically, the statement that after the next Council elections "we can revoke and reform the LDP to stop more building on green fields". Cllr Michael says this statement is wrong.
- (2) Information in a letter dated 11th July 2019 ('the Letter', **Appendix B**) sent by Cllr McEvoy as Assembly Member for South Wales Central to members of Fairwater Athletic Club ('the Club' or 'FSAC'), regarding a public meeting to be held on 15th July 2019 to discuss the future of the Club, in particular, the statement in the Letter saying "The mess left by the former secretary was nothing short of shocking". Cllr Michael says this statement is inaccurate.
- (3) Information given by Cllr McEvoy at a public meeting held on 15th July 2019 in Fairwater ('the Public Meeting') to discuss the Fairwater Social and Athletic Club ('the Club' or 'FSAC'), specifically, the following:
 - (i) Cllr McEvoy said that a proposed land swap between the Council and the Club was a complete set of lies and that such a deal had not been discussed – Cllr Michael says that this statement is untrue;
 - (ii) Cllr McEvoy said that Cllr Goodway had promised to build a new club – Cllr Michael says this statement is untrue; and
 - (iii) Cllr McEvoy misinformed those at the meeting about the financial position of the Club.

- (4) Information published by a member of the public on the Fairwater Community Group Facebook page on /around 12th February 2020 ('the Facebook post', **Appendix C**), indicates that Cllr McEvoy had informed her that 'he plans to try to stop the second phase of the Llantrisant Road' housing development. Cllr Michael says that there is no second phase in the planning process as the development has planning permission; and building may have phases but those are up to the developer and cannot be stopped or influenced by Cllr McEvoy.

Alleged breach of the Code

9. Cllr Michael says that Cllr McEvoy's conduct in relation to the information given in (1) the Newsletter; (2) the Letter; (3) the Public Meeting; and (4) the Facebook post, could reasonably be regarded as bringing the office of Councillor or the Council into disrepute, and is in breach of paragraph 6.1 (a) of the Members' Code of Conduct. The Members Code of Conduct is attached as **Appendix G**.

Evidence provided by Cllr Michael in support of the Complaints

10. Cllr Michael has supplied copies of the following documents in support of his complaints:

In relation to Complaint 1

- Newsletter published by Neil McEvoy (undated), 'Fight still on to stop Labour's 'Carmageddon' (**Appendix A**)

In relation to Complaints 2 and 3:

- Letter sent by Neil McEvoy AM to Members of Fairwater and Athletic Club, dated 11th July 2019 (**Appendix B**)
- Minutes of Club Committee meeting on 07/08/2017 (unsigned) – **Appendix B2**
- Internal Memorandum from Secretary of Fairwater Social and Athletic Club (DR) to Trustees and Committee of the Club re. Club's Financial Position and Insolvency, dated 21/22 October 2017 – **Appendix B3**
- Various correspondence (emails and 1 memo) between the Club Secretary (DR) and the Chair (SA) dated between 22/10/2017 and 16/11/2017 regarding financial position of Club – **Appendix B4**
- Email advice from Insolvency Practitioner (BD) to 'Nick@hdj-westlake' (Surveyors and Valuers), copied to DR, dated 15/11/2017 – **Appendix B5**
- Email from Account Manager at Molson Coors to DR ('drllandaff@yahoo.co.uk') dated 19/11/2017 – **Appendix B6**
- 3 Emails from Cllr Michael to Chair (SA) dated 23/10/2017, 30/10/2017 & 21/11/2017 – **Appendix B7**

- Email from Trustee (SJ) to Chair (SA) dated 21/11/2017 (resignation as Trustee) – **Appendix B8**
- Email from Secretary (DR) to Chair (SA) dated 16/12/2017 (resignation / appointment of Trustees) – **Appendix B9**
- Letter (undated) from Cllr Neil McEvoy AM to SJ (Trustee) re. Club's position – **Appendix B10**
- Plaid Cymru newsletter (promoted by Neil McEvoy) informing of a public meeting on 18th December to 'Save the Social Club' – **Appendix B11**
- The Club's Accounts for year end 31/12/2015 – **Appendix B12**
- Schedule of various Planning Committee Decisions (2016/17) – **Appendix B13**
- Email from Cllr Michael to Silverbacklaw dated 01/04/2019 confirming his resignation from the Club – **Appendix B14**
- Email from former Club Secretary, DR, to Cllr Michael dated 05/01/2020 – **Appendix B15**
- Statement of NJC dated 15/01/2020 – **Appendix B16**
- Statement of SDC dated 15/01/2020 – **Appendix B17**

In relation to Complaint 4:

- Screenshot of Fairwater Community Group Facebook page, 13th February 2020 (**Appendix C**)

Witnesses requested by Cllr Michael

11. Cllr Michael wishes to call:

- (1) **Phil Williams, the Council's former Head of Planning** - Cllr Michael has been informed that the Panel will receive advice from the Council's Head of Planning. However, Cllr Michael still wishes to call Phil Williams, because he 'is an expert in planning and I believe that although the panel will have advice from the Council's Head of Planning hearing someone who was responsible for the start of the LDP process in real time and to be able to question him as well as myself being able to test Coun McEvoy's half truths and misleading statements would be useful in getting the facts out.'
- (2) **Cllr Lynda Thorne** – Cllr Michael says Cllr Thorne can give evidence about the land swap discussions referred to in Complaint point 3(i))
- (3) **Cllr Russell Goodway** (referred to in Complaint point 3(ii))

Cllr Michael also requested to call Mr Roberts, Former Secretary of Fairwater Social and Athletic Club. However, Mr Roberts has unfortunately since passed away.

CLLR MCEVOY'S RESPONSE

12. On 24th February 2020, an email was sent to Cllr McEvoy, providing full details of the complaints (with copies of all evidence submitted and a list of the complainant's requested witnesses) and asking for his response, to include the information required from him under the Local Resolution Procedure paragraph 3.2 (documentary evidence, witnesses etc). Cllr McEvoy was asked to provide the requested information by 9th March 2020, after which date arrangements would be made for a hearing to determine the complaint on the basis of the information held.
13. On 24th February 2020, Cllr McEvoy emailed the Monitoring Officer saying he had not received any previous emails about these complaints due to problems with his Council IT account. He maintained that his statements were correct and said that he would respond further.
14. This matter was not progressed further during the period from March to October 2020 due to the Covid-19 pandemic and related Council service priorities.
15. On 26th October 2020, an email was sent to Cllr McEvoy notifying him that arrangements were being made to hold a virtual hearing to determine these complaints, providing further copies of all documentation in support of the complaints and asking him to provide any response to the complaints by 30th November 2020. Cllr McEvoy responded the same day to question the admissibility of the complaints, to which a response was sent explaining how the complaint was being dealt with fully in accordance with the approved Local Resolution Procedure.
16. On 30th October 2020, Cllr McEvoy emailed a response to each of the complaints as set out in **Appendix D**.

Evidence submitted by Cllr McEvoy in support of his Response

17. None

Witnesses requested by Cllr McEvoy

18. None

LATE EVIDENCE

19. On 4th November 2020, Cllr Michael submitted further evidence in support of his complaints; and on 9th November 2020 he submitted further late evidence. The late evidence submitted is appended as **Appendix E**, and comprises of the following:

- (1) Emails between Cllr McEvoy and David Roberts, the former FSAC Secretary, dated July 2019, submitted as showing that Cllr McEvoy's comments regarding

the FSAC Secretary were wrong, relating to point 2 of the complaint – **Appendix E1**

- (2) Emails from senior Council officers (the Director of Economic Development, Principal Surveyor and former Head of Estates) confirming discussions about the FSAC, in relation to point 3 of the complaint – **Appendix E2**
 - (3) Emails (with various screen shot attachments) from 2 members of the public relating to allegedly inaccurate and misleading information Cllr McEvoy was said to have given about the LDP at public meetings held in February /March 2020 – **Appendix E3**
20. Cllr Michael was advised that, in accordance with paragraph 9 of the Local Resolution Procedure, he would require the permission of the Panel for this evidence to be considered.
 21. A copy of the late evidence submitted by Cllr Michael was forwarded to Cllr McEvoy, who was invited to provide any representations on the admission of this evidence and any response. Cllr McEvoy responded directly to one of the members of the public who had provided evidence for Cllr Michael (referred to in point 3 above), reiterating his position that his political group would seek to revoke the LDP when in control of Cardiff Council. His response to the late evidence is attached as **Appendix F**.
 22. On 14th December 2020, Cllr McEvoy submitted further evidence in response to point (3)(ii) of the complaint (set out in paragraph 8 of this report), comprising of an email confirming that a new club was promised for the FSAC. Cllr McEvoy was advised that, in accordance with paragraph 9 of the Local Resolution Procedure, he would require the permission of the Panel for this evidence to be considered. A copy of the late evidence submitted by Cllr McEvoy was forwarded to Cllr Michael, who was invited to provide any representations on the admission of this evidence and any response. Cllr Michael responded to this late evidence on 15th December 2020. The further evidence submitted by Cllr McEvoy and the response to this evidence from Cllr Michael is attached as **Appendix FF**.

ARRANGEMENTS FOR THE HEARING

23. **Hearing Date** - As noted above, the scheduling of this hearing has unfortunately been delayed due to the Covid pandemic and related Council service priorities. In accordance with the regulations governing local authority meetings during the pandemic (SI 2020/442), the hearing is to be held remotely. Both Councillors were requested to provide details of their availability for the hearing and the hearing date has been fixed having regard to the response received.
24. **Public Access** - Standards Hearings are held in public, unless the Panel is satisfied it is appropriate to exclude the public for the discussion of exempt information (under the Local Government Act 1972, Schedule 12A). The

evidence submitted by the parties and appended to this report contain personal information about third parties, which is exempt under paragraphs 12 and 13 of the LGA 1972, Schedule 12A, and has therefore been redacted. Both Councillors have been asked to indicate whether they wish to apply to the Panel for the public and press to be excluded from the hearing. Neither party has indicated that they wish to apply for the public to be excluded. Therefore, the hearing may proceed in public, but all parties will be advised of the need to take care not to unlawfully disclose any personal information when giving evidence or submitting representations to the Panel.

25. **Late evidence** – the Panel must decide whether the late evidence submitted by Cllr Michael and by Cllr McEvoy (**Appendix E** and **Appendix FF**) should be allowed, having regard to the representations made and the relevant provisions of the Hearings Procedure, which says that the Panel shall ‘always seek to ensure that neither party is prejudiced and all parties are able to present evidence which is relevant to the matters before the Panel’.
26. **Witnesses** – the Chair has reviewed the arrangements for the hearing and ruled that it is not necessary to call the Council’s former Head of Planning (Mr Phil Williams) as a witness at the hearing. This ruling has been made in the interests of an efficient hearing under the Chair’s powers under the Hearings Procedure paragraph 7.1, on the basis that any expert planning advice which the Panel may require can be provided by the Council’s current Head of Planning or his representative. Both councillors have been notified of the Chair’s ruling. The Panel may call the Head of Planning (or his representative) to provide any advice and assistance required on planning matters (under the Hearings Procedure, paragraph 7.3), and the Head of Planning has confirmed that he or his representative will be available to attend the hearing if required. Cllr Goodway and Cllr Thorne have been invited to attend as witnesses on behalf of the complainant, as requested.
27. Both Councillors were sent a Pre-Hearing Councillor Questionnaire in respect of arrangements for the hearing; and their responses are attached as **Appendix K** and **Appendix L**.

Legal Implications

28. Under the Local Government Act 2000, the Members’ Code of Conduct sets out the duties with which elected Members must comply. The Public Services Ombudsman for Wales may investigate complaints that a Member has breached the Code of Conduct. The Ombudsman encourages Councils to adopt local resolution processes to resolve relatively low level Member on Member complaints.
29. The Local Resolution Protocol (**Appendix H**) sets out Cardiff’s arrangements for local resolution of Member complaints. The Protocol, paragraph 4.2, sets out the sanctions which may be imposed if the Hearings Panel finds a breach of the Code of Conduct, and paragraph 4.3 sets out factors which should be taken into account in considering any appropriate sanction.

30. The procedure to followed by the Hearings Panel in this matter is set out the Local Resolution Hearings Procedure, appended as **Appendix J**.

Financial Implications

31. There are no direct financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

- (1) Note the contents of this report and the appendices;
- (2) Consider the following preliminary matters:
 - (a) Whether or not the late evidence (**Appendix E** and or **Appendix FF**) should be allowed; and
 - (b) To call the Head of Planning (or his nominated representative) to provide any advice or clarification required by the Panel in relation to relevant planning issues;
- (3) Hold a hearing in accordance with the Local Resolution Hearings Procedure to determine whether or not Cllr McEvoy has breached the Code of Conduct, and any recommendation or sanction to be issued, if appropriate;
- (4) Announce the Panel's decision; and
- (5) Authorise the Deputy Monitoring Officer, in consultation with the Chair, to finalise the Hearings Panel's written decision and publish it in accordance with the Hearings Procedure.

James Williams

Operational Manager, Litigation & Deputy Monitoring Officer

17th December 2020

APPENDICES

The appendices to the report have been redacted to remove personal information which is Exempt from publication under paragraphs 12 and 13 of Schedule 12A to the Local Government Act 1972

- 1 MO's Report
- A Newsletter referred to in Complaint 1
- B Letter referred to in Complaint 2

- B2 Minutes of Club Committee meeting on 07/08/2017 (unsigned)
- B3 Internal Memorandum from Secretary of Fairwater Social and Athletic Club (DR) to Trustees and Committee of the Club re. Club's Financial Position and Insolvency, dated 21/22 October 2017
- B4 Various correspondence (emails and 1 memo) between the Club Secretary (DR) and the Chair (SA) dated between 22/10/2017 and 16/11/2017 regarding financial position of Club
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- B6 Email from Account Manager at Molson Coors to DR ('drllandaff@yahoo.co.uk') dated 19/11/2017
- B7 3 Emails from Cllr Michael to Chair (SA) dated 23/10/2017, 30/10/2017 & 21/11/2017
- B8 Email from Trustee (SJ) to Chair (SA) dated 21/11/2017 (resignation as Trustee)
- B9 Email from Secretary (DR) to Chair (SA) dated 16/12/2017 (resignation / appointment of Trustees)
- B10 Letter (undated) from Cllr Neil McEvoy AM to SJ (Trustee) re. Club's position
- B11 Plaid Cymru newsletter (promoted by Neil McEvoy) informing of a public meeting on 18th December to 'Save the Social Club'
- B12 The Club's Accounts for year end 31/12/2015
- B13 Schedule of various Planning Committee Decisions (2016/17)
- B14 Email from Cllr Michael to Silverbacklaw dated 01/04/2019 confirming his resignation from the Club
- B15 Email from former Club Secretary, DR, to Cllr Michael dated 05/01/2020
- B16 Statement of NJC dated 15/01/2020
- B17 Statement of SDC dated 15/01/2020

- C Facebook post referred to in Complaint 4

- D Cllr McEvoy's Response to the Complaints

- E Late Evidence submitted by Cllr Michael
- E1 Emails between Cllr McEvoy and DR, the former FSAC Secretary, dated July 2019
- E2 Emails from the Director of Economic Development, Principal Surveyor and former Head of Estates confirming discussions about the FSAC
- E3 Emails (with various screen shot attachments) from 2 members of the public relating to public meetings held in February /March 2020

- F Cllr McEvoy's Response to the Late Evidence submitted by Cllr Michael
- FF Late evidence submitted by Cllr McEvoy and Cllr Michael's response to it

- G Members' Code of Conduct
- H Local Resolution Protocol
- J Local Resolution Hearings Procedure
- K Response to Pre-Hearing Councillor Questionnaire, Cllr Michael
- L Response to Pre-Hearing Councillor Questionnaire, Cllr McEvoy

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Cllr Michael requested that Cllr McEvoy be asked to also correct these statements.

Informal Resolution

The Monitoring Officer (MO) emailed Cllr McEvoy on 3rd September 2019 to notify him of Cllr Michael's complaint, and again on 4th September 2019 to notify him of the further complaint. The MO advised Cllr McEvoy that his behaviour was potentially a breach of the Members' Code of Conduct duty (in paragraph 6.1(a) of the Code) to not conduct himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute. She explained that this duty applies to Members at all times, not only when they are acting in their role as Councillor, so would apply even if Cllr McEvoy was acting in his role as Assembly Member. The MO asked if Cllr McEvoy had any comments in response to the complaints and whether he was prepared to correct his statements. She advised that if she received no response by 17/09/2019, she would refer the complaint to the Hearings Panel, as requested by Cllr Michael.

The Monitoring Officer received no response from Cllr McEvoy.

Monitoring Officer's Investigation

On 3rd September 2019, the Monitoring Officer sought advice from the Council's Head of Planning on whether or not Cllr McEvoy's statements in relation to the LDP (Local Development Plan) were accurate. The response provided by the Head of Planning and a senior planning lawyer is set out in **Appendix 1A**.

Referral to the Hearings Panel

1. In October 2019, the Monitoring Officer referred Cllr Michael's complaints to the Hearings Panel, in accordance with the Local Resolution Procedure paragraph 2.4(b).
2. As the Monitoring Officer had been involved in attempts to informally resolve the complaint, she asked the Deputy Monitoring Officer, James Williams, to advise the Hearings Panel.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
3rd December 2020

APPENDICES

Appendix 1A – Email advice from Head of Planning and senior planning lawyer

From: [REDACTED]
To: [Fiore, Davina](#); [Shimell, Geoff](#)
Cc: [Williams, James](#); [REDACTED]
Subject: RE: Complaint from Cllr Michael about Cllr McEvoy
Date: 05 September 2019 10:39:54
Attachments: [REDACTED]

Dear Davina,

Councillor McEvoy makes the statement in his pamphlet ‘..we can revoke and reform the LDP..’ As James points out there is a statutory power under s68 of the Planning and Compulsory Purchase Act 2004 for the Welsh Ministers to revoke the LDP at the request of the Local Planning Authority.

The LDP was adopted having been found to be sound by the Welsh Government Inspectors following an extensive public consultation and independent examination, given the importance that the Welsh Government attach to the plan led system and as there as measures in place to address plan monitoring and review as referred to by James below it is difficult to envisage in what circumstances the Welsh Government would exercise this power. I have attached a copy of previous correspondence with Councillor McEvoy regarding revocation of the LDP for your information.

I would point out that James’ reference to the deadline for any judicial review –should be a reference to 6 weeks following the grant of outline planning permission not 6 months as stated below. Also with regard to the statement ‘planning permissions cannot be revoked’, s97 of the Town and Country Planning Act 1990 does provide a procedure for the revocation of a planning permission but it is very rarely used because it is subject to a liability to pay compensation under s107 of that Act for abortive expenditure and for any other loss or damage directly attributable to the revocation.

