

STANDARDS & ETHICS SUB-COMMITTEE

MINUTES OF HEARINGS PANEL MEETING 03/01/2020, 11am

ATTENDEES:

Panel Members

James Downe, Independent Member (Chair)
Hollie Edwards-Davies, Independent Member
Community Councillor Stuart Thomas

Officers: Leanne Weston, Legal advisor; and Kumi Ariyadasa, Note-taker (attending remotely via telephone)

1. APOLOGIES: None
2. DECLARATIONS OF INTEREST: None
3. MINUTES

RESOLVED: To approve the minutes of the previous meeting held on 16th December 2019.

4. ARRANGEMENTS FOR HEARING (OMBUDSMAN REFERRAL OF COMPLAINTS AGAINST COUNCILLOR NEIL MCEVOY)

The Panel discussed arrangements for the Hearing scheduled for 6th, 7th and 8th January 2020, in light of updates provided by the legal advisor, and RESOLVED as follows:

- i. Witnesses – Noted that both parties had been informed on 18/12 of the Panel's decisions in relation to witnesses to be called to give evidence, and allowed the opportunity to make any further representations by noon on 23/12. No further representations had been received from either party by the deadline. An email was subsequently received from the Councillor indicating that he was not happy with the Panel's refusal to allow certain witnesses, but providing no further explanation or representations. Accordingly, the Panel's decision of 16/12 would stand. The Panel noted the timetable for witnesses to give evidence, which had been updated to accommodate witnesses availability.
- ii. Hearing dates – Panel was informed that correspondence had been received from Cllr M at 4pm on Christmas Eve, 24/12, indicating that he was unable to attend the hearing on 7th and 8th January even though the dates had been notified to him on 03/11. However, the Councillor indicated that he would attend on 6th January, had not requested any postponement and subsequently indicated that he may be able to attend on 7th January. Noted that the Panel had made clear that the hearing dates had been scheduled to accommodate the Councillor's personal circumstances and availability as far as possible, and would not be further postponed other than in exceptional circumstances. The hearing would proceed on the scheduled dates.

- iii. Cllr M's assistant – Panel was informed that Councillor McEvoy had said would be assisted at the hearing by JH, the social worker he employed, and that it had been clarified that JH would be assisting, not representing him. Agreed this should be confirmed with the Councillor by email prior to the hearing and noted as a preliminary matter at the start of the hearing.
- iv. Remit of hearing – Panel was informed that correspondence had been received from the Councillor saying that his defence was that he was responding to allegations of child abuse. The Panel was advised that considering the substance of those allegations was outside its remit, but this could be taken into account as relevant context and or mitigating circumstances if appropriate. However, every effort should be made to retain the focus of the hearing on the conduct issues complained about, and this should be made clear to the parties as a preliminary issue at the start of the hearing.
- v. Public / Private – the Panel discussed the representations which had been received from solicitors acting on behalf of the Care Home requesting that the names of the Care Home and its staff giving evidence should not be disclosed during the hearing. Agreed that these representations should be shared with Councillor M and the Ombudsman and the parties invited to provide representations on this issue as a preliminary issue at the start of the hearing.
- vi. Recording – the Panel were concerned that private recording of the proceedings may distract witnesses, risk being used inappropriately and impede the aim of a fair and effective hearing. Agreed the Panel would allow the parties to make any representations on this issue prior to confirming its decision in this regard.
- vii. Procedure – in order to accommodate Councillor M's availability, that the procedure would be varied by hearing Stage 1 (facts) and Stage 2 (breach of Code) together, pursuant to the Chair's powers under paragraph 7(b) of the Procedure.

5. URGENT BUSINESS: None