

CODE OF CONDUCT COMPLAINT CDC 19/010

MONITORING OFFICER'S REPORT

COMPLAINANT: CLLR MICHAEL MICHAEL

RESPONDENT: CLLR NEIL MCEVOY

Complaint

1. In August 2019, Cllr Michael made a complaint to the Monitoring Officer (MO) alleging that certain information put out to residents by Cllr McEvoy in around June/ July 2019 was inaccurate and misleading, specifically, the information contained in:
 - (i) a newsletter (**Appendix A**), in which Cllr McEvoy says that after the next Council elections they can revoke the LDP (Local Development Plan) to stop more building; and
 - (ii) a letter about a public meeting regarding Fairwater Social and Athletics Club (**Appendix B**), including a comment that "The mess left by the former secretary was nothing short of shocking".

Cllr Michael said that Cllr McEvoy's behaviour in putting out inaccurate and misleading information amounted to a breach of the duty under the Code of Conduct for Members to not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute (Paragraph 6.1 (a) of the member Code of Conduct).

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

2. On 3rd September 2019, Cllr Michael made a further complaint about Cllr McEvoy putting out inaccurate and misleading information to the public. The further complaint referred to a public meeting held on 15th July 2019 in Fairwater to discuss the Fairwater Social and Athletic Club (FSAC). Cllr Michael said that during the meeting Cllr McEvoy was asked for information regarding the possibility of a proposed land swap between the Council and the FSAC, and told those who attended the meeting that the land swap was a complete set of lies and that it was not true that such a deal was discussed. Cllr Michael also said that Cllr McEvoy misinformed those at the meeting about the financial position of the FSAC and that Cllr McEvoy had said that Cllr Goodway had promised to build a new club, which is untrue.

Cllr Michael said that this behaviour also amounted to a breach of Members' Code of Conduct, paragraph 6.1(a) (duty to not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute).

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