Regards

[REDACTED]
 Cyfreithiwr/Solicitor

ar ran Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol /
 for Director of Governance and Legal Services

Cyngor Caerdydd / Cardiff Council

Ebost/Email: [REDACTED]

Ffon/Tel: [REDACTED]

Ystafell 475, Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW

Room 475, County Hall, Atlantic Wharf CARDIFF CF10 4UW

From: Fiore, Davina

Sent: 04 September 2019 15:12

To: Shimell, Geoff <G.Shimell@cardiff.gov.uk>; [REDACTED]

Cc: Williams, James <James.Williams2@cardiff.gov.uk>; [REDACTED]
 [REDACTED]

Subject: FW: Complaint from Cllr Michael about Cllr McEvoy

Dear Geoff and [REDACTED]

Cllr Michel has complained that the attached from Cllr McEvoy contains incorrect info. I have asked James Clemence to confirm for me whether what Cllr McEvoy says is accurate or not and he has responded as set out below and has suggested that I ask you for your comments on this too. Thanks

Davina

From: Clemence, James <J.S.Clemence@cardiff.gov.uk>

Sent: 04 September 2019 12:25

To: Fiore, Davina <Davina.Fiore@cardiff.gov.uk>

Subject: RE: Complaint from Cllr Michael about Cllr McEvoy

Hi Davina,

'Plasdw'r' is made up of a number of outline planning permissions that related to LDP strategic site C, comprising 'North West Cardiff' (pp 14/02733/MJR), Land South of Pentreban Rd (pp 14/02188/MJR), Land North and South of Llantrisant Rd (14/02157/MJR) and Goitre Fach Farm (16/00106/MJR). Outline planning permission has also been granted for 'Land North of M4 J33' (pp. 14/00852/DCO) on LDP strategic site D. Overall, the number of units granted consent are as follows:

Site C – total 7,190 comprising:

14/02733MJR – North West Cardiff - up to 5,970

14/02157/MJR – Land N&S of Llantrisant Rd – up to 630

14/02188MJR – Land S of Pentreban Rd – up to 290

16/00106MJR – Goitre Fach Farm – up to 300

14/00852DCO – Land N of M4 J33 – up to 1500

C+D = 8690

The deadline for any judicial review – six months following the grant of outline planning permission - has long passed for these applications and the outline permissions cannot now be revoked by the Council or any other body, through any revocation of the local development plan or any other mechanism. To commence development following the grant of outline permission, conditions attached at outline have to be discharged and reserved matters applications have to be approved. Since the outline permissions were granted, discharge of condition applications and a number of reserved matters applications have been approved and building work has commenced on a number of development parcels. Revoking and reforming the LDP, as suggested by Cllr McEvoy, cannot stop the development on the LDP strategic sites that benefit from outline planning permission, as planning permissions cannot be revoked.

In terms of the revocation procedure with the LDP, I've copied relevant extracts from legislation, below. My understanding is that this is very much a 'back-up mechanism' built into legislation to warrant such an action in the event that exceptional circumstances emerge. You may wish to seek further advice from Vesna & Geoff on this. It is considered highly unlikely that WG are likely to exercise this power unless in very exceptional circumstances and I note there is no provision to revoke part of an LDP.

In this respect, pl. note that WG very much support the Plan-led approach and LDP review mechanisms (as opposed to revocation) are built-in to ensure that Plans remain up to date. In this way, full or partial reviews take place and once those processes have been completed, the 'old' LDP is withdrawn and replaced by the newly adopted Plan following completion of the review process. (We'll be setting out our approach to this in the October cycle- looking at going for Full Review- in form of Replacement LDP- but not in public domain at present.

Overall, in response to your question, it is therefore considered that the leaflet is not accurate but suggest you seek further advice from Geoff/Vesna to confirm.

From looking at the LDP Manual, 2004 Act and LDP Regs (see extracts below) the power to revoke an LDP rests with Welsh Government and this can be done at any time at the request of the LPA.

Extract from LDP Manual

11.4 Revocation

11.4.1 Under section 68 of the 2004 Act the Welsh Government may revoke an LDP at the request of the LPA at any time. The LPA must remove the LDP from inspection, publicise and give notice of the fact, and take any steps it considers necessary to draw the matter to the attention of people

living or working in the area (Regulation 39(5)).

Section 68 of Planning and Compulsory Purchase Act 2004

Revocation of local development plan

The Assembly may at any time revoke a local development plan at the request of the local planning authority.

Extract LDP Regulations

Availability of adopted or approved LDP

39.—(1) *Paragraph (2) applies where an LPA adopts, or the National Assembly approves, an LDP.*

(2) As soon as reasonably practicable after the document is adopted or approved, the LPA must—

(a) make a copy of the LDP available for inspection at its principal office during normal office hours;

(b) publish the LDP on its website.

(3) Paragraph (4) applies where an LPA adopts, or the National Assembly approves, a revision of an LDP.

(4) As soon as reasonably practicable after the revision is adopted or approved, the LPA must incorporate the revision into the LDP made available for inspection and published under paragraph (2).

(5) Where the National Assembly revokes an LDP, the LPA must, within two weeks of the date on which the LDP was revoked—

(a) publish a statement of that fact on its website;

(b) remove the copy of the LDP made available for inspection and published under paragraph (2);

(c) take such other steps as it considers necessary to draw the revocation of the LDP to the attention of persons living or working in their area; and

(d) give notice of the revocation of the LDP by local advertisement.

From: Fiore, Davina

Sent: 03 September 2019 16:44

To: Clemence, James

Subject: Complaint from Cllr Michael about Cllr McEvoy

Hi,

Cllr Michel has complained that the attached from Cllr McEvoy contains incorrect info. I am sorry to bring you into this, but please could you confirm for me whether what Cllr McEvoy says is accurate or not? Thanks

Davina

From: Marr, David
Sent: 22 December 2016 15:39
To: Gilbert, Simon; Clemence, James; [REDACTED]
Subject: FW: Motion for January

Dear Simon, you will find the e-mail trail below self explanatory. Are you able to help with the issue of links?

David Marr

Rheolwr Gweithredol ac Cyfreithiwr ar ran Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiad
Operational Manager and Solicitor, for Director of Governance and Legal Services

Pwysig: *Caiff y wybodaeth sydd yn y neges hon, ac mewn unrhyw ymateb neu atodiad, ei darparu neu ei derbyn er mwyn darparu neu geisio cyngor cyfreithiol, neu gyngor a roddir mewn cyd-destun cyfreithiol, ac o ganlyniad gallai fod yn destun braint gyfreithiol broffesiynol - cysylltwch a mi cyn ei dangos i unrhyw berson arall.*

Important: *The information in this message, and in any reply or attachment, is provided or received for the purposes of obtaining or providing legal advice, or advice given in a legal context, and may therefore be subject to legal professional privilege - please refer to me before disclosing to any other person.*

From: McEvoy, Neil (Cllr)
Sent: 22 December 2016 15:32
To: Marr, David; Orders, Paul; Fiore, Davina
Cc: 'Neil McEvoy'
Subject: RE: Motion for January

We have a political policy which will be implemented, if a majority agree. I refer you to the Well Being of Future Generations Act. Cardiff's LDP flies in the face of it. I would suggest there are plenty of professional reasons.

I will look at the WFGA which was not in force when the LDP was adopted and draft that in.

As a note for post May 4th, officers do not make policies. I expect officers to enable any political positions voted upon.

I am examining the whole of the LDP, where could I find links for every document ? I do mean every document.

I thank you in anticipation of your cooperation.

Best wishes,

Neil

Sent with Good Work (www.blackberry.com)

From: Marr, David <D.D.Marr@cardiff.gov.uk>
Date: Thursday, 22 Dec 2016, 11:24

To: McEvoy, Neil (Cllr) <NMcEvoy@cardiff.gov.uk>, Orders, Paul <Paul.Orders@cardiff.gov.uk>, Fiore, Davina <Davina.Fiore@cardiff.gov.uk>
Subject: RE: Motion for January

Dear Councillor McEvoy

You may if you wish remove the words *“as amended by the Government of Wales Act 2006”* since when you refer to Section 68 of the Planning and Compulsory Purchase Act 2004 it is implicit that you refer to the current version of Section 68. I am advised by our planning lawyer, who has also checked with the Welsh Government, that any decision would lie with the Welsh Ministers, specifically the Planning Minister.

Apart from that, I would suggest that the Motion is not clear enough about how it is to be implemented. It would not be effective for the Council to simply write to the Assembly asking for the LDP to be revoked on the basis that it is 'flawed.' There would have to be a properly written case made out giving substantive professional reasons for revocation. Your Motion does not make a case. In the normal course of events, if the Council was minded to seek revocation, it would instruct an officer to report back to it with a draft case for approval for submission to the Assembly. The difficulty, as you will be aware from correspondence with the Head of Planning, is that the Council's professional officers cannot make a case.

It is a matter for you as to how you might overcome this difficulty, but as your Motion is presently worded it could not be implemented in any manner which is effective.

Kind regards

David Marr
Dirprwy Swyddog Monitro
Deputy ~Monitoring Officer

Cyngor Dinas Caerdydd/The City of Cardiff Council
Ystafell 465/Room 465
Neuadd y Sir/County Hall
Glanfa'r Iwerydd/Atlantic Wharf
Caerdydd/Cardiff
CF10 4UW/CF10 4UW

Ffon/Tel: 029 2087 2497
Ffacs/Fax: 029 2087 2372
E-bost: d.d.marr@caerdydd.gov.uk E-mail:d.d.marr@cardiff.gov.uk

From: Marr, David
Sent: 19 December 2016 09:17
To: McEvoy, Neil (Cllr); Orders, Paul
Subject: RE: Motion for January

Dear Councillor McEvoy

We will check the position and get back to you

Kind regards

David Marr
Rheolwr Gweithredol ac Cyfreithiwr ar ran Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiad
Operational Manager and Solicitor,for Director of Governance and Legal Services

Cyngor Dinas Caerdydd/The City of Cardiff Council
Ystafell 465/Room 465
Neuadd y Sir/County Hall
Glanfa'r Iwerydd/Atlantic Wharf
Caerdydd/Cardiff
CF10 4UW/CF10 4UW

Ffon/Tel: 029 2087 2497

Ffacs/Fax: 029 2087 2372

E-bost: d.d.marr@caerdydd.gov.uk E-mail:d.d.marr@cardiff.gov.uk

From: McEvoy, Neil (Cllr)
Sent: 18 December 2016 21:28
To: Marr, David; Orders, Paul
Subject: FW: Motion for January

Sent with Good Work (www.blackberry.com)

From: McEvoy, Neil (Cllr) <NMcEvoy@cardiff.gov.uk>
Date: Sunday, 18 Dec 2016, 12:34
To: Fiore, Davina <Davina.Fiore@cardiff.gov.uk>
Subject: Motion for January

Davina,

Can you approve the wording below ? I'm seeking advice on who exactly can revoke the LDP. The Government? The Assembly? The Minister ? I have had conflicting advice on 2004 & 2006 clauses.

This Council:

1. uses Section 68 of the Planning & Compulsory Purchase Act 2004, as amended by the Government of Wales Act 2006 in order to demand on behalf of the people of Cardiff the revocation of Cardiff's flawed Local Development Plan.
2. Calls on the Welsh Government to legislate to protect Cardiff's green field spaces in the interim if no established Local Development Plan.

Thanks

Sent with Good Work (www.blackberry.com)

Fight still on to stop Labour's 'Carmageddon'

f @neiljmcevoy

✉ neil.mcevoy@assembly.wales

☎ 0300 200 7434

Still time to save the green fields in Cardiff West

A consultation with your local Assembly Member, Neil McEvoy, is to be held to carry on the fight against Labour's disastrous Local Development Plan (LDP).

Neil McEvoy AM said: "We all know that Labour got elected promising not to build on the green fields, but then built on them anyway when they got elected.

"We can't stop the first 2 phases now. But we can stop the later phases because the building won't start until after the next council elections. Then we can revoke and reform the LDP to stop more building on green fields."



Green fields being destroyed



Councillors Keith Parry, Lisa Ford & Neil McEvoy

CONSTRUCTION WORK ALREADY CAUSING CHAOS

Cardiff Plaid Councillors Lisa Ford & Keith Parry said: "The building work is already causing chaos. The traffic jams are going on for miles and Fairwater & Pentrebane residents have got to put up with noise and pollution.

"But most of all we've lost our green fields. We can't let Labour off the hook for this. They said they'd protect our green fields but they're building almost 8,000 expensive houses on them. The fight back starts now.

**Consultation with your AM
Monday, 1 July, Lutheran
Church, Fairwater Green, 7pm**

I do NOT support Labour's Local Development Plan

Name

Phone

Address

Email

Contact me by: post phone email

Please return to:

Neil McEvoy AM

(No stamp needed)

FREEPOST, NATIONAL ASSEMBLY FOR WALES

How we use your information: Your information will be retained by Neil McEvoy (the dataholder) for the purpose of keeping you up-to-date about the LDP campaign. Your data will be held securely and will not be passed onto any third parties. You will only be contacted through the communication means you have chosen above. You can stop the communication at any time by emailing neil.mcevoy@assembly.wales calling 0300 200 7434

Llafur 'Carswydus'

f @neiljmcevoy

neil.mcevoy@assembly.wales

0300 200 7434

Mae dal amser i achub y caeau gwyrdd yng Ngorllewin Caerdydd

Mae ymgynghoriad gyda'ch Aelod Cynulliad Lleol, Neil McEvoy, i gael ei gynnal er mwyn parhau â'r frwydr yn erbyn Cynllun Datblygu Lleol (CDLI) trychinebus y blaid Lafur.

Dyweddodd Neil McEvoy AC: "Rydym i gyd yn gwybod bod Llafur wedi eu hethol gan addo i beidio ag adeiladu ar y caeau gwyrdd, ond wedyn wedi adeiladu arnyn nhw beth bynnag ar ôl cael eu hethol.

Allwn ni ddim rhwystro'r 2 gam cyntaf nawr. Ond gallwn atal y datblygiadau diweddarach gan na fydd yr adeiladu yn cychwyn tan ar ôl yr etholiadau cyngor nesaf. Yna, gallwn ddiddymu a diwygio'r CDLI i atal yr adeiladu ar gaeau gwyrdd."



Caeau gwyrdd yn cael eu dinistrio



Y Cynghorwyr Keith Parry, Lisa Ford & Neil McEvoy

GWAITH ADEILADU EISOES YN CREU ANRHEFN

Dyweddodd Cynghorwyr Plaid Caerdydd, Lisa Ford & Keith Parry: "Mae'r gwaith adeiladu eisoes yn creu anrhefn llwyr. Mae'r tagfeydd yn filltiroedd o hyd, ac mae trigolion y Tyllgoed a Pentrebane yn gorfod dioddef swm a llygredd

Ond yn fwy na dim, ni wedi colli'n caeau gwyrddion. Allwn ni ddim gadael i Lafur ddod bant â hyn. Fe ddywedon nhw y bydden nhw'n amddiffyn ein caeau gwyrdd, ond mae nhw'n adeiladu bron i 8,000 o dai drud arnyn nhw. Mae'r brwydro 'nôl yn cychwyn nawr.

Ymgynghoriad gyda'ch AC Llundain, 1 Gorffennaf, Lutheran Church, Fairwater Green, 7yh

Dydw i DDIM yn cefnogi Cynllun Datblygu Lleol y blaid Lafur

Enw

Ffôn

Cyfeiriad

Ebost

Cysylltwch a ni drwy'r: Cyfeiriad Ffôn Ebost

Dychwelwch i:

Neil McEvoy AC

FREEPOST, NATIONAL ASSEMBLY FOR WALES



Members of Fairwater and Athletic Club

Dyddiad | Date: 11 July 2019

Pwnc | Subject: Public Meeting 7pm Monday 15th July

Dear Member,

There will be a meeting about Fairwater Social Club on Monday 15th July at 7pm at the Lutheran Church at the Green. Everyone is meeting to discuss the future of the Club.

When I was re-elected as a councillor for Fairwater and also as your Assembly Member, I pledged to donate my councillor allowance to political and good causes. As a result, I helped the club out financially last year by helping to settle an outstanding bill with Welsh Water. The mess left by the former secretary was nothing short of shocking.

As we know, the Club was closed last Christmas. The building needs maintenance and there are outstanding bills. Cardiff Council offered to demolish the Club and rebuild a more suitable building, in exchange for some of the land on site, where they planned to put housing.

The Council now seem to have changed its mind and are talking about demolishing the Club, without a rebuild. This is totally unacceptable to me and also to your Fairwater County Councillors, Lisa Ford and Keith Parry.

The Committee, with me is calling this meeting to urgently see what can be done. We do not want to lose another asset in our community.

I hope to see you there.

Best wishes,

Neil McEvoy AM/AC

FAIRWATER SOCIAL AND ATHLETIC CLUB

MINUTES OF COMMITTEE MEETING HELD ON 7 AUGUST 2017

Present: [REDACTED]

In attendance: [REDACTED] – Trustee

Apologies: apologies received from [REDACTED]

The minutes of the meeting held on 3 July 2017 were read agreed and signed by the Chair.

Matters Arising

Appt of Trustee – The way forward was discussed and in view of the 3 applicants there would have to be a meeting to select 2 trustees.

The Bulldog - The Chair reported on the meeting with Trustees Michael Michel and [REDACTED]. The Chair advised that she wanted to inspect the property and felt that it was not as big as the present club. She advised that until she was able to inspect it she would not know.

Roof – Not repaired as yet due to the weather.

Disco Equipment – Paying for the disco equipment on a monthly basis

Entertainment – Excellent show on the previous Friday. Bar takings were £900+

Maintenance

Lights – The light at the back of the Club was not working. Agreed to ask [REDACTED] to repair

Bushes in Smoking Area – To be cut back next week.

Finance

Bank Report – The Secretary produced a report showing the movement in the Club's bank account for July 2017 and provided the statements to the Chair. A discussion then took place regarding the financial position of the Club. The Sky television deal was also discussed and the Chair said that she would look into it to negotiate a new deal.

Entertainment

Bingo – It was agreed to look at making changes to bingo.

There being no other business the meeting ended.

Signed

Dated

INTERNAL MEMORANDUM

To: Trustees and Committee — Fairwater Social and Ath Club

From: [REDACTED] — Secretary — Fairwater Social and Ath Club

Subject: Fairwater Social and Ath Club — Financial Position and Insolvency

Date: 21 October 2017

I view of the increasing financial problems being faced by the Club recently I feel that it is incumbent upon me to make the Trustees and the Committee aware of the issues that are faced. I have researched the issues extensively and taken professional advice. I feel that I need to advise the Trustees and the members of the Committee that the Club is INSOLVENT.

Insolvent is a state of being unable to pay the money owed by a person or a business, on time. This in a state of insolvency are said to be insolvent. There are 2 forms of insolvency: cash flow insolvency and balance sheet insolvency.

Cash flow insolvency is when a business has enough assets to pay what is owed, but does not have the appropriate form of payment.

Balance sheet insolvency is when a business does not have enough assets to pay all their debts.

Therefore a business is either technically insolvent or actually insolvent where technical insolvency is a synonym for balance sheet insolvency, which means that its liabilities are greater than its debts and actual insolvency is a synonym for the first definition of insolvency above i.e. insolvency is the inability of a debtor to pay their debt.

While technical insolvency is a synonym for balance sheet insolvency, cash flow insolvency and actual insolvency are not synonyms. The term 'cash flow insolvent' carries a strong (but perhaps not absolute) connotation that the debtor is balance sheet solvent, whereas the term 'actually insolvent' does not.

The Club's only asset is the lease of the land and buildings from the local authority on the basis that no formal valuation has been carried out it is impossible to say whether the Club is technically insolvent as it would require the lease to be disposed of to ascertain what the cash sum it would yield.

What I can say with some certainty is that the Club is actually insolvent i.e. the Club cannot pay their debts as they fall due,

The above covers the general definitions of insolvency and my opinion on the current position of the Club.

I shall now address the following:

The liability of Members' Officers and Trustees

As Trustees and Committee Members will be aware the Club is an unincorporated association.

An unincorporated members' club cannot sue nor be sued, or hold property in its own name. Accordingly, when an outsider is trying to sue an unincorporated association an important question is, who is actually liable? It must be pointed out that instances of members and officers becoming liable for debts incurred by an unincorporated club are rare, this being due either to the fact that third parties are reluctant to sue individual members and officers, or are unsure of the legal outcome of their actions. Where action is brought it is usually against the chairman and secretary in the first instance, the action can be extremely distressing for the club officers involved.

This is a confusing area of the law and because of the lack of case law it is difficult to be definitive on the outcome of any action brought. The distress felt by members and officers is often compounded by this uncertainty and attempts to determine what their actual liability is. Club members tend to have two conflicting views of the position, either they believe they are not liable for any debt, or that they have unlimited liability. As a general rule a member's liability is limited to the amount of the subscription because when he joins a club he does not intend to incur any liability beyond his subscriptions payable under the rules. However, if a member or officer is found liable for a debt his liability is usually unlimited.

Taxes

Value Added Tax — Anything required to be done for VAT purposes is the joint and several liability of first, every member holding office as president, chairman, treasurer, secretary or any similar officer or in default, secondly, every member holding office as a member of a committee, and in default, thirdly, every member — VAT (General Regulations '1 985, no 886, reg 10).

PAYE and National Insurance — The employer will be liable for payment of national insurance contributions and, if he pays the 'wages or salary, for income tax under PAYE The employer will often be the persons who actually engage the employee, for example, the committee, or an officer responsible for employees although the employer may be all the members. PAYE should be operated on all wages paid to staff and officers including cash payment to players for playing and winning a game.

Corporation Tax — The treasurer of an association is responsible for doing all the acts which are necessary in relation to the corporation tax liability of an association. If an association does not pay their tax, H M Revenue & Customs can recover the outstanding sum from the treasurer but he is entitled to retain association funds in his hands to satisfy the tax and to be indemnified by the association.

Employment of Staff

A club should determine which of the members is the actual employer because considerable duties and liabilities attach to that position. Any member who is about to become involved in the employment of staff should make sure he has the right of indemnity from other members and the assets of the club. In view of the potential liabilities which can arise, corporate status should be considered before significant numbers of staff are taken on.

In addition to the provisions of employment law, PAYE and National Insurance the employer has other duties in relation to the health, safety and welfare of the employees. Failure to make provision for an employee's safety will not only result in a potential action for damages by the employee but it is also a criminal offence.

Contracts

Where it is sought to sue a club in contract, the action must be brought against the individuals who entered into or authorised the contract. Any officer or member of committee may be sued who gave or authorised an order for goods or services, because although he acted as agent for the club, the club is not a legal entity and is 'unable to act as a principal or contracting party.

A member's liability is usually limited to the amount of his subscription, unless it can be shown that the members authorised or ratified the contract, for example, the rules of the club may specifically provide that goods are to be ordered on credit in which case each member may be personally liable. Members will also be liable if they subsequently ratify transactions which have been entered into on their behalf without authority.

Contracts, undertakings, leases and agreements containing such words as 'joint and several' should not be signed. Such words would make each person accepting the obligation personally liable for the payment and performance of the contract during its whole period. In the event of the failure of the club the liability would fall on each individual accepting the obligation putting his personal assets at risk.

Other Liabilities

Property — Trustees are normally the proper defendant in relation to the clubs' premises. Trustees of an unincorporated club do not have the same powers, duties or obligations as the trustee of a charity. Trustees of an unincorporated club are usually empowered to invest the clubs' funds and in them is also vested the property and assets of the club in trust for the members. For any liability incurred in the course of their duties the trustees have a lien on the property but unless the rules provide they are not entitled to an indemnity from the club's members. An individual member is not under any legal or equitable obligation to indemnify the trustees.

Individual members or a group of members may become liable for the loss arising from the state of the club's premises if the court finds they were under a separate duty of care to outsiders. For example it was held that the committee of a football club were held personally liable when a stand collapsed and injured a spectator. An individual member with specific responsibilities may also be held liable to an outsider if he was negligent in the performance of his duties.

Therefore no new contracts should be entered into by any individual officer or any individual member of the Committee at this time as they may find themselves personally liable for that contract for the remainder of the contracto

Current Issues

Banking

I have noted from the Club's bank statements that no money has been deposited into the account for several weeks which has meant that the Club is now in an overdraft situation of some £211. I would refer Trustees and Committee members to Rule 23, which states, inter alia as follows:

Treasurer

Rule 23

The Treasurer shall be responsible for directing that all moneys, whether received personally, by the Secretary or any other Official, Steward or other employee or agent of the Club are duly paid into the Club 's bank at least once a week. The Treasurer shall also see that all debts of the Club are paid as directed by the Committee (except petty cash payments).....

It is obvious that the above is not being undertaken and I think the Trustees should be made aware of where the Club's money is being banked as they are responsible for the assets of the Club. If the Club's money is being banked into another account which is not in the name of the Club then this course of action has particularly serious ramifications both for the Club and for the account holder into whose bank account the Club's money is being paid.

Barrelage

At the March 2017 Committee meeting I referred to the significant decline in volume at the Club. I reported that the Club was tracking, at that time, 47 barrels down on the previous year which is 21% down. The market generally was tracking 3% down) I expressed my concern at the seriousness of the situation. The decrease in volume referred to equates to 13,536 pints so that on an average of £3 per pint the decrease in draught turnover is down by £40,608. On the basis that the Club makes a profit of £1.20 per pint this aforementioned decrease would equate to £16,243 PROFIT. Since then the situation has improved slightly as follows:

Year To Date 128 v 156 down 28 barrels — 17.95%

Moving Annual Total 187 v 225 down 37 barrels - 16.58%

Market 2.6% down

Returned Standing Orders and Direct Debits

As a result of the position referred to above regarding the non banking of Club money into the Club's bank account several standing orders and direct debits have been returned as follows:

Oct 2		£132.00	Council Tax
Oct 2		£193.00	Council Tax
Oct 2		£250.00	Loan repayment inst
Oct 4		£270.00	Wages
Oct 5		£812.16	Subscription
Oct 11		£270.00	Wages
Oct 16		£165.94	Waste removal
Oct 16		£126.02	Ins premium
Oct 18		£270.00	Wages
Oct 19		£812.16	Subscription
Oct 20		£3,247.04	Bar Purchases
Welsh Water			

I understand that the total amount paid to Welsh water was in excess of £7k to ensure the continuation of water supplies to the Club. I have tried to reconcile the amount of cash that the Club had taken since the last banking on 25 September 2017 but I am unable to ascertain how the total amount of cash that was paid to them was arrived at. There would appear to be a considerable shortfall so I shall be grateful if someone could advise me where the balance was acquired from.

Club Insurance

As indicated above the direct debit for the monthly insurance premium due was returned on October 2016. If the insurance company decides to cancel the policy for non payment of the premium then this has serious implications for the Club. Whilst Public Liability is not mandatory insurance cover, Employers Liability cover is and therefore the Club 'would have to close. Without Public Liability insurance if any member, guest or visitor were to have an accident whilst in the Club then the Committee and members would be personally liable.

Creditors

The amount of money owed by the Club according to the latest information is as follows:

Molson Coors

Loan account	8,656.05	
Trading account	3,248.96	
	-----	11,905.01
Due to Secretary		22,270.93
Trade creditors		
SWALEC Gas	394.31	
SWALEC - Electricity	569.68	
Ace Essential Supplies	1,654.49	
Cardiff Council — Rent	2,850.00	
Sky TV	812.76	
Dragon Fire and Security	560.00	
Cowells Arrow	327.40	
Cardiff Council Council Tax	132.00	
Cardiff Council — Council Tax	193.00	
Smiths of Gloucester	165.94	
Insurance premium — 1 mth	126.02	
	-----	7,785.60
HM Revenue and Customs		
Machine Gaming Duty	3,619.22	

VAT, PAVE/NIC and corp Tax	31,779.75

	35,398.97
Barclays Bank -- Overdrawn balance	211.21

Total indebtedness (subject to confirmation)	£77,571.72

There is the future liability of the total current year's insurance premium of £1,512.24 to be provided for.

Conclusion

At the beginning of his memorandum I went through the position of actual insolvency. I now consider that the Club is actually insolvent and should cease to trade with immediate effect on the basis that the Club cannot pay its liabilities on time. The Club has been making deficits for several years and unless the members decide to move to the 'Bulldog' then I see little prospect for survival.

This situation has been caused by the members not using the Club and as has been demonstrated above a decline in trade. The Club is almost solely reliant on parties and outside bookings.

In the event of a winding up of the Club all creditors must be treated equally, with the exception of employees' wages, and 'preference' should not be given to one debt over another.

I would also advise you that in respect of an unincorporated club such as Fairwater Social and Athletic Club the situation is complex and members have unlimited liability (jointly and severally) for the debts of

the Club. The members should be made aware of this situation without delay.

To avoid responsibility for the debts of the Club the Committee or members should not give personal guarantee to the Club's suppliers.

I believe that it may be a criminal offence to obtain further goods and services by way of credit knowing that the Club is insolvent and that there is little likelihood of the supplier of those goods and services getting paid.


Club Secretary

22 October 2017

Appendix B4

Subject: FSAC

From: [REDACTED]

To: [REDACTED]

Date: Sunday, 22 October 2017, 21:51

Dear [REDACTED]

Thank you for your recent email the content of which is noted.

I will get copies of the receipts to you as soon as I can although you have had the info relating to the additional loans and the payments to SWALEC and the polo shirts. The existing loan of £10k is ongoing.

With regard to the meeting tomorrow night, I will not be there. The EGM earlier this year in March was a complete waste of time as far as I was concerned. The dire financial position of the Club was explained to those present but some of them just seemed to treat it as a joke.

I am attaching a report of the position as I see and the very real concerns that I have. I was hoping to get a hard copy to you tonight but my printer ran out of ink. Please ensure that the other members of the Committee get a copy. I will drop a copy into both of the Trustees tomorrow. You can use any of the information contained in the report tomorrow night as the members ought to be aware of their potential personal liability for the debts of the Club.

Regards

[REDACTED]

Attachments

- FSAC - Insolvency.doc (50.50 KB)

Subject: Re: Fairwater Social and Athletic club

From: David Roberts (drllandaff@yahoo.co.uk)

To: [REDACTED]

Cc: michael.michael@cardiff.gov.uk; [REDACTED]

Date: Saturday, 28 October 2017, 8:38

Dear [REDACTED]

Thank you for your email and I apologise for the delay in replying.

With ref to our brief conversation in the Club y/day afternoon could you please ring [REDACTED] in connection with tickets for the Clairvoyant night. Could you also ring [REDACTED] regarding entertainment for the Christmas and New Year period.

I am quite happy to meet with you any time next week except Wednesday.

I am still having problems reconciling where all the money came from to pay Welsh Water. Did the balance come from any other source besides bar takings.

I note that no money has been paid into the Club's bank account in the last week and recently [REDACTED] standing order for £270 was returned and each time any payment is returned the Club incurs a charge of £8.

I look forward to hearing from you.

Yours sincerely

[REDACTED]

From: [REDACTED]

To: [REDACTED]

Sent: Monday, 23 October 2017, 15:29

Subject: Fairwater Social and Athletic club

Hello [REDACTED]

Thank you for emailing me with regards to the financial situation of the club, firstly as you are aware there has been no banking made since the 25th September, this is due to as you know to the fact of Coors putting us on stop due to non payment, so the banking for 2nd October was used to provide stock for the club, I requested from Sean to bank as usual on the 9th of October and also bank any surplus from the 2nd, unfortunately as you are also aware Welsh Water then attended the property to disconnect the water supply, we had no option but to take all monies that was due to be banked and pay the water company, we are now in a state of playing catch up with other bills, I have contacted the majority of them and explained that we should be back banking with a couple of weeks and they are at the moment agreeable to this. I understand how you would always say about there being not enough money to pay these accounts and I now appreciate all that you have done in trying to keep the club afloat, can we at some point meet up to try and discuss where we go from here and hopefully keep the club afloat until a decision has been made as to the move to the bulldog. Also to keep you up to speed the discussion about the bulldog tonight is not a vote it is just to let the members know what the options are and to let them know where we stand financially as we both know unless something drastic happens the club will be closed sooner rather than later. Could you please contact me as soon as you can to arrange a meeting so we can deal with the matters at hand.

With Regards



INTERNAL MEMORANDUM

To: [REDACTED] Chair – Fairwater Social and Ath Club
From: [REDACTED] Secretary – Fairwater Social and Ath Club
Subject: Contract with Peninsula
Date: 31 October 2017

I understand that you have signed a 4 year contract with Peninsula on behalf of the Club to provide employment advice etc.

As Club Secretary I am most concerned that such a contract has been entered into on behalf of the Club as there are consequences as a result of signing such a document.

Could you please leave a copy of the signed contract in the Club for me to peruse.

I am concerned that if the Club cannot honour its obligations in terms of payment under the contract then Peninsula may well look to you personally to honour the payments for the remainder of the term of the contract.

[REDACTED]
Secretary

Subject: FSAC - Payment to Refrigeration Cymru

From: [REDACTED]

To: [REDACTED]

Bcc: michael.michael@cardiff.gov.uk; [REDACTED]

Date: Monday, 13 November 2017, 11:18

Dear [REDACTED]

I understand that [REDACTED] of Refrigeration Wales is chasing a payment of his invoice from July 2017 - the amount o/s is £487.00.

Please confirm that [REDACTED] is banking this week otherwise how is this o/s invoice to be paid please?

Regards

[REDACTED]

Subject: FSAC - Returned Direct Debits

From: [REDACTED]

To: [REDACTED]

Cc: michael.michael@cardiff.gov.uk; [REDACTED]

Date: Wednesday, 15 November 2017, 10:16

Dear [REDACTED]

Please note that the the following direct debits have been returned by the Club's bank today due to insufficient funds:

Wales and West Cellar Gas - £138.00

Smith of Gloucester - £254.20

Regards

[REDACTED]

Subject: FSAC - Re EGM

From: [REDACTED]

To: [REDACTED]

Cc: michael.michael@cardiff.gov.uk; [REDACTED]

Date: Thursday, 16 November 2017, 8:54

Dear [REDACTED]

In advance of the EGM next Monday the Trustees have asked me to update my previous Internal Memorandum I issued to them and the Committee a couple of weeks ago.

From the date of the last monies banked into the Club's bank account could you please forward me as soon as possible a breakdown of the weekly takings and gaming machine receipts from that date until now. Details of any other receipts should also be included.

Could you also confirm that no monies have been paid into any other bank account except that which bears the name of the Club. Also, a detailed break down of the payments made during the above mentioned period.

They have also requested details of the total breakdown of how the monies to pay the Welsh Water account were arrived at.

I understand that the monthly insurance premium was paid by a debit/credit card which I presume was made by you personally. Please confirm this and also confirm that you have been re-imbursed for the total amount of the premium.

Could you also confirm the position with regard to Peninsula and whether or not you have signed an agreement with them.

I am also trying to reconcile the financial accounts for 2016 and 2017 and I am unable to find any bankings in relation to members subscriptions being banked for either of those years. Could you please shed any light on where those bankings are please?

Have you followed Michael's advice and taken any professional advice yet? The Trustees and I have taken legal and financial advice regarding the Club's current position.

Please leave the information/documents with [REDACTED] and I shall arrange to collect them from him.

I look forward to hearing from you..

Regards

[REDACTED]

Michael, Michael (Cllr)

From: [REDACTED]
Sent: 11 November 2017 10:14
To: [REDACTED]
Cc: Michael, Michael (Cllr); [REDACTED]
Subject: Re: Public Meeting - Friday 24 November 2017

Dear [REDACTED]

I refer to my email below regarding the convening of a Public Meeting by Neil McEvoy.

I now understand that this meeting is being held in the Club and I presume that you have sanctioned this.

I have discussed the position with the Trustees, Michael Michael and [REDACTED] and we consider that to allow this meeting to proceed in the Club is foolhardy and ill judged and would urge you to consider cancelling it.

Mr McEvoy is not a member of the Club and as far as the Trustees and I can recall he has never done anything in the past to support the Club.

As you well know, on the previous Monday there is an Extra Ordinary Meeting of the members of the Club which is being held in the Club. The Public Meeting, which will be presumably Chaired by Mr McEvoy will not be able to add anything to what will have been said at the members meeting and decided at that meeting. Mr McEvoy will not be able to speak, with any authority, on any matters concerning the Club as he is not a member and will presumably not be briefed by either myself or the Trustees in advance of the meeting. Anything he does say about the Club's affairs may well confuse those present as they may consider that he is speaking with the authority of the Trustees and the Committee of the Club. Any intervention by Mr McEvoy may also jeopardise any efforts that are being made to ensure that the Club continues in some form or another I understand that he has already made comments regarding both the future of the Club and the future of Clos Y Nant, the latter of which I can make no comment.

The Club has no specific political connections referred to in its constitution and I believe that the Public Meeting being called by Mr McEvoy is being used for political purposes and that he is using the Club as a political football.

I would therefore urge you in the strongest possible terms to cancel this meeting.

Finally, I know that Michael Michael has suggested that you seek professional advice regarding the current financial state of the Club and I would also urge you to follow that advice.

Yours sincerely

[REDACTED]
Secretary
Fairwater Social and Ath Club

From: [REDACTED]
To: [REDACTED]
Sent: Friday, 10 November 2017, 12:28
Subject: Public Meeting - Friday 24 November 2017

Dear [REDACTED]

I understand that Neil McEvoy has called a Public Meeting to discuss issues relating to Clos-y-Nant and the Club on Friday 24 November 2017.

Do you know where this meeting is being held please? Is it being held in the Club?

Regards

[REDACTED]

Michael, Michael (Cllr)

From: [REDACTED]
Sent: 15 November 2017 10:59
To: [REDACTED]
Cc: Michael, Michael (Cllr); [REDACTED]
Subject: Re: Fairwater Social & Athletic Club - Confidential

Dear [REDACTED]

Many thanks for your email and also for meeting with us last night.

We are most grateful for the advice that you gave us together with the suggestions in relation to the valuation etc.

Regards

Yours sincerely

[REDACTED]
Secretary
Fairwater Social and Ath Club

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]; Michael.Michael@cardiff.gov.uk"
<Michael.Michael@cardiff.gov.uk> [REDACTED]

Sent: Wednesday, 15 November 2017, 10:17
Subject: Fairwater Social & Athletic Club - Confidential

Dear [REDACTED]

Fairwater Social & Athletic Club - Confidential

I have been approached by the Club to advise on their insolvent position and last night I met with Co-Trustees Michael Michael, [REDACTED] and the Secretary [REDACTED]

This is a members club with unlimited personal liability of the members in the event of closure.

A brief summary, the Committee consists of
The Chairperson & Treasurer is [REDACTED]
Vice Chair - [REDACTED] (not active at the moment as he is ill)
Committee Members - [REDACTED]
There are approx. 150 members.

[REDACTED] (who is also a creditor owed more than £22,000) produced the enclosed comprehensive Memo to the Club dated 21 October 2017. This indicated that the Club is insolvent . It was sent to the Trustees and the Committee and was supposed to have been given to the Club members at an Extraordinary General Meeting (EGM) two weeks ago. Unfortunately, for reasons unknown (but suspected), the Report was hijacked, scanned and altered and then given the members at the EGM. The altered version did not emphasise the Club's desperate situation.

There were approx. 50 members in attendance. Needless to say there was no formal resolution to the Clubs predicament except promises of more fund raising events. There seems to be an attitude of soldiering on with no regard to the personal liability issue which can be attached to the members.

There has been some suggestion of a move to the old Bulldog pub (recently Fairwater Rugby Club - but the premises is now closed) also owned by CCC.

I attach a map of both sites and I can see some great benefits to the move especially as there are more chimney pots in the surrounding area and the current and future housing on the land to the north west of Pentrebane Road. The present lease could be surrendered with the consent of CCC and development opportunities at the present Plas-Maer Road site.

I enclose the original Report. Briefly, I emphasised last night that the following additional facts should be disclosed to the members.

1. The Cardiff County Council (CCC) is the landlord and there are rent arrears. The rent is outstanding and the Club has accumulated three quarters rent arrears (£2,850), the next payment £950 is due on Christmas day.
2. The Trustees hold the lease in their names (a copy of which is being provided shortly by Michael to us/you). Under the terms of the lease, under Schedule 5, the Council have the right to terminate the lease due to non-payment of rent.
3. HMRC could distrain and remove all the assets of the Club for arrears of VAT PAYE/NIC and Corporation Tax (the debt is £31,779) and as a result they could not carry on trading.
4. A new company should be formed under the Friendly Societies Act and a new Board formed.
5. Allied to the HMRC position in 3 above is the probability of HMRC issuing a bond in addition to action under 3 above [please see <https://www.gov.uk/guidance/tax-deposits-and-bonds-employers-and-traders>]
6. I didn't advise this in my meeting last night but thought of it after they had left. If there is a new Board at the new site, under the new company, then I believe that the bond issue could be circumvented.

Please can you contact Michael Michael. He is a Co-Trustee of the Club and also a Cardiff Councillor with links to the CCC
Michael.Michael@cardiff.gov.uk
Mobile: 07891 562352
<https://cardiff.moderngov.co.uk/mgUserInfo.aspx?UID=179>

There is a new EGM called for next Monday. I believe that the Committee should advise the EGM on the value of the land, if the rent is paid up to date and a deal could be worked out with CCC to lease the former Bulldog pub property. Michael will assist the Club with CCC but a business plan would need to be put together. The potential development of the existing site Michael can speak to you about.

Please could we have your views

Last accounts also attached.

Thanks

Website: www.doyledavies.com

Telephone: 029 20 820340

Facsimile: 029 20 813 530

Email: [REDACTED]



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Practitioner and Director: Brendan E. Doyle is an Insolvency Practitioner Licensed by The Insolvency Practitioners Association in the U.K. Director Karen Doyle. Doyle Davies is the trading name of Doyle Davies Consultancy Limited - Company Number 02703348.

Subject: FAIRWATER VOLUMES

From: [REDACTED]

To: [REDACTED]

Date: Sunday, 19 November 2017, 16:06

Sorry for taking so long!

They haven't changed much since I last sent them

YTD = 146 COMPARED TO 183 – down 37 barrels -20%

MAT = 179 COMPARED TO 209 – down 31 barrels -14.6%

Let me know how the meeting goes tomorrow night!

[REDACTED]
Account Manager

Website:

+ 137 High Street, Burton-on-Trent, Staffordshire DE14 1JZ

(Mobile/Telephone: +44 (0) 7808 097467

(Internal: 888 0000

*

You thought we just sold great beer, didn't you?

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drinkaware

drinkaware.co.uk



MOLSON

BEER

Attachments

- image003.jpg (11.84 KB)

Michael, Michael (Cllr)

From: Michael, Michael (Cllr)
Sent: 21 November 2017 18:23
To: [REDACTED]
Subject: Fairwater Social Athletic Club

[REDACTED] Further to last evenings meeting this is to confirm that I as Trustee informed you and the committee as well as the members present as to the financial state of the club.

I did so after taking legal and financial advice, I also asked you and the committee to do the same.

I outlined the poor state of the clubs takings over the past years and the income we are receiving this year pointing out that in the past 10 weeks the club had to take in around £45.000 in order to break even and pay our way.

In fact the club takings were around £34.000 leaving a shortage of £11.000+

In other words the club is loosing over £1.000 per week on average.

This added to the debt of over £77.000 makes it impossible for the club to continue trading.

I further explained to you and all those present that in my view and the views of the legal and financial advisors who had looked at the documents prepared by the club secretary that the club was insolvent, I explained that your lease stated that by not paying your rent the club had placed itself in a position where the value of the lease in fact was nil as it states in clause 5 of the schedule.

This means that the club is effectively bankrupt as the loses out way the assets.

I explained to you and those present that to order goods and services when the club was in this financial state was a criminal act.

In light of the advice I gave and the continuing breaking of health and safety law in not having hot water in the club for the past few months you are placing the members of the club and staff in a dangerous position. You seem to be neglecting your duty of care to both members and staff.

To run the club it is the job of the committee and after listening to you last night state you were unaware as to the true financial position of the club and to seek to deny any responsibility is simply not acceptable.

I cannot remain as a Trustee of a club that ignores the law and places itself in a position of acting criminally.

I therefore tender my resignation forthwith and ask that you remove my name from all legal documents associated with the Fairwater Social and Athletic Club as soon as possible. please confirm as per that instructions have been given to a solicitor acting for the club to proceed with this.

I also ask that you give a copy of this email to all of the members of the committee and put copies on the club notice boards in order for members to read.

Regards
Michael

Sent with BlackBerry Work
(www.blackberry.com)

Michael, Michael (Cllr)

From: Michael, Michael (Cllr)
Sent: 30 October 2017 15:07
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Fairwater Social Athletic Club

Sent with BlackBerry Work
(www.blackberry.com)

From: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>
Date: Monday, 30 Oct 2017, 2:33 pm

[REDACTED]
Subject: Fairwater Social Athletic Club

[REDACTED] Further to our conversation earlier today, this is to confirm that as I stated at all occasions during any discussions I will act as a club trustee. And have verbally declared an interest as a sitting Councillor and Cabinet Member, therefore I will NOT take part in any of the decision making processes of the Council. As I informed you on several occasions the idea of a possible land swop with the council was discussed between myself and the late Chairman as a possible way for the club to allow the club to discharge its debts and start again. As I informed you earlier on the process is for the council to value the Former Fairwater Rugby Club and the Fairwater Social club in order to inform itself of any future costs. After this stage the Fairwater Social and Athletic club will need to prepare a full business plan to show that any proposed move would be viable and would work.

If we get to the stage where an offer is discussed I believe that there would need to be a meeting of the membership and I would be happy to inform them of the options available, I would also ask for legal advice and ask outside bodies to scrutinise any proposals to make sure I would have no conflict of interest of any kind.

I have informed you that in my opinion as Chairwoman of the club you should seek financial advice as to the way forward.

I have grave concerns as to the solvency of the club and as I have made you aware it is a criminal offence to order goods and services knowing that the bills can not be paid. Please take legal advice for the committee in order to assist them in their duties. I would further ask that you keep all receipts and balances of any cash transactions you are involved in for future use.

I will continue to work to assist the club get through this difficult time.

Regards
Michael

Sent with BlackBerry Work
(www.blackberry.com)

Michael, Michael (Cllr)

From: Michael, Michael (Cllr)
Sent: 23 October 2017 19:33
To: [REDACTED]
Subject: Fairwater Social and Athletic Club

[REDACTED] This is to confirm our discussions earlier on this morning and that we will meet on Friday 27th October at 6.30pm in the club to discuss a range of concerns.

Having read the paper presented to me by the Club secretary I have concerns regarding the financial stability of the club and the actions available to us to resolve the current situation.

It is important to remember that both myself and [REDACTED] as trustees have a duty to protect the fabric of the club for the members but also to be aware of the law in terms of trading if there are any questions of either insolvency or repaying debt.

This is a difficult time for clubs and bars country wide and we are not immune from these difficulties.

It be informative to hear what the members say after tonight's meeting and what suggestions they make to solve the issues.

I would further suggest that on Friday the true financial picture is discussed and that all club committee are present.

Regards

Michael

Sent with BlackBerry Work
(www.blackberry.com)

Michael, Michael (Cllr)

From: [REDACTED]
Sent: 21 November 2017 22:00
To: [REDACTED]
Subject: Resignation of position of trustee

Hi [REDACTED]

I wish to inform you and the committee that i wish to tender my resignation from the position of trustee of Fairwater social and athletic club forthwith

Could you please remove my name from all legal documents associated with Fairwater social and athletic club as soon as possible please

Could you inform me that this instruction has been carried out and given to a solicitor acting for the club to proceed with this

Regards

[REDACTED]

Sent from my Samsung Galaxy smartphone.

Michael, Michael (Cllr)

From: [REDACTED]
Sent: 16 December 2017 13:57
To: [REDACTED]
Subject: FSAC - Appt of Trustees

[REDACTED]

I am aware that the meeting took place regarding the appointment of new Trustees of the Club on Monday last.

At the present time there are 4 Trustees registered with The Land Registry as Trustees of the Club as follow:

[REDACTED]

All the above have to be removed from the positions as Trustees of the Club - [REDACTED] because he has passed away and the remaining 3 because they have all resigned.

I have been in contact with the solicitor who has done work on behalf of the Club in relation to the removal and appointment of Trustees and his fee for the removal of the above Trustess will be £750.00 plus VAT plus disbursements.

The fees for the apointment of new Trustess will be £250.00 plus VAT plus disbursements.

The fees for the removal are higher because it is more work and in [REDACTED] case a copy of his death certificate will have to be obtained.

The solicitor has also requested that he be paid his fees in advance of undertaking the work.

Please let me know who the new Trustees of the Club are?

Also let me know if the solicitor can be instructed and the provision to be made in respect of the payment of his fees.

As soon as I receive instructions I will write to the Trustees who have resigned advising them that the process for their removal has started.

[REDACTED]
Secretary
Fairwater Social and Ath Club

[REDACTED]

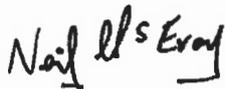
Dear [REDACTED]

I write to you on behalf of concerned constituents, who inform me that you have consistently refused to show them the clubs accounts.

If the above is true, I would request an explanation. I would be very grateful if you could contact me in order to appraise me of the situation from your side.

I would also like to inquire about the status of any deal involving the sale of the club site and transfer to the sites of the former Bulldog Pub.

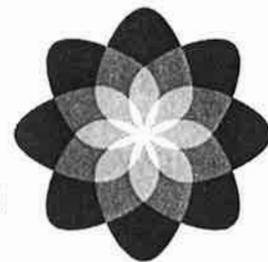
Yours sincerely,



Cllr Neil McEvoy AM

Save the Social Club

Help Plaid stop Labour plans to demolish the Club



Plaid Cymru
Party of Wales



PUBLIC MEETING:

Monday 18th December, 7pm. Fairwater Social Club.

Support the Club and come along. Join the Club for only £3.

Merry Christmas!

Labour is trying to push through plans to demolish the Social Club and build on the site. Your Fairwater Plaid Councillors oppose this. We want to keep the Club open and make it a success.

Cllrs Lisa Ford, Neil McEvoy and Keith Parry said,

“Trying to close the Social Club is not on. We have already lost the Bulldog and the Quarry. For clarity, the Council bought the Bulldog site for housing and there are no plans to re-locate the Club there. Any talk of such is hot air.”



SURGERIES

Every Saturday 11am to 12pm Fairwater Library, the Green.

Every Wednesday 12pm—1pm, the Zone, Beechley Drive.

Neil McEvoy AM has an open door policy at his office : call in if you need help.

321 Cowbridge Road East, CF5 1JD. Call 0300 200 7434 anytime.

Your Fairwater team

Lisa Ford - 07891 518426 / lisaford@cardiff.gov.uk

Keith Parry - 07779 975419 / keith.parry@cardiff.gov.uk

Neil McEvoy - 0300 200 7434 / neil.mcevoy@assembly.wales



/CardiffPlaid @CardiffPlaid

Neil Donates Council Allowance

As promised, Neil McEvoy is donating his councillor allowance to local good causes and to Plaid Cymru. A charitable vehicle is being set up to enable as much money as possible to be put into local projects. If you want more information please get in touch.

FAIRWATER SOCIAL AND
ATHLETIC CLUB

ACCOUNTS

FOR THE YEAR ENDED

31 DECEMBER 2015

FAIRWATER SOCIAL AND ATHLETIC CLUB

BAR TRADING ACCOUNTS

For the year ended 31 December 2015

	2015	2014
TAKINGS	195,895	192,459
Deduct		
Opening Stock	7,308	4,745
	99,804	Purchases 102,123
		92,495
Closing Stock	<u>6,263</u>	<u>7,308</u>
	93,540	97,378
	<u>102,354</u>	<u>94,815</u>
		97,644
GROSS PROFIT	102,354	
Deduct		
Staff wages and N I C	63,869	54,689
Bar Requisites	7,583	5,305

FAIRWATER SOCIAL AND ATHLETIC CLUB

	<hr/>	71,452	<hr/>	59,994
TRADING PROFIT £	<u><u>30,903</u></u>	£	<u><u>37,650</u></u>	

FAIRWATER SOCIAL AND ATHLETIC CLUB

	2015			2014
	Income	Expenses	Total	
Gaming and Video Machines	9,111	2,380	6,731	6,062
Tote and Bingo	179 -	50	129	153
Pool Tables	803		803	1,200
Entertainment	1,590 -	5,802 -	4,212	

INCOME AND EXPENDITURE ACCOUNT
For the Year ended 31 December 2015

INCOME FROM CLUB ACTIVITIES

3,451	3,377	= 4,038
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OTHER INCOME

Members Subscriptions	257 223	Sundry Income	7,495 5,868	Aerial Income	2,348 3,250	Brewery Discounts	
	4,260						
Super draw	15 1.195	Bank interest	10 29				
Raffle					220		485

FAIRWATER SOCIAL AND ATHLETIC CLUB

Lotto		203	
		<u>13,968</u>	<u>18,687</u>
PROFIT FROM BAR TRADING		30,903	37,650
GROSS CLUB INCOME		<u>44,871</u>	<u>56,337</u>
Deduct CLUB EXPENSES		66,009	- 66,896
NET (DEFICIT) FOR THE YEAR		<u>- 21,138</u>	<u>- 10,559</u>
Corporation Tax		836	- 576
		<u>- 21,974</u>	<u>- 11,135</u>
Disposal of aerial rights		31,000	
NET(DEFICIT) SURPLUS AFTER TAX	£ <u><u>9,026</u></u>	£ -	
EXPENDITURE ACCOUNT		£ 1,135	INCOME AND

For the year ended 31 December 2015

Rent and Rates	6,459	6,376
FAIR WATER SOCIETY AND ATHLETIC CLUB	23,168	21,397
Insurances	1,756	
Printing postage and stationery	266	64
Repairs and Renewals	4,699	6,584
Telephone	3,879	1,824
Stock Takers Fees	695	570
Accountancy	500	800
Professional fees	960	
Bank Charges	1,028	1,020
Loan interest and fees		275
T V Maintenance Costs	6,948	7,999
Taxis	798	206
Sundry Expenses	3,196	6,866
Licensing costs	1,877	1,372
Depreciation		
Equipment	1,550	1,572
Furniture and fittings	892	657
Improvements	2,035	2,395
Offices Honoraria		
Chairman	1,000	1,000
Secretary	4,140	4,140
	60,869	61,756
	<u>5,140</u>	<u>5,140</u>
TOTAL CLUB EXPENSES £	<u><u>66,009</u></u>	£ <u><u>66,896</u></u>

FAIRWATER SOCIAL AND ATHLETIC
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BALANCE SHEET as at 31 December 2035	Surplus/(Deficit) for the year	2014	
	212,867		
	5,052		
FIXED ASSETS	8,789	212,86	
Leasehold land and buildings	11,536	7	
Furniture and fittings		5,944	
Equipment	<u>238,244</u>	10,339	
Improvements		13,571	
	6,263	7,308	242,72
CURRENT ASSETS	1,842	2,183	1
Stock	37,614	13,645	
Debtors and prepayments	46	7,623	
Bank Current Account	600	600	
Bank Deposit Account	4,459	7,350	
Floats and cash in hand	1,588	1,597	
	33,172	23,691	
	46,365	31,359	
CURRENT LIABILITIES			
Trade Creditors			
Taxation			
Accrued Expenses	39,220	32,638	
NET CURRENT (LIABILITIES/ASSETS)	7,146	1,279	241,442
TOTAL FIXED AND CURRENT ASSETS	<u>245,390</u>		15,837
LOAN MOLSON COORS	10,758	-	
	<u>£ 234,632</u>		236,61
TOTAL NET ASSETS			1 1,005
ACCUMULATED FUNDS	225,606		
Opening balance	9,026		
	<u>£ 234,632</u>		<u>£ 225,606</u>

The officers of the Management Committee acknowledge their responsibilities for :

- (i) ensuring that the club has proper accounting records which comply with section 29 of the Friendly Industrial and Provident Societies act 1968 (the Act),
- (ii) establishing and maintaining a satisfactory system of its books of accounts its cash holding and its receipts and remittances in order to comply with sections .1 and 2 of the Act, and (iii) preparing financial statements which give a true and fair view of the state of affairs of the club as at the end of the financial year and of its surplus for the financial year in accordance with the requirements of the Act relating to the financial statements so far as applicable to the club.

These financial statements were approved by the Management Committee and authorised for issue and are signed on their behalf by:

Chairman
Dated

Secretary

CLUB

NOTES TO THE ACCOUNTS
Year ended 31 December 2014

Accounting policies

The financial accounts have been prepared under the historical cost convention in accordance with the standard for small entities (effective April 2008)

Turnover

Turnover represents monies received (excluding value added tax) from bar sales.

Tangible fixed assets and depreciation

Depreciation is provided by the club to write off the cost less estimated residual value over their useful economic lives as follows: Lease hold

Nil

Fixtures and Fittings 150/0

Equipment

Stocks

Stocks are value by a professional valued at lower of cost or market value.

Taxation

The club is treated as a mutual trading body and not subject to corporation tax on its trading profits *Corporation tax is payable on investment and rental income

Provision rate at 20%	As at 31 December 2013	
	2014	2013
	444	576
Fixed Tangible Assets	<u>444</u>	<u>576</u>

	Leasehold Land and Buildings	Fixtures and Fittings	Improvements	Equipment
Cost at 1 January 2014				
Additions				
Cost at 31 December 2014				
Depreciation	212,867	513,494	47,685	53,379
As at 1 January 2014		2,220		1,932
Depreciation				
As at 31 December 2014	<u>212,867</u>	<u>53,714</u>	<u>47,685</u>	<u>55,311</u>
Net Book Value				
As at 31 December 2014				

	47,113	31,719	43,400
	657	2,395	1,572
	47,770	34,114	
212,867	5,944	13,571	10,339
212,867	4,381	15,966	9,979

Land South of Pentrebane Road	
Application Reference	14/02188/MJR
Description	DEVELOPMENT OF UP TO 290 RESIDENTIAL DWELLINGS (C3), OPEN SPACE (INCLUDING CHILDRENS PLAY SPACE), LANDSCAPING, SUSTAINABLE URBAN DRAINAGE, VEHICULAR ACCESS, PEDESTRIAN AND CYCLE ACCESSES AND RELATED INFRASTRUCTURE AND ENGINEERING WORKS.
Committee Date	15/06/2016
Decision Notice Date	13/12/2016

Land North and South of Llantrisant Road	
Application Reference	14/02157/MJR
Description	THE DEVELOPMENT OF UP TO 630 RESIDENTIAL DWELLINGS (USE CLASS C3, INCLUDING AFFORDABLE HOMES), PRIMARY SCHOOL (USE CLASS D1), VISITOR CENTRE/COMMUNITY CENTRE (USE CLASS D1), COMMUNITY CENTRE (USE CLASS D1), OPEN SPACE (INCLUDING CHILDREN'S PLAY SPACES), LANDSCAPING, SUSTAINABLE URBAN DRAINAGE, VEHICULAR ACCESSES, BUS LANES, PEDESTRIAN AND CYCLE ACCESSES AND RELATED INFRASTRUCTURE AND ENGINEERING WORKS.
Committee Date	10/02/2016
Decision Notice Date	09/08/2016

Land North of Junction 33 on M4	
Application Reference	14/00852/DCO
Description	<p>COMPREHENSIVE DEVELOPMENT OF 'LAND TO THE NORTH OF JUNCTION 33 OF THE M4' TO CREATE A NEW COMMUNITY CONTAINING:</p> <p>A RANGE OF NEW HOMES, INCLUDING HOUSES, APARTMENTS AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY (USE CLASSES C2 AND C3)</p> <p>A PARK AND RIDE FACILITY AND TRANSPORT INTERCHANGE OR HUB</p> <p>COMMUNITY FACILITIES INCLUDING A NEW PRIMARY SCHOOL AND COMMUNITY CENTRE (USE CLASS D1)</p> <p>A LOCAL CENTRE INCLUDING SHOPS (USE CLASS A1), FINANCIAL AND PROFESSIONAL (USE CLASS A2), FOOD AND DRINK (USE CLASS A3) AND A CLINIC OR SURGERY (USE CLASS D1)</p> <p>NEW OFFICES, WORKSHOPS AND RESEARCH AND DEVELOPMENT FACILITIES (USE CLASSES B1 WITH ANCILLARY B2 AND B8)</p> <p>A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION</p> <p>NEW ROADS, PARKING AREAS, ACCESSES AND PATHS</p> <p>OTHER ANCILLARY USES AND ACTIVITIES</p> <p>AND REQUIRING; SITE PREPARATION, THE INSTALLATION OR IMPROVEMENT OF SERVICES AND INFRASTRUCTURE; THE CREATION OF DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAY NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES.</p>
Committee Date	08/02/2017
Decision Notice Date	07/09/2017

Goitre Fach Farm	
Application Reference	16/00106/MJR
Description	OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED APART FROM STRATEGIC VEHICULAR, CYCLE AND PEDESTRIAN ACCESS INTO THE SITE) FOR THE DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS ON SITE TO INCLUDE OPEN SPACE (INCLUDING CHILDREN'S PLAY SPACE), LANDSCAPING. SUSTAINABLE URBAN DRAINAGE, VEHICULAR ACCESS, PEDESTRIAN AND CYCLE ACCESSES AND RELATED INFRASTRUCTURE AND ENGINEERING WORKS.
Committee Date	14/12/2016
Decision Notice Date	27/04/2017

Plasdwr	
Application Reference	14/02733/MJR
Description	OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED APART FROM STRATEGIC ACCESS JUNCTIONS FOR RESIDENTIAL-LED MIXED USE DEVELOPMENT, TO BE DEVELOPED IN PHASES, INCLUDING PREPARATORY WORKS AS NECESSARY INCLUDING DEMOLITION AND RE-GRADING OF SITE LEVELS; UP TO 5,970 RESIDENTIAL UNITS (USE CLASS C3, INCLUDING AFFORDABLE HOMES); 3 NO. LOCAL CENTRES PROVIDING RESIDENTIAL UNITS, CONVENIENCE SHOPS AND FACILITIES/SERVICES (INCLUDING UP TO 7,900 SQ M IN USE CLASSES A1-A3) AND 1NO. DISTRICT CENTRE PROVIDING RESIDENTIAL UNITS, UP TO 12,000 SQ M IN USE CLASSES A1 -A3 INCLUDING UP TO TWO FOOD STORES (UP TO 5,000 SQ M GROSS) WITH ASSOCIATED PARKING, UP TO 15,500 SQ M OF USE CLASS B1(A), B1(B) AND B1(C); PROVISION OF UP TO 5,100 SQ M OF COMMUNITY AND HEALTHCARE FACILITIES ACROSS THE DISTRICT AND LOCAL CENTRES (USE CLASSES D1 AND D2); PROVISION FOR 3NO. PRIMARY SCHOOLS AND 1NO. SECONDARY SCHOOL; OPEN SPACE INCLUDING ALLOTMENTS; PARKS; NATURAL AND SEMI NATURAL GREEN SPACE; AMENITY GREEN SPACES; FACILITIES FOR CHILDREN AND YOUNG PEOPLE; OUTDOOR SPORTS PROVISION INCLUDING PLAYING PITCHES; ASSOCIATED INFRASTRUCTURE AND ENGINEERING WORKS INCLUDING NEW VEHICULAR ACCESSES, IMPROVEMENT WORKS TO THE EXISTING HIGHWAY NETWORK, NEW ROADS, FOOTPATHS/CYCLEWAYS, A RESERVED STRATEGIC TRANSPORT CORRIDOR; UP TO 1 NO. ELECTRICITY PRIMARY-SUBSTATION AND LANDSCAPING WORKS (INCLUDING SUDS).
Committee Date	15/03/2017
Decision Notice Date	20/03/2017

Michael, Michael (Cllr)

From: Michael, Michael (Cllr)
Sent: 01 April 2019 17:24
To: 'enquiries@silverbacklaw.co.uk'
Subject: FW: Fairwater Social Athletic Club

Ref CUK 101071/008

Dear Sirs. Please find a copy of my resignation to the Chair of the Fairwater Social and Athletic Club dated 21.11.2017.

The email I send explains the reasons for my resignation.

I believe that [REDACTED] is a Trustee and in my view both he and the Chair [REDACTED] ignored the advice that they were given and therefore I would suggest you contact her [REDACTED] and her committee.

Just to further inform you there is a police investigation into the Club and the part [REDACTED] played in its closure.

Cofion | Regards

Michael

Y Cyng | Cllr Michael Michael

Aelod Cabinet dros Glân, Ailgylchu a'r Amgylchedd | Cabinet Member for Streets, Recycling & Environment
 Cyngor Caerdydd | Cardiff Council

t: +44 (0) 2920 87 2479

e: Michael.Michael@cardiff.gov.uk

From: Michael, Michael (Cllr)
Sent: 21 November 2017 18:23
To: [REDACTED]
Subject: Fairwater Social Athletic Club

[REDACTED] Further to last evenings meeting this is to confirm that I as Trustee informed you and the committee as well as the members present as to the financial state of the club.

I did so after taking legal and financial advice, I also asked you and the committee to do the same.

I outlined the poor state of the clubs takings over the past years and the income we are receiving this year pointing out that in the past 10 weeks the club had to take in around £45.000 in order to break even and pay our way.

In fact the club takings were around £34.000 leaving a shortage of £11.000+

In other words the club is loosing over £1.000 per week on average.

This added to the debt of over £77.000 makes it impossible for the club to continue trading.

I further explained to you and all those present that in my view and the views of the legal and financial advisors who had looked at the documents prepared by the club secretary that the club was insolvent, I explained that your lease stated that by not paying your rent the club had placed itself in a position where the value of the lease in fact was nil as it states in clause 5 of the schedule.

This means that the club is effectively bankrupt as the loses out way the assets.

I explained to you and those present that to order goods and services when the club was in this financial state was a criminal act.

In light of the advice I gave and the continuing breaking of health and safety law in not having hot water in the club for the past few months you are placing the members of the club and staff in a dangerous position. You seem to be neglecting your duty of care to both members and staff.

To run the club it is the job of the committee and after listening to you last night state you were unaware as to the true financial position of the club and to seek to deny any responsibility is simply not acceptable.

I cannot remain as a Trustee of a club that ignores the law and places itself in a position of acting criminally.

I therefore tender my resignation forthwith and ask that you remove my name from all legal documents associated with the Fairwater Social and Athletic Club as soon as possible. please confirm asp that instructions have been given to a solicitor acting for the club to proceed with this.

I also ask that you give a copy of this email to all of the members of the committee and put copies on the club notice boards in order for members to read.

Regards
Michael

Sent with BlackBerry Work
(www.blackberry.com)

Michael, Michael (Cllr)

From: [REDACTED]
Sent: 05 January 2020 08:23
To: Michael, Michael (Cllr)
Subject: Councillor Neil McEvoy and Fairwater Social and Ath Club

Dear Councillor Michael

As you may be aware on 11 July 2019 Councillor Neil McEvoy AM sent out a letter to all the members of Fairwater Social and Athletic Club advising them that a 'Public Meeting' was to take place at the Lutheran Church Monday 15 July 2019/

I am writing to you as the former Secretary of the Club and I had held that position for many years prior to my resignation earlier in 2019.

Councillor McEvoy's letter to the members refers to the financial situation of the Club at that time. Councillor McEvoy's comment in his letter was that '***The mess left by the former secretary was nothing short of shocking.***'

To the best of my knowledge Councillor McEvoy was never a member whilst I was the Secretary of the Club and so therefore his information can only have come from the Committee of the Club.

I have to advise you that I found Councillor McEvoy's comments extremely distressing and he set out to deliberately to besmirch my character in the local community in which I live. I financed that Club to a large degree, a factor which he does not mention and at the time of it's closure I was owed a considerable amount of money by way of unpaid wages and loans etc.

I believe in making the comments about me that he has, Councillor McEvoy has breached the Code of Conduct not only relating to his position as an Assembly Member of the Welsh Assembly but also that of Cardiff Council in his capacity as a local Councillor.

Yours sincerely

[REDACTED]

STATEMENT OF [REDACTED]

I [REDACTED] will state as follows:

1. On Monday 15 July 2019 I attended a Public Meeting at the Lutheran Church at Fairwater Green. The meeting was due to commence at 7pm.
2. The meeting was convened in a letter from Neil McEvoy AM who is also one of the local councillors on Cardiff Council representing the local area of Fairwater. My father received this letter from Mr McEvoy as he is/was a member of the Fairwater Social and Athletic Club
3. In Mr McEvoy's letter dated 11 July 2019 it is addressed to the members of Fairwater Social and Athletic Club although the subject matter is referred to as a 'Public Meeting'. The letter was distributed on Mr McEvoy's official notepaper as an Assembly Member for South Wales Central and paid for presumably by the Welsh Assembly Government. Mr McEvoy obviously was privy to the full list of names and addresses of the club members. This may be considered to be a breach of personal data as the membership details must have been provided to him by the Committee. I would respectfully ask how it could be a public meeting if members of the club were specifically contacted to attend.
4. I am a former employee of the Club.
5. I was accompanied to the meeting by my husband, [REDACTED] and by my father, [REDACTED] Mr [REDACTED] has been a member of the Club for many years. My husband was the former Steward at the Club.
6. When we arrived at the meeting we were approached by Mr [REDACTED] who was a member of the Club committee. Mr [REDACTED] advised us that as we were not members we were not welcome. The membership issue was not true in the case of my father. Mr [REDACTED] had asked us to go with him as he is elderly and his hearing is not great. I advised Mr [REDACTED] that the meeting had been advertised as a 'Public Meeting' and therefore as members of the public we were entitled to attend. Mr [REDACTED] was very aggressive towards us and said that he would phone the police. I told [REDACTED] to 'crack on'.
7. Mr [REDACTED] was really angry and I went outside and took a picture of the notice of the meeting.

8. Whilst I was outside I noticed the following persons standing talking together;

- Club Chair
- Club Vice Chair
- Club Committee Man
- [redacted] husband

Neil McEvoy AM

9. Mr McEvoy was asked whether he had any problem with my husband and me attending the meeting. Mr McEvoy said that he had no problems with us attending the meeting as he did not want any arguments. My husband said that he was not here to argue but only wanted to hear about the future of the Club. During this period some of the attendees that were inside the Church heard about what had been said by Mr [redacted] and if my husband and I had to leave then they would also leave.
10. The meeting commenced with Mr McEvoy at the front of the hall conducting the meeting and the Chair and Officers at the back of the hall.
11. The meeting was advised that Club owed the local authority money and Mrs [redacted] said that there was only 1 month's rent outstanding to them and that they needed to 'buy time' to sort the matter out. At this point a lady in the hall offered £600 to pay the rent owed to the local authority and this money was accepted by Mrs [redacted]
12. Someone asked that if the club was to re-open how it would manage for stock. Mrs [redacted] replied that there was still stock in the club.
13. Questions were asked about the generator. Mrs [redacted] advised that the generator contract was in her personal name.
14. Mr [redacted] suggested selling the bungalow and Mr McEvoy said he would look into this possibility.
15. During the meeting Mr McEvoy referred to a possible land swap between the club and the local authority in respect of the site at the former Bulldog public house and that those rumours were not true.
16. Mr McEvoy also said during the meeting that Councillor Russell Goodway had promised to build a new social club.

Signed [redacted]

Dated 15/1/20

STATEMENT OF [REDACTED]

I [REDACTED] of [REDACTED] will state as follows:

1. On Monday 15 July 2019 I attended a Public Meeting at the Lutheran Church at Fairwater Green. The meeting was due to commence at 7pm.
2. The meeting was convened in a letter from Neil McEvoy AM who is also one of the local councillors on Cardiff Council representing the local area of Fairwater.
3. In Mr McEvoy's letter dated 11 July 2019 it is addressed to the members of Fairwater Social and Athletic Club although the subject matter is referred to as a 'Public Meeting'. The letter was distributed on Mr McEvoy's official notepaper as an Assembly Member for South Wales Central.
4. I am the former Steward of the Club.
5. I was accompanied to the meeting by my wife, [REDACTED] and by my father in law, [REDACTED] Mr [REDACTED] has been a member of the Club for many years. My wife was a former member of the bar staff at the Club.
6. When we arrived at the meeting we were approached by Mr [REDACTED] who was a member of the Club committee. Mr [REDACTED] advised us that as we were not members we were not welcome. The membership issue was not true in the case of my wife's father. Mr [REDACTED] I advised Mr [REDACTED] that the meeting had been advertised as a 'Public Meeting' and therefore as members of the public we were entitled to attend. Mr [REDACTED] was very aggressive towards us and said that he would phone the police. My wife told Mr [REDACTED] to 'crack on'.
7. Mr [REDACTED] was really angry and I went outside and took a picture of the notice of the meeting.
8. Whilst I was outside I noticed the following persons standing talking together;

[REDACTED] – Club Chair
 [REDACTED] – Club Vice Chair
 [REDACTED] – Club Committee Man
 [REDACTED] husband

Neil McEvoy AM

9. Mr McEvoy was asked whether he had any problem with my wife and me attending the meeting. Mr McEvoy said that he had no problems with us attending the meeting as he did not want any arguments. I said that I was not here to argue but only wanted to hear about the future of the Club. During this period some of the attendees that were inside the Church heard about what had been said by Mr [REDACTED] and if my wife and I had to leave then they would also leave.
10. The meeting commenced with Mr McEvoy at the front of the hall conducting the meeting and the Chair and Officers at the back of the hall.
11. The meeting was advised that Club owed the local authority money and Mrs [REDACTED] said that there was only 1 month's rent outstanding to them and that they needed to 'buy time' to sort the matter out. At this point a lady in the hall offered £600 to pay the rent owed to the local authority and this money was accepted by Mrs [REDACTED]
12. Someone asked that if the club was to re-open how it would manage for stock. Mrs [REDACTED] replied that there was still stock in the club.
13. Questions were asked about the generator. Mrs [REDACTED] advised that the generator contract was in her personal name.
14. Mr [REDACTED] suggested selling the bungalow and Mr McEvoy said he would look into this possibility.
15. During the meeting Mr McEvoy referred to a possible land swap between the club and the local authority in respect of the site at the former Bulldog public house and that those rumours were not true.
16. Mr McEvoy also said during the meeting that Councillor Russell Goodway had promised to build a new social club.

Signed

[REDACTED]

Dated 15/1/20

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█ In the Facebook post it appears that McEvoy has informed the writer that he plans to try to stop the development of houses on Llantrisant Rd (Plasdwr) on the second phase. There is no second phase in the planning process as the development has planning permission. Building may have phases but those are up to the developer and cannot be stopped or influenced by McEvoy. Once again he is giving people false information. Councillors may or may not agree with the LDP but what they cannot do is tell falsehoods or give out false or miss inform for their own political purposes. By continuing to do this McEvoy is bringing his position as a councillor and the council into disrepute.

Cofion | Regards

Michael

Y Cyng | Cllr Michael Michael
Aelod Cabinet dros Glân, Ailgylchu a'r Amgylchedd | Cabinet Member for Streets, Recycling & Environment
Cyngor Caerdydd | Cardiff Council

t: +44 (0) 2920 87 2479
e: Michael.Michael@cardiff.gov.uk

From: █
Sent: 19 February 2020 14:52
To: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>
Cc: Williams, James <James.Williams2@cardiff.gov.uk>
Subject: RE: Your complaint - Our Ref. CDC 19/010
Sensitivity: Confidential

Dear Councillor Michael

Thank you for your email below, but we need more information from you please to include this within your complaint - Please can you specify precisely which parts of Cllr McEvoy's statement below you believe to be misleading, why you consider them to be misleading, and which duties in the Members' Code of Conduct you believe this breaches? Please also provide us with any documentary evidence to support this part of your complaint.

Please also note that we do need your response to the questions set out in my email yesterday to enable us to progress this matter.

We shall wait to hear from you.

Thank you,

█

█

Cyfreithiwr - Solicitor
Am Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol

For Director Governance and Legal Services

Ystafell 464 Neuadd y Sir, Glanfa Iwerydd, Caerdydd CF10 4UW - Room 464 County Hall, Atlantic Wharf, Cardiff CF10 4UW

Ffon / Tel [REDACTED]

Ebost /Email: [REDACTED]

Pwysig: *Caiff y wybodaeth sydd yn y neges hon, ac mewn unrhyw ymateb neu atodiad, ei darparu neu ei derbyn er mwyn darparu neu geisio cyngor cyfreithiol, neu gyngor a roddir mewn cyd-destun cyfreithiol, ac o ganlyniad gallai fod yn destun braint gyfreithiol broffesiynol - cysylltwch a mi cyn ei dangos i unrhyw berson arall.*

Important: *The information in this message, and in any reply or attachment, is provided or received for the purposes of obtaining or providing legal advice, or advice given in a legal context, and may therefore be subject to legal professional privilege - please refer to me before disclosing to any other person.*

From: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>

Sent: 19 February 2020 14:19

To: [REDACTED]

Subject: Fwd:

[REDACTED]. Please find a screen shot of a Facebook page only last week in which McEvoy is once again making misleading statements regarding the planning process. Please include this in my evidence.

Councillor Michael Michael
Councillor for Trowbridge and St Mellons
Cabinet Member Clean Streets and Environment

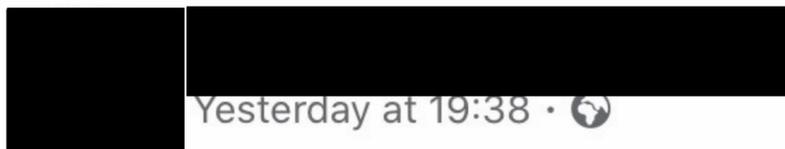


Live

Photo

Recommend

New activity



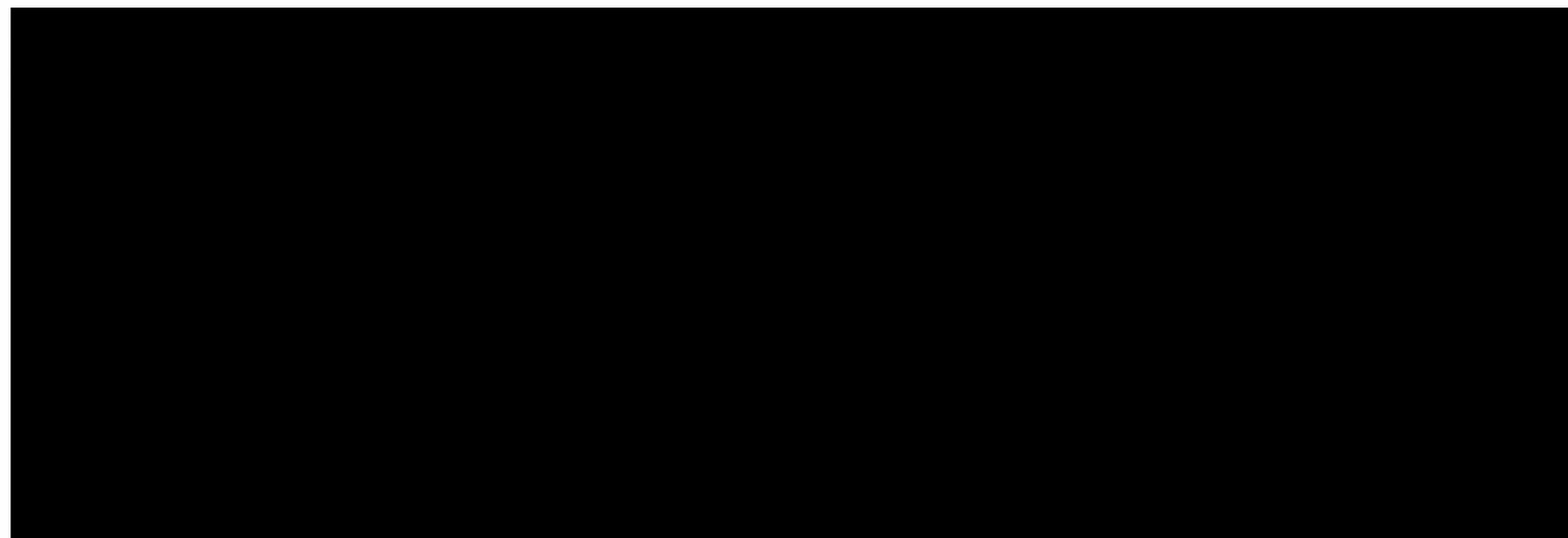
Yesterday at 19:38 · 🌐

The situation on Church Road is beyond a joke . Neil McEvoy is now meeting us at the Lewis Arms on Friday at 11 am in Pentyrch to discuss and basically do what he can to help. If anyone is interested in coming please PM me or just turn up . Also he plans to try and stop the second phase of the Llantrisant Road . This is a terrible issue for all so please come and show support if you can .

1

52 comments

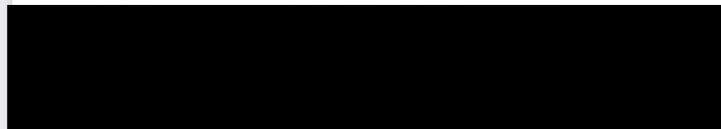
Like Comment Share



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From: Neil McEvoy <neilmcevoy2004@yahoo.co.uk>
Sent: 30 October 2020 10:35
To: Williams, James
Subject: Complaint

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear James,

Davina Fiore complained about me using my Senedd email on solely Council business. I therefore thought it better to send this from my personal account, until my Council email is back up and running.

1. Information about the Local Development Plan (LDP) put out by Cllr McEvoy in a newsletter for residents ('the Newsletter'), informing of a public consultation meeting with their 'local Assembly Member, Neil McEvoy', to be held on 1st July 2019,; specifically, Cllr McEvoy's statement that after the next Council elections "we can revoke and reform the LDP to stop more building on green fields".

It is in legislation that a Council can vote to ask the Senedd to revoke a Local Development Plan. It is WNP policy to do this, after taking control of the Council. It is also WNP national policy to scrap LDPs. There is no basis for the above complaint, my statements were and are factually accurate.

2. Information published by a member of the public on the Fairwater Community Group Facebook page on /around 12th February 2020, indicates that Cllr McEvoy had informed her that 'he plans to try to stop the second phase of the Llantrisant Road' housing development. Cllr Michael says that there is no second phase in the planning process as the development has planning permission; and building may have phases but those are up to the developer and cannot be stopped or influenced by Cllr McEvoy.

I cannot be responsible for any resident commenting on social media. I refer you to the political policy and indeed plan of the WNP in point 1.

3. Information in a letter dated 11th July 2019 ('the Letter') sent by Cllr McEvoy as Assembly Member for South Wales Central to members of Fairwater Athletic Club ('the Club'), regarding a public meeting to be held on 15th July 2019 to discuss the future of the Club, in particular, the statement in the Letter saying "The mess left by the former secretary was nothing short of shocking".

I expressed an opinion based on information given to me. After complaint from the Secretary, I relayed his point of view to the following meeting.

4. Information given by Cllr McEvoy at a public meeting held on 15th July 2019 at the Lutheran Church in Fairwater ('the Public Meeting') to discuss the Fairwater Social and Athletic Club ('the Club'), specifically, the

following: (i) Cllr McEvoy said that a proposed land swap between the Council and the Club was a complete set of lies and that such a deal had not been discussed; (ii) Cllr McEvoy said that Cllr Goodway had promised to build a new club, which is untrue; and (iii) Cllr McEvoy misinformed those at the meeting about the financial position of the Club.'

Councillor Michael is relaying information second hand. This is not admissible as a complaint according to the rules. The individual at the meeting was obliged to make the complaint. If as can happen, the rules are ignored and a ruling is made that hearsay is admissible, then I will respond in more detail.

For the record, the 3 Panel members who sat on my last hearing hold pre-conceived prejudices about me, based on racial stereotyping. It is my view and the view of the Cardiff WNP Council Group that they are not fit people to sit on Standards and Ethics. The Chair of the Panel's employment is funded by the Welsh Government. It is my job to replace the Welsh Government, he therefore has an interest. Unbeknown to me, I supported withdrawing funding for the Chair's job, so he also therefore has a pecuniary interest in the matter. For clarity, I supported withdrawing some Government funding to Cardiff University. I was then made aware that the Chair's job was funded by the Government funding I opposed.

Please let me know if point 4 will be discussed, or whether or not the advice will be that it contravenes the rules to put it in the name of Cllr Michael.

Finally, I sued Councillor Michael previously, which caused him financial harm. I am advised that he had to sell his property in a sought after location as a result. I believe Cllr Michael now lives in an ex-council property on the Fairwater estate. His complaint is vexatious and stems from his inability to accept what happened during and after the libel trial. I was insured and he was not.

Yours sincerely,

Neil McEvoy

From: [Michael, Michael \(Cllr\)](#)
To: [REDACTED]
Subject: Fwd: Your email
Date: 04 November 2020 11:46:43

[REDACTED] Please find an email from McEvoy admitting that his comments regards the Fairwater Social Club Sec were wrong.

Regards
Michael
Councillor Michael Michael
Councillor for Trowbridge and St Mellons
Cabinet Member Clean Streets and Environment

From: [REDACTED]
Sent: Tuesday, November 3, 2020 6:10:45 PM
To: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>
Subject: Fwd: Your email

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Begin forwarded message:

From: [REDACTED]
Date: 27 July 2019 at 18:44:27 BST
To: [REDACTED]
Subject: Fw: Your email

Hi

FYI

Regards

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales>
Sent: Saturday, 27 July 2019, 18:43:17 GMT+1
Subject: Re: Your email

Dear Mr McEvoy

I refer to your email of 17 July 2019 the content of which is noted especially your non-apology apology.

The point of an apology, if indeed you are going to make it, is to make it to the person that you have

offended directly and also in front of all the people you have advised of your misrepresentation. As only less than 20 people who you circulated regarding the public meeting attended then only those persons would have been aware of your statement at the meeting. The remaining 'members' who did not attend are still blissfully aware of your inaccurate comments.

As you will be aware we have had a couple of altercations in the past, at Fairwtaer Green and up at Culverhouse Cross.

The inaccuracy in your letter was the following statement:

'The mess left by the former secretary was nothing short of shocking'

The above statement is what I consider to be libelous and I put upon you to supply evidence to support your statement.

The problem that you have is that you have listened too much to the cabal that exists within the Committee (if you can call them that, now that it is not trading) and some of the members.

I severed my connection with the Club effectively from September 2017 although I did not resign until August 2018 but I had nothing to do with the management of the Club since the first mentioned date in this sentence. I am not sure whether you are familiar with club law but the Secretary is not a member of the Club nor of the Committee and does not have a vote in any decisions made by the members in General Meetings or in Committee meetings. The Secretary acts on the decisions made by the Committee. It is the responsibility of the Committee to provide sufficient funds for the invoices for goods and services to be paid

Have you asked [REDACTED] or [REDACTED] for the accounting records from September 2017 to the date that the club closed? I don't believe that they will be able to provide you with any.

Please forward me the names and addresses of all the Club members that you wrote to regarding the public meeting. I note that you will be writing to them in the near future to correct any inaccuracy that was in the letter. I shall be grateful if you would forward me a draft copy of that proposed letter before it is despatched.

I am also still considering the action that I indicated in my previous email.

Yours sincerely

[REDACTED]

On Wednesday, 17 July 2019, 12:43:58 GMT+1, McEvoy, Neil (Aelod Cynulliad | Assembly Member) <Neil.McEvoy@assembly.wales> wrote:

Dear [REDACTED]

I'm sorry if you feel I have misrepresented you. I intend to write to all members in the near future and am happy to correct any inaccuracy you say was in the letter.

The issue is that everybody states that you refused to return the books. It is alleged that withholding the books has made it impossible to deal with the finances adequately. Will you return the books please?

It is also alleged that you withheld information about you not paying bills for a considerable period. Is this the case?

My interest is in saving a community asset. I have no desire to get involved in a Club row. As a result, I did apologise at the public meeting for any offence caused. I assume this has been fed back to you.

I would grateful for a reply, so I can set straight any matter which may or may not need to be set straight.

Yours sincerely,

Neil

Get [Outlook for Android](#)

From: Hanratty, Neil
Sent: 09 November 2020 14:49
To: michael costas-michael
Cc: [REDACTED]
Subject: RE: Standards and Ethics

Cllr Michael

I was at the meeting between Cllr Goodway and Cllr McEvoy regarding the Fairwater Social Club.

Cllr Goodway explained that to move forward the Social Club would need to relinquish their lease.

He also said that the land would be developed by the HRA as part of the redevelopment of the adjacent Council owned property and that Cllr Thorne had indicated to him that she would be prepared to include a new community facility as part of the development.

I have copied in [REDACTED] as she was also present to confirm if her recollection is the same as mine.

Neil

From: michael costas-michael [REDACTED]
Sent: 09 November 2020 11:28
To: Hanratty, Neil <NHanratty@cardiff.gov.uk>
Subject: Standards and Ethics

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.
ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Neil, Further to our recent discussions. I have an upcoming meeting of the above committee for a number of issues relating to posts placed on Facebook and in leaflets as well as verbal comments by Neil McEvoy relating to the Fairwater Social and Athletic Club.

McEvoy has stated that the council has let the members down because he was promised a replacement club at a meeting with Coun Goodway,

I understand that you were at the meeting with [REDACTED]

Could you please confirm what was discussed and if Coun Goodway indeed offered a replacement club to McEvoy and on what precise terms.

Why would the Council offer a replacement club as the council were in fact owed both rent and rates ?

Would you please reply to myself and [REDACTED]

I need this to be provided as soon as possible.

Regards

Michael

Councillor Michael Michael

Councillor for Trowbridge and St Mellons

Cabinet Member Clean Streets and Environment

From: [REDACTED]
Sent: 09 November 2020 14:55
To: Hanratty, Neil; michael costas-michael
Cc: [REDACTED]
Subject: RE: Standards and Ethics

Councillor Michael,

I was indeed at the meeting and this is an accurate account of the conversation.

Kind regards,

[REDACTED]

From: Hanratty, Neil <NHanratty@cardiff.gov.uk>

Sent: 09 November 2020 14:49

To: michael costas-michael [REDACTED]

Cc: [REDACTED]

Subject: RE: Standards and Ethics

Cllr Michael

I was at the meeting between Cllr Goodway and Cllr McEvoy regarding the Fairwater Social Club.

Cllr Goodway explained that to move forward the Social Club would need to relinquish their lease.

He also said that the land would be developed by the HRA as part of the redevelopment of the adjacent Council owned property and that Cllr Thorne had indicated to him that she would be prepared to include a new community facility as part of the development.

I have copied in Eirian as she was also present to confirm if her recollection is the same as mine.

Neil

From: michael costas-michael [REDACTED]

Sent: 09 November 2020 11:28

To: Hanratty, Neil <NHanratty@cardiff.gov.uk <mailto:NHanratty@cardiff.gov.uk> >

Subject: Standards and Ethics

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

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McEvoy has stated that the council has let the members down because he was promised a replacement club at a meeting with Coun Goodway,

I understand that you were at the meeting with Eirian Jones.

Could you please confirm what was discussed and if Coun Goodway indeed offered a replacement club to McEvoy and on what precise terms.

Why would the Council offer a replacement club as the council were in fact owed both rent and rates ?

Would you please reply to myself and [REDACTED]

I need this to be provided as soon as possible.

Regards

Michael

Councillor Michael Michael

Councillor for Trowbridge and St Mellons

Cabinet Member Clean Streets and Environment

From: michael costas-michael [REDACTED]
Sent: 09 November 2020 17:08
To: [REDACTED]
Subject: Fwd: Standards and Ethics

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.
ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Kumi. Please accept this new evidence.
Regards
Michael
Get Outlook for iOS <<https://aka.ms/o0ukef>>

From: [REDACTED]
Sent: Monday, November 9, 2020 4:28:30 PM
To: michael costas-michael [REDACTED]
Subject: RE: Standards and Ethics

Dear Michael,

I am well thank you despite these very odd times. I trust all is well with you also?

I can confirm that conversations and consideration was given for the Bulldog being a possible new home for the Social Club.

Regards,

[REDACTED] | Head of Property, Wales & Short Sea Ports | Associated British Ports

Queen Alexandra House | Cargo Road | Cardiff | CF10 4LY

[REDACTED] www.abports.co.uk <<http://www.abports.co.uk/>>

From: michael costas-michael [REDACTED]

Sent: 09 November 2020 11:37

To: [REDACTED]

Subject: Standards and Ethics

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Helen.I hope you are keeping well and safe in these strange times .

I have a meeting of the above committee coming up for a range of complaints against Coun McEvoy.

One of my complaints is that McEvoy is giving misinformation and misleading people on what has happened to the Fairwater Social and Athletic Club.

McEvoy has put out a leaflet and posted on Facebook that in fact there were no plans for a land swop between the Bulldog and the Social club.

As you are aware we discussed the possibility on numerous occasions and the swop was a distinct possibility if the members chose to take that option.

It's important to me that members of the social club received the correct information.

Would you please be so kind as to send me an email simply stating that the swop was being discussed and was a possibility.

Sorry to rush you but I need this sometime today as I need to send it to the council's lawyer dealing with this.

I have Coun Thorne as a witness as I discussed it with her on many occasions but an email from yourself confirming this would help.

Regards

Michael

Councillor Michael Michael

Councillor for Trowbridge and St Mellons

Cabinet Member Clean Streets and Environment

From: michael.costas-michael
To: [REDACTED]
Subject: Fwd: Standards and ethics hearing.
Date: 09 November 2020 11:13:02

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

[REDACTED]. Please submit this as more evidence.

Regards
Michael
Councillor Michael Michael
Councillor for Trowbridge and St Mellons
Cabinet Member Clean Streets and Environment

From: michael costas-michael <m.michael@hotmail.co.uk>

Sent: Thursday, November 5, 2020 3:09:04 PM

[REDACTED]

Subject: Re: Standards and ethics hearing.

[REDACTED] Thanks for this. My concerns are that by misleading residents he was bringing his and the councils position into disrepute by informing residents of what he can actually deliver.

Regards
Michael

Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Thursday, November 5, 2020 3:05:32 PM
To: michael costas-michael <m.michael@hotmail.co.uk>
Subject: Re: Standards and ethics hearing.

Hello Michael

As you may know there were three village meetings held in Pentyrch to discuss the very poor state of a dangerous road called Church Road. Two of the meetings were in February and the third in March 2020. Myself, [REDACTED] were elected to form a Working Group to organise future meetings and plan a campaign over Church Road. Neil McEvoy attended all 3 of the meetings. My understanding is that he was invited to the first of these meetings because he was someone who was apparently expressing support for the Church Road campaign. However, it transpired his focus was clearly far more about the LDP, why he opposed it and what could be done to stop any further housebuilding as part of the LDP.

Following Neil's focus on the LDP at the first meeting we were concerned that Neil was in fact trying to use the meetings solely to gather support for his own campaign of stopping

any further local Development Plan housebuilding rather than about Church Road. Our concern was heightened when we saw a letter he was going to send to all residents saying that the 21 February meeting (the 2nd of the 3 meetings) would be to discuss the LDP. I attach copy of the letter for your information. We expressed our concern over this letter to Neil. Prior to the March meeting the Working Group agreed that Natasha would write to Neil to say we would be giving him an agenda slot to talk about what he could do to assist in the Church Road campaign and that we were prepared to allow him time to talk about his own LDP campaign but at the end of the meeting. This would be a separate agenda item to Church Road.

My personal opinion is that Neil was only interested in stopping any further expansion of the development of the LDP and that he was using this as a way to help further his political ambitions. Personally, I found it difficult to see how he could do anything in regard to the LDP and that it was misleading to say the opposite.

Regards

From: michael costas-michael <m.michael@hotmail.co.uk>

Sent: 05 November 2020 12:34

To: [REDACTED]

Subject: Standards and ethics hearing.

[REDACTED] My name is Councillor Michael Michael and I have a complaint outstanding against Neil McEvoy that is going to the councils standards and ethics committee in early December.

Part of my complaint is that McEvoy has been misinforming residents about what actions he is telling them he will take to stop the LDP.

The LDP is a statutory plan that was passed by the council after a public enquiry by the planning inspector and as such is the councils expansion plan for the city until added to or change.

I have no problem wimp this anyone who disagrees with it.

I have a serious problem when a councillor goes around tell everyone that he will get rid of it in phase 2 as there is no phase 2.

The LDP is a plan with no phases.

I believe that by doing this McEvoy is indulging in mass misinformation in order to be if it himself from getting residents to vote for him in any upcoming elections and by doing this he is bringing his position as a councillor into disrepute.

What he is now saying is that should he be elected as council leader (no chance) or as part of any coalition his policy is that the council would have to vote to ask the Assembly to get rid of the LDL.

That in my view is complete nonsense as it would place the council in a position where the developers could sue and bankrupt the council.

It would help me if residents who were at that meeting in Pentyrch state gave me evidence of what McEvoy actually said.

If you can help in any way I would be grateful.

Regards

Michael

07891562352.

Councillor Michael Michael

Councillor for Trowbridge and St Mellons

Cabinet Member Clean Streets and Environment

From: [Michael, Michael \(Cllr\)](#)
 To: [REDACTED]
 Subject: Fwd:
 Date: 09 November 2020 11:13:57
 Attachments: [REDACTED]

[REDACTED] More evidence.

Regards
 Michael
 Councillor Michael Michael
 Councillor for Trowbridge and St Mellons
 Cabinet Member Clean Streets and Environment

From: [REDACTED]
 Sent: Thursday, November 5, 2020 12:58:13 PM
 To: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>
 Subject:

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.
ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Sir

Thank you for contacting me regarding my Facebook post in March time.

At the time, I was trying to raise awareness of the state of Church Road which had huge pot holes in.

I contacted Neil McEvoy to help raise this awareness. He was happy to do so. He attended three meetings. Two in the Lewis Arms and one in the Pentyrch hall.

I was concerned at the time as he focussed on the LDP .(I have enclosed the email internally and one to Neil directly sharing these concerns) He then sent out mail shots regarding the meeting as his own LDP meeting on the back of the Church Road issue. He even posted locally about HIM calling the meeting for the LDP - I have attached the screen shots of his post and he took photos of our members - who were only there regarding the meeting about Church Road . He also did a succession on videos at the time on the subject.

Myself, [REDACTED] (Pentych neighbourhood watch) and [REDACTED] organised these meetings .

Neil gave the impression to me and others in attendance he could stop the subsequent

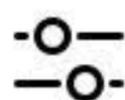
phases of the Llantrisant Road development. He wasn't really interested in the Church Road issue but rather saying that the bigger was due to the LDP.

The impression I was given was this could be achieved and the LDP scrapped by having his own councillors representing his party who would then become the majority and vote against the further development phases in the Senedd. He said an act could be invoked to stop any further development . He also asked me if I would be interested in becoming one of these councillors in my ward, and if I would like to attend his launch party in the Hilton. I declined the offer.

I am happy for you to share my recollection.



<



All **Posts** People Groups Photos



Neil McEvoy ✓

6 March ·

Residents of Cardiff West should see this. I asked a question to the First Minister about the local development plan in the west of Cardiff in the Senedd this week. This was his response.

Dylai trigolion Gorllewin Caerdydd weld hyn. Gofynnais gwestiwn i'r Prif Weinidog yn y Senedd yr wythnos hon am y cynllun datblygu lleol yng ngorllewin Caerdydd. Dyma ei ateb.
See Translation

Neil McEvoy AM/AC
South Wales Central
Canol De Cymru



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9+



Public Meeting
Friday 6th March
Pentyrch Village Hall 7.00pm

Agenda.

Introductions -

1a) To discuss Church Road / Star Lane Traffic Issues.

██████████ (Resident)

1b) Receive feedback from the working group and their proposals. ██████████ (Neighbour hood Watch)

2) To hear the views of County Councillor - ██████████

██████████ on Church Road.

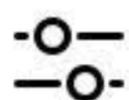
3) To hear the views of Neil McEvoy (Independent Assembly Member)

4) Open Discussion to agree the way forward.

5) Neil McEvoy on the LDP.

Please come and show your support and for further information.

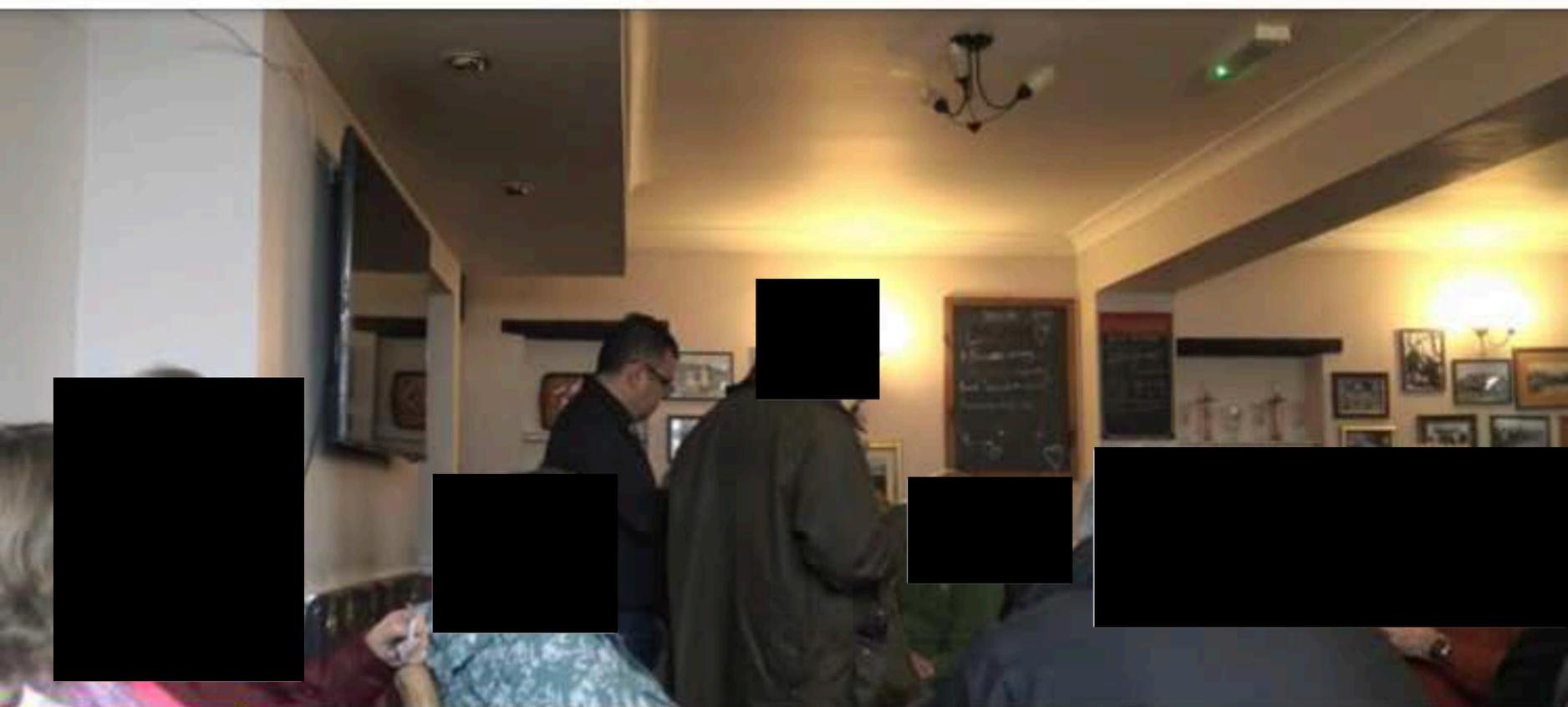
<  cardiff west issues...



All Posts People Groups Photos

This LDP has ravaged the greenfields in the surrounding countryside, seen dangerous increases in traffic on the roads in the area and on top of it all residents are having large earth moving trucks rumbling up and down their narrow village roads that are simply not designed for these size vehicles.

The meeting was packed and we had a very positive meeting to discuss proposals for community action going forward.

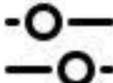


Page 99



9+



  cardiff west issues... All **Posts** People Groups Photos**Neil McEvoy** 21 February · 

Today I held a consultation meeting with residents in Pentyrch's Lewis Arms (my thanks to the Landlord for his hospitality) to discuss the serious issues with Church Road, Star Lane and the wider impact across the communities of the Local Development Plan that has been instigated by Cardiff Council.

This LDP has ravaged the greenfields in the surrounding countryside, seen dangerous increases in traffic on the roads in the area and on top of it all residents are having large earth moving trucks rumbling up and down their narrow village roads that are simply not designed for these size vehicles.

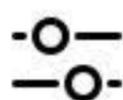


Page 100



9+



All Posts People Groups Photos

 You and 5 others

 Like

 Comment



Neil McEvoy 

21 February · 



Today I held a consultation meeting with residents in Pentyrch's Lewis Arms (my thanks to the Landlord for his hospitality) to discuss the serious issues with Church Road, Star Lane and the wider impact across the communities of the Local Development Plan that has been instigated by Cardiff Council.

This LDP has ravaged the greenfields in the surrounding countryside, seen dangerous increases in traffic on the roads in the area and on top of it all residents are having large earth moving trucks rumbling up and down their



Page 101





From: [REDACTED]
Sent: Saturday, 22 February 2020, 10:46
To: McEvoy, Neil (Aelod Cynulliad | Assembly Member)
Cc: [REDACTED]
Subject: Church Road

Hi Neil,

I thought it would be simpler to email rather than text.

In respect of the last meeting it generated a lot of attendance following the letters that you sent out. I was unaware of the content of your letter so it is unclear of what was stated was the reason for the meeting. However, what is clear is that you talked a lot about the LDP.

Having spoken to a few people from the meeting, we believe it is advisable that you refrain from sending out letters for the next meeting and we will advertise it on social media and put up signs in the local shops. Although it is lovely for you to offer, it does give the impression that you are the one calling the meeting and then the topic will be the LDP .

A lot of the talk at the last meeting was about the LDP but that is a separate issue.

I am just planning the agenda for the next meeting and it has been decided that I will chair that said meeting.

If you do wish to speak or add anything to this meeting can I have your assurances it will be on the Church Road topic and not the LDP as we seem to have gone off track?

your assurances it will be on the Church Road topic and not the LDP as we seem to have gone off track?

There is obviously a lot of interest in the LDP naturally but that is a separate issue and maybe another meeting can be arranged to cover that topic ?

Can you let me know if you wish to speak on the 6th please?

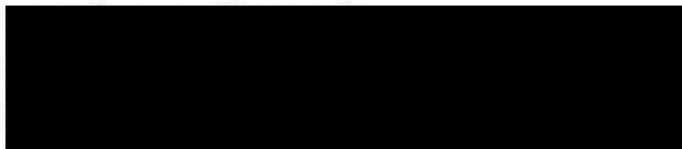
We have discussed this matter further and we do believe that it is also a neighbourhood watch matter and so that will also be a focus in the next meeting and we will be discussing the agenda when Mike and I and the others meet on Monday.

I contacted you to get involved in this as you are a bit of an activist which is great to highlight the plight of Church Road in the media and on your page, and was very surprised to see no mention of this on your page, instead it looked like it was a meeting about the LDP called by you so I want to ensure that this does not happen again in the next Church Road Meeting.

If you wish to set up a separate meeting to cover this topic then I can support you in that.

Just to reiterate this meeting is about the plight of the residents of the surrounding areas of Church Road and Star Lane that are impacted by traffic disturbance due to the councils closure of Heol Pant y Goredd.

Many Thanks



Hi Both,

I think I have stupidly been drawn into the political world.

As you know I am very concerned about Church Road and the traffic situation. Initially I thought by involving Neil McEvoy who is a known activist he would bring attention to the plight of the residents through the media and his own webpage.

When I had a chat with him before the first meeting he mentioned that now he is starting his own party he needs a seat in the assembly to try and convince the assembly to enforce an emergency law to stop the remaining phases of the LDP. I didn't take any notice to be honest as I am not at all political.

In the first meeting as you know [REDACTED] we discussed Church Road , signs etc but I did notice Neil talking a lot about the LDP and giving the impression something could be done to stop it, which even I know is very unlikely. He did seem to win a lot of support naturally over this but I did ask him to stay on topic of Church Road. Anyway he said he would send out letters about the following meeting, which at the time thought helpful.

Today's meeting, apart from us saying more signs had been delivered and [REDACTED] reading the email the majority of the meeting was about the LDP and Neil just carried on. There were a lot more people there because of the mail shot letters.





What shall we do ?

In the very least I suggest [REDACTED] if possible sends out the letters. I did not realise the significance of it until now. By Neil sending them out people will think he is the pro active one but he is not really discussing the here and now problem just the longer term of him getting a seat to stop the LDP which in all honesty I think unlikely.

I really don't know what to do about this?

An other option is for us just to tell him we can take it from here, and let [REDACTED] talk about the problem , issues , what is being done as Neil hasn't done anything to raise awareness at all - as he hasn't even mentioned the road and just attempt to carry on without him.

Or to chair the meeting on the 6th very tightly and stick to the topic as I think he will talk about the LDP and use it to gain popularity for his own means. Also publicising that the people are there for him discussing the LDP and the potential stopping of it instead of talking about Church Road / Star Lane.

I think I have mistakenly opened a can of worms. I did say to you today [REDACTED] he hardly mentioned our issue and I felt the people were there under false pretences. However, by him sending the letters out technically he did call the meeting.

Or shall we just do nothing?

Page 105

What do you think or am I looking to deeply into this ?

without him.

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I think I have mistakenly opened a can of worms. I did say to you today [REDACTED] he hardly mentioned our issue and I felt the people were there under false pretences. However, by him sending the letters out technically he did call the meeting.

Or shall we just do nothing?

What do you think or am I looking to deeply into this ?

Im no political person at all but feel this has become a political opportunity for him given what I have just seen on his twitter rather than helping raise awareness and the immediate problem of Church Road but we need to decide sooner rather than later before he sends the letters out.

Ill await your response.

Scrap Local Development Plans



Page 107



This behind me

SIGN THE PETITION

This page is intentionally left blank

From: Williams, James
Sent: 10 November 2020 12:17
To: [REDACTED]
Subject: FW: your emails and the LDP

Categories: Saved in Visualfiles

For info

From: McEvoy, Neil (Aelod o'r Senedd | Member of the Senedd) <Neil.McEvoy@senedd.wales>
Sent: 10 November 2020 12:10
To: [REDACTED]
Cc: Williams, James <James.Williams2@cardiff.gov.uk>
Subject: your emails and the LDP

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear [REDACTED]

Thank you for your frank email regarding my activity as an MS. I am copying in the Deputy Monitoring officer of the Council, in order to clarify that I wrote about the meetings and attended as a Member of the Senedd.

[REDACTED] your email was particularly helpful in that you confirmed that my position in that the WNP will seek to revoke the LDP when in control of Cardiff Council. It is also our longstanding Senedd policy to scrap LDPs and adopt regional planning with the consent of communities. We would use s.68 of the Planning and Compulsory Purchase Act 2004 to do so.

Councillor Michael seems oblivious to the legislation above and has misled you in saying that it cannot be done.

Yours sincerely,



Neil McEvoy MS/AS

Leader of the Welsh National Party (WNP)
Arweinydd Y Blaid Genedlaethol (YBG)

Phone | Ffon 0300 200 7434/07974 439640

Web | Wefan www.neilmcevoy.wales

Email | E-bost neil.mcevoy@senedd.wales

321 Cowbridge Road East, Cardiff, CF5 1JD



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From: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>

Sent: 15 December 2020 15:23

[REDACTED]

Cc: Williams, James <James.Williams2@cardiff.gov.uk>

Subject: Re: Standards Hearing CDC 19/010 (Date TBC) - Additional Evidence - Response needed by Monday 21st December please

Sensitivity: Confidential

[REDACTED] James. Thank you for your email. This is of course complete nonsense. McEvoy has had since August 19 to answer and supply any evidence of support for his untrue statements and at the end he comes up with this.

The statement itself is contradictory as it would be the first time in history that the council would pay to demolish and rebuild a club that was bankrupt.

And owned and operated by others, how would this happen,?

What processes would be needed to do this ?

This seems to me to be entirely part of the fantasy world that some people live in.

I would object to [REDACTED] having any involvement as she worked closely with McEvoy and that indirectly led to the closure of the club as she would not take legal and financial advice.

In simple terms I wouldn't trust this person because of her previous record of misleading statements to club members over a number of years.

Regards

Michael

Councillor Michael Michael

Councillor for Trowbridge and St Mellons

Cabinet Member Clean Streets and Environment

[REDACTED]

Sent: Tuesday, December 15, 2020 3:06:08 PM

To: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>

Cc: Williams, James <James.Williams2@cardiff.gov.uk>

Subject: Standards Hearing CDC 19/010 (Date TBC) - Additional Evidence - Response needed by Monday 21st December please

Dear Cllr Michael

Please see below additional evidence submitted by Cllr McEvoy in response to your complaint.

Under the Hearings Procedure, paragraph 9 'Additional Evidence', the Panel's permission is required for the introduction of any additional evidence. Before we pass this information to the Panel for their consideration, we wish to give you the opportunity to provide any response to it and or any representations on whether the Panel should allow it to be introduced as evidence.

Please can you ensure that any response / representations you wish to make on this matter reaches us by no later than 5pm on Monday 21st December. I'd be grateful if you could include James Williams in your response to this email please, as I'll be on leave from Friday 18th.

Please note, the information set out within this email chain, which includes personal information about third parties, is being provided to you in order for the Standards Committee to discharge its statutory functions under Part 3 of the Local Government Act 2000. This information may be confidential and should be used only to inform the response requested in this email and not for any

other purpose. Any unauthorised disclosure of confidential information may constitute a breach of the Code of Conduct.

Kind regards,

[REDACTED]

Am Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
For Director Governance and Legal Services

Ebost /Email: [REDACTED]

Pwysig: *Caiff y wybodaeth sydd yn y neges hon, ac mewn unrhyw ymateb neu atodiad, ei darparu neu ei derbyn er mwyn darparu neu geisio cyngor cyfreithiol, neu gyngor a roddir mewn cyd-destun cyfreithiol, ac o ganlyniad gallai fod yn destun braint gyfreithiol broffesiynol - cysylltwch a mi cyn ei dangos i unrhyw berson arall.*

Important: *The information in this message, and in any reply or attachment, is provided or received for the purposes of obtaining or providing legal advice, or advice given in a legal context, and may therefore be subject to legal professional privilege - please refer to me before disclosing to any other person.*

From: Neil McEvoy [REDACTED]

Sent: 14 December 2020 11:54

[REDACTED]

Subject: Fw: Statement

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear [REDACTED]

Below is a witness statement, attesting to the fact that a new club was promised.

Neil McEvoy

----- Forwarded message -----

[REDACTED]

To: Neil Mcevoy <[REDACTED]>

Sent: Monday, 14 December 2020, 11:45:51 GMT

Subject: Fw: Statement

----- Forwarded message -----

From: "Neil McEvoy" <[REDACTED]>

To: [REDACTED]

Cc:

Sent: Mon, 14 Dec 2020 at 10:21

Subject: Statement

To whom it may concern

I am writing with concern to a meeting that had taken place at the site of the Fairwater Social and Athletic club in February/March 2019, attending the meeting was myself (previous Chair), Mr Mcevoy, Mr Goodway and two council employees.

While attending the meeting Mr Goodway and the council employees discussed about demolishing the club as it was very dated and very run down, after a quick discussion they stated that it would cost too much money to demolish and rebuild.

They then looked at relocating the club in the site. Mr Goodway then stated that they would go away and look at every avenue for relocation and would have plans drawn up and we would receive these plans by June 2019.

I then informed our members of this in the hope that the council would be true to their word and give our members a little bit of hope, however this never came to be.

We were promised a new Club. It did not happen.

With Regards

Sharon Allen

[Sent from Yahoo Mail on Android](#)

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PART 5 – CODES AND PROTOCOLS

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

Adoption

This Code was adopted by the Authority on 15 May 2008 and amended on 26 May 2016

PART I

Interpretation

1.1 In this code—

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"meeting" ("*cyfarfod*") means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

“register of members’ interests” (“cofrestr o fuddiannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act;

“registered society” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"relevant authority" ("*awdurdod perthnasol*") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

1.2 In relation to a community council—

- (a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART II

General Provisions

- 2.1 Save where paragraph 3(a) applies, you must observe this code of conduct—
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6.1(a) and 7.
- 2.2 You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
- 3 Where you are elected, appointed or nominated by your authority to serve—
- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4 You must—
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5 You must not—

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.1 You must—

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

6.2 You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7 You must not—

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority—
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

8 You must—

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by—
 - (i) the authority's Head of Paid Service;
 - (ii) the authority's Chief Finance Officer;
 - (iii) the authority's Monitoring Officer;
 - (iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9 You must—

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART III

INTERESTS

Personal Interests

- 10.1 You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- 10.2 You must regard yourself as having a personal interest in any business of your authority if—
- (a) it relates to, or is likely to affect –
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) Any -
 - (aa) public authority or body exercising functions of a public nature;

- (bb) company, registered society, charity, or body directed to charitable purposes;
- (cc) body whose principal purposes include the influence of public opinion or policy;
- (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) *[Deleted]*

(c) a decision upon it might reasonably be regarded as affecting –

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10.2(c)(i);
- (iii) any person who employs or has appointed such persons described in 10.2(c)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10.2(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10.2(a)(ix)(aa) to (ee) in which persons described in 10.2(c)(i) hold a position of general control or management,

to a greater extent than the majority of –

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 11.1 Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- 11.2 Where you have a personal interest in any business of your authority and you make -
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- 11.3 Subject to paragraph 14.1(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- 11.4 You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11.1, give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing—
- (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- 11.5 Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16.1, your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your

monitoring officer has agreed that the nature of such personal interest is sensitive information.

- 11.6 For the purposes of sub-paragraph 11.4, a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- 11.8 For the purposes of sub-paragraph 11.3, where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 12.1 Subject to sub-paragraph 12.2 below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 12.2 Subject to sub-paragraph 12.3, you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to—
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
 - (b) relates to—
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of Local Government (Wales) Measure 2011 (1), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989 (2);
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

12.3 The exemptions in subparagraph 12.2(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

- 13.1 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

- 14.1 Subject to sub-paragraphs 14.2, 14.2(a) 14.3 and 14.4, where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee—
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—

- (i) where sub-paragraph 14.2 applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - (b) not exercise executive or board functions in relation to that business;
 - (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- 14.2 Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (a) Where you have a prejudicial interest in any business of your authority and submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.
 - (b) When submitting written representations under sub paragraph 14.2(a) you must comply with any procedure that your authority may adopt for the submission of such representations.
- 14.3 Sub-paragraph 14.1 does not prevent you attending and participating in a meeting if—
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you—
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing—

- (aa) details of the prejudicial interest;
- (bb) details of the business to which the prejudicial interest relates;
- (cc) details of, and the date on which, the dispensation was granted; and
- (dd) your signature.

14.4 Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART IV

THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

- 15.1 Subject to sub-paragraph 15.4, you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later),
- register your personal interests, where they fall within a category mentioned in paragraph 10.2(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- 15.2 Subject to sub-paragraph 15.4, you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10.2(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- 15.3 Subject to sub-paragraphs 15.4, you must, within 28 days of becoming aware of any change to a personal interest falling within a category mentioned in paragraph 10.2(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of community council to your authority's proper officer.
- 15.4 Sub-paragraphs 15.1, 15.2 and 15.3 do not apply to sensitive information determined in accordance with paragraph 16.1.
- 15.5 Sub-paragraphs 15.1 and 15.2 do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.
- 15.6 You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive Information

- 16.1 Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

- 16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 16.1 is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.
- 16.3 In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

- 17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

CARDIFF COUNCIL

Local Resolution Protocol

1. Introduction

- 1.1. This Protocol has been adopted in response to the Ombudsman's view that "low-level, Member-on-Member" complaints relating to breaches of the Code should be dealt with at a local level. The aim of this Protocol is to seek the resolution of matters at an early stage so as to avoid unnecessary escalation of the situation which may damage personal relationships within the Council and the Council's reputation.
- 1.2. This Protocol seeks to define the types of "low-level" complaints which are suitable for local resolution and sets out the procedure to be adopted in response to them.
- 1.3. It is important to note that this protocol does not preclude anyone from referring any complaint to the Ombudsman if they so wish. However Members should note that the Ombudsman has made clear that, in normal circumstances, it is expected that in the first instance Members should exhaust the procedures set out in this Local Protocol before referring low-level complaints to the Ombudsman.

2. What type of complaints fall within the remit of the Protocol?

The Monitoring Officer will use the following criteria to decide whether a complaint falls within the remit of this Protocol:

Within the remit of this Protocol:

- a. The complaint is made by a Member (or Co-Opted Member) of the Council and relates to a breach of the Code by a fellow Member OR
- b. The complaint is made by an Officer of the Council and relates to a breach of the Code by a Member or Co-Opted Member of Cardiff Council

AND

- c. The complaint is "low-level" in nature. Whether or not a complaint is "low-level" in nature will be dependant on the individual circumstances of a complaint.

The Ombudsman has indicated that "*typically these complaints will be about alleged failures to show respect and consideration for others as required by*

paragraph 4(b) of the Code or the duty to not make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code”.

AND

- d. The complaint does not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman. In the event that the complaint relates to such a “repeated offence” it is likely that it will be appropriate to refer the matter to the Ombudsman directly.

Outside the remit of this Protocol:

- Complaints made by members of the public, although if the Monitoring Officer considers it to be appropriate, s/he may with the agreement of the member of the public, deal informally with the complaint, while informing them of their right to complain to the Ombudsman.

If you are unsure whether a matter you wish to complain about is “low-level” or within the remit of this Protocol, then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman’s office) to obtain guidance.

3. Procedure

- 3.1. In the event of a Member or Officer seeking to make a complaint that may fall within the definition of a “low-level” complaint, they should first raise the matter with the Monitoring Officer (or their deputy or other appointed officer who may assume the role of the Monitoring officer under this Protocol). The purpose of doing so is to determine whether the matter should be dealt with under this Protocol or whether the matter should be referred directly to the Ombudsman.
- 3.2. If it is decided that the matter should be dealt with under this Protocol, the following procedure shall be followed.
- 3.3. Firstly, the Monitoring Officer will consider whether the matter may be able to be resolved by mutual resolution. If so, then the Monitoring Officer will make any appropriate arrangements with the aim of seeking an informal resolution of the matter. In doing so the Monitoring Officer may:
 - i Arrange to meet with the individuals concerned, either together or separately;

- ii require the attendance of any Group Leader, Member or Officer as they determine may be beneficial to resolving the complaint; and
 - iii adopt such arrangements (such as “breaking out” of any joint meeting to meet with the individuals concerned privately or adjourning the meeting to ask individuals to reflect on their position) as they deem beneficial in an attempt to resolve the complaint.
- 3.4. If the matter cannot be resolved by mutual resolution, the person bringing the complaint may ask the Monitoring Officer to refer the matter to the Standards & Ethics Member Hearing Sub-Committee (**Hearing Panel**).

4. Standards & Ethics Hearing Panel Proceedings

- 4.1. The Hearing Panel shall adopt and make available upon request a procedure under which it shall carry out hearings. If a matter is brought before the Hearing Panel then the Hearing Panel shall hold a hearing to determine the matter in accordance with its hearing procedure.
- 4.2. The sanctions available to the Hearing Panel should it find that there has been a breach of the Code shall be:
- a. A statement that the complaint has substance, but no further action is required.
 - b. Referral of the member for training on a particular topic.
 - c. A private or public written warning. If public, that warning shall be announced and circulated at the next meeting of Council.
 - d. Censure of the Member at the next meeting of Council.
 - e. Referral to the Ombudsman for investigation if the complaint is considered to be deserving of more serious sanctions than the Hearing Panel has the power to impose.
- 4.3. In making a decision on the sanctions to be imposed, the Hearing Panel may take into account (but is not limited to considering):
- a. The severity of the offence.
 - b. Impact on others and any reputational impact on the Council
 - c. The level of remorse the Member in question has shown and any apologies they have made.
 - d. Any other action taken by the Member to redress the complaint.
 - e. Whether there is an indication of the behaviour being repetitious or whether the Member has previously been found to have committed similar offences.

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CITY OF CARDIFF COUNCIL
LOCAL RESOLUTION PROTOCOL
STANDARDS AND ETHICS COMMITTEE
HEARINGS PANEL PROCEDURE

1. Introduction

- 1.1. The City of Cardiff Council has adopted a Local Resolution Protocol. The purpose of the Protocol is to enable minor “member on member” allegations of breaches of the Members’ Code of Conduct to be dealt with at a local level rather than being referred to the Public Services Ombudsman for Wales.
- 1.2. In accordance with the Protocol a Sub-Committee of the Standards and Ethics Committee has been formed to carry out hearings in relation to alleged breaches. This Sub-Committee is referred to in this document as the “**Hearings Panel**”.
- 1.3. This document sets out how matters may be referred to the Hearings Panel and the Procedure that the Panel shall adopt in relation to matters that are referred to it.
- 1.4. In this document references to the Monitoring Officer shall include references to their Deputy or other officer appointed for the purposes of the Protocol.

2. Stage 1 (Initiation of a Complaint)

- 2.1. Any Member who wishes to make a complaint under the Protocol should send their complaint in writing to the Monitoring Officer within three months of the event which has given rise to the complaint; or within three months of the substance of the complaint coming to the attention of the Member submitting the complaint.
- 2.2. The Monitoring Officer will advise the Complainant whether the complaint falls within the Protocol or whether the Complainant should consider referral to the Ombudsman.
- 2.3. If the Monitoring Officer determines that the complaint falls within the Protocol he/she will advise the Respondent of the complaint and will seek an informal resolution of the matter (although see paragraph 2.4 below). The parties should note that details of attempts to achieve an informal resolution may be referred to at any subsequent hearing by the Hearings Panel.
- 2.4. The complaint may be referred to a meeting of the Hearings Panel if:

- a. the Monitoring Officer is of the view that making informal attempts to mutually resolve the matter is inappropriate; or
 - b. having made attempts to mutually resolve the matter, the Complainant asks the Monitoring Officer to refer the matter to the Hearings Panel.
- 2.5. In such cases the Monitoring Officer will make arrangements to convene a meeting of the Hearings Panel and to refer that matter to it.
- 2.6. The Monitoring Officer may choose not to deal with the complaint personally at Stage 1 in order to be able to advise the Hearings Panel under Stage 2, in which case the Deputy Monitoring Officer or other officer nominated for the purpose will provide advice to the parties under Stage 1 and seek informal resolution.

Alternatively if the Monitoring Officer deals with the complaint at Stage 1 the Deputy Monitoring Officer or other officer nominated for the purpose will advise the Hearings Panel at Stage 2.

3. Stage 2 (Referral to the Hearings Panel)

The steps required in paragraphs 3.1 and 3.2 are compulsory.

- 3.1. The Complainant will provide the Monitoring Officer with written details of their complaint to include:
- i a written account of the conduct that has given rise to the complaint;
 - ii a list of any witnesses whom the Complainant wishes to call to appear before the Hearings Panel;
 - iii a list and copies of any documents that the Complainant wishes to draw to the attention of the Hearings Panel; and
 - iv details of the paragraphs of the Members' Code of Conduct that are alleged to have been breached.
- 3.2. The Monitoring Officer will give the Respondent a copy of the documents referred to in paragraph 3.1 above. The Respondent will give the Monitoring Officer written details of their response to the allegations to include:
- i written details of the Respondent's response to the facts as alleged by the Complainant;
 - ii a list of any witnesses whom the Respondent wishes to call to appear before the Hearings Panel; and
 - iii a list and copies of any documents that the Respondent wishes to draw to the attention of the Hearings Panel.
- 3.3. Prior to the hearing the Monitoring Officer will arrange for the documents referred to in paragraphs 3.1 and 3.2 to be made available

to the Panel Members, the Complainant, and the Respondent. If the Monitoring Officer believes it appropriate in the circumstances the Monitoring Officer will also provide a Report in relation to any investigations into or attempts to settle the complaint or any other matter that the Monitoring Officer believes to be relevant to the deliberations of the Hearing Panel.

- 3.4. If a matter involves cross allegations with two or more Members making allegations of breaches of the Code against each other, the Monitoring Officer (in consultation with the Chair) may convene one Hearing to deal with all such allegations simultaneously. In such circumstances the Monitoring Officer may amend the requirements of paragraphs 3.1 – 3.3 to ensure that a fair opportunity to present and respond to complaints is afforded to each Member prior to the Hearing.

4. Legal Advice and the Monitoring Officer's Role at Hearings

- 4.1. The Monitoring Officer, Deputy Monitoring Officer, or other officer nominated for the purpose shall be in attendance at hearings to advise the Hearings Panel.
- 4.2. If the Monitoring Officer has investigated a complaint, he/she may attend a hearing in his/her role as the person who has investigated the complaint and will not be present to provide legal advice to the Hearings Panel. In such cases, the Deputy Monitoring Officer or another of the Authority's lawyers will be present to advise the Hearings Panel.
- 4.3. The Hearings Panel may take legal advice from its advisor at any time before or during the hearing or while the outcome is being considered.

5. Attendance and Representation at Hearings

- 5.1. If Members who are party to the complaint do not wish to attend the hearing or fail to attend the hearing the hearing may proceed in their absence.
- 5.2. Members may be represented or accompanied during the hearing by another Member, or any other person if they so desire. However when making a decision on representation Members should bear in mind that Local Resolution is intended to provide a relatively informal forum to resolve relatively minor complaints.
- 5.3. Members are responsible for meeting their own costs of any representation.

6. Composition and Decisions of the Hearings Panel

- 6.1. The Hearings Panel shall be composed of three independent members of the Standards and Ethics Committee. Alternatively the Standards and Ethics Committee may also resolve to co-opt suitably experienced independent persons to serve as members on the Hearings Panel.
- 6.2. The Hearings Panel shall appoint one of their number to serve as Chair for each hearing.
- 6.3. Except for decisions that are expressed in this Procedure to be taken by the Chair, any decision of the Hearings Panel shall be made on the basis of a simple majority vote.

7. General Powers of the Hearings Panel in relation to this Procedure

- 7.1. The Chair may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness. The Chair may also vary this procedure in the interests of ensuring an efficient hearing (provided that such variation does not have any detrimental impact on the fairness of the proceedings).
- 7.2. Panel members may ask any questions they wish to anyone taking part in the Hearing.
- 7.3. The Panel may also seek the attendance of a particular person or the production of specific documentation where they are of the view it would assist their deliberations.

8. Introductions

- 8.1. At the start of the hearing the Chair shall introduce each of the Members of the Hearings Panel and everyone involved in the hearing. The Chair shall then explain the procedure that the Panel is to follow in conducting the hearing and should obtain confirmation from everybody taking part in the hearing that they have understood the procedure.

9. Additional Information

- 9.1. If a party wishes to present additional information to the Panel that was not included in the written material that they produced for circulation prior to the hearing they should apply to the Panel for permission to do so before the commencement of the formal part of the hearing.
- 9.2. It will assist if the Legal Advisor and the other party have been provided with details of the late information as early as possible but at least two days before the commencement of the hearing. The Panel retains sole discretion whether to permit the late introduction of

information but shall always seek to ensure that neither party is prejudiced and all parties are able to present evidence which is relevant to the matters before the Panel.

10. Order of Procedure at the Hearing

- 10.1. After the introductions and any other preliminary matters the Complainant may address the Hearings Panel and may be questioned by members of the Panel.
- 10.2. Any witnesses that the Claimant wishes to call may address the Hearings Panel and may be questioned by members of the Panel.
- 10.3. The Respondent may address the Hearings Panel and may be questioned by members of the Panel.
- 10.4. Any witnesses that the Respondent wishes to call may address the Hearings Panel and may be questioned by members of the Panel.
- 10.5. The Complainant may address the Hearings Panel with any closing remarks.
- 10.6. The Respondent may address the Hearings Panel with any closing remarks.
- 10.7. The Hearings Panel will retire to deliberate in private.

11. The Hearings Panel's Deliberations

- 11.1. When it deliberates the Hearings Panel will make any necessary findings about the facts. It will then consider whether the Respondent failed to follow the Members' Code of Conduct.
- 11.2. If the Hearings Panel determines that the Respondent has not breached the Members' Code of Conduct it shall dismiss the complaint, but it may make general recommendations or remarks to the Members involved or to all Members.
- 11.3. If the Hearings Panel determines that the Respondent has failed to follow the Code it shall consider what sanction, if any, to impose. The sanctions available to the Panel under the Local Resolution Protocol are as follows:
 - (i) A statement that the complaint has substance but no further action is required
 - (ii) Referral of the Respondent for training on a particular topic.
 - (iii) A private or public written warning. If public, that warning shall be announced and circulated at the next meeting of Council.

(iv) Censure of the Respondent at the next meeting of Council.

(v) Referral to the Public Services Ombudsman for investigation if the complaint is considered to be deserving of more serious sanctions than the Hearings Panel has the power to impose.

In making a determination as to sanction the Hearings Panel may consider any factor that they consider to be relevant, including:

- i the severity of the offence;
- ii the level of remorse that the Respondent has shown and any apologies that they have made; and
- iii whether there is an indication of the behaviour being repetitious or whether the Respondent has previously been found to have committed similar offences.

11.4. Once a decision has been reached by the Hearings Panel the parties may re-convene and the Chair will announce the decision orally.

12. The Written Decision

12.1. The Panel will issue a written decision shortly after the end of the Hearing. The written decision shall be published on the Authority's website not later than 14 days after the date of the Hearing for a period of 21 days.

From: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>
Sent: 07 December 2020 08:42
To: Ariyadasa, Kumi <KAriyadasa@cardiff.gov.uk>
Cc: Williams, James <James.Williams2@cardiff.gov.uk>
Subject: Re: Standards Hearing CDC 19 010 - Application to exclude public and press

Sorry.I do not want the press exclude from the hearing.
I ticked the wrong one.
So to be clear.
I do not want the press excluded from the hearing.
Regards
Michael

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From: Ariyadasa, Kumi <KAriyadasa@cardiff.gov.uk>
Sent: Monday, December 7, 2020 8:39:37 AM
To: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>
Cc: Williams, James <James.Williams2@cardiff.gov.uk>
Subject: Standards Hearing CDC 19 010 - Application to exclude public and press

Dear Cllr Michael

Thank you for returning your Councillor Questionnaire in respect of the forthcoming hearing.

We note from your answer to question 2 that you indicate you do wish to apply to the Panel for the public and press to be excluded from the hearing. Please can you briefly explain your reasons for this so that we can pass this information to the Panel for consideration? Please note, this information will also shared with Cllr McEvoy for his comments.

Your prompt reply would be much appreciated.

Thank you,
Kumi

Kumi Ariyadasa
Cyfreithiwr - Solicitor
Am Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
For Director Governance and Legal Services

Ebost /Email: KAriyadasa@Cardiff.gov.uk

Pwysig: *Caiff y wybodaeth sydd yn y neges hon, ac mewn unrhyw ymateb neu atodiad, ei darparu*

neu ei derbyn er mwyn darparu neu geisio cyngor cyfreithiol, neu gyngor a roddir mewn cyd-destun cyfreithiol, ac o ganlyniad gallai fod yn destun braint gyfreithiol broffesiynol - cysylltwch a mi cyn ei dangos i unrhyw berson arall.

Important: *The information in this message, and in any reply or attachment, is provided or received for the purposes of obtaining or providing legal advice, or advice given in a legal context, and may therefore be subject to legal professional privilege - please refer to me before disclosing to any other person.*

From: Michael, Michael (Cllr) <Michael.Michael@cardiff.gov.uk>

Sent: 04 December 2020 21:27

To: Ariyadasa, Kumi <KAriyadasa@cardiff.gov.uk>

Subject:

Kumi. Please find my completed document.

Regards

Michael

Councillor Michael Michael
Councillor for Trowbridge and St Mellons
Cabinet Member Clean Streets and Environment

STANDARDS HEARING
COUNCILLOR'S QUESTIONNAIRE

1. Will you be represented or accompanied at the Hearing? / NO

If so, please tell us who will be accompanying you and in what capacity (eg. legal representative / friend)

Name

Role / Capacity

If you intend to be represented, please provide your representative's contact details (address, email, and phone number):

2. Do you intend to apply to the Panel to have the press and public excluded from the Hearing?

YES /

If so, please explain the reasons / grounds for this.

3. Please tell us if you have any other requirements for the Hearing

None

Thank you

STANDARDS HEARING
COUNCILLOR'S QUESTIONNAIRE

1. Will you be represented or accompanied at the Hearing? YES / NO
If so, please tell us who will be accompanying you and in what capacity (eg. legal representative / friend)

Name	Role / Capacity
------	-----------------

Awaiting confirmation

If you intend to be represented, please provide your representative's contact details (address, email, and phone number):

2. Do you intend to apply to the Panel to have the press and public excluded from the Hearing?

NO

If so, please explain the reasons / grounds for this.

3. Please tell us if you have any other requirements for the Hearing

A reminder of the time

Thank you

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