

STANDARD AND ETHICS SUB COMMITTEE - HEARING PANEL

13 JANUARY 2021

Present: Independent Members: James Downe (Chair), Hollie Edwards-Davies and Jason Bartlett

Officers: James Williams, Deputy Monitoring Officer, Legal Advisor to the Panel and Kumi Ariyadasa, Clerk

Councillor Michael Michael (Complainant)
Councillor Neil McEvoy (Respondent)

4 : APOLOGIES FOR ABSENCE

There were no apologies for absence.

5 : DECLARATIONS OF INTEREST

There were no declarations of interest.

6 : HEARING UNDER THE LOCAL RESOLUTION PROTOCOL

The Deputy Monitoring Officer presented his report to the Panel.

The Panel met in private (pursuant to paragraph 18C of Schedule 12A to the Local Government Act 1972) to consider the preliminary matters set out in Recommendation (2) of the report.

RESOLVED:

(i) Late evidence – Having regard to paragraph 9 of the Hearings Procedure, the Panel agreed to allow the late evidence submitted by both Councillors, on the basis that the Panel was satisfied that it was relevant to the matters before the Panel and would not prejudice either party, as both Councillors had had the opportunity to consider and provide representations on it.

(ii) Witnesses - To call the Council's Head of Planning to provide any advice or clarification required by the Panel in relation to relevant planning issues.

The hearing was scheduled to commence at 9.45 am. However, Cllr McEvoy informed officers that he was having connection problems. The Panel agreed to postpone the hearing until 10.30am to allow Cllr McEvoy time to resolve his technical issues.

The hearing was reconvened at 10.30am, with all parties in attendance.

The Chairperson welcomed all parties and introduced everyone. He explained that the hearing would be conducted in accordance with the Committee's approved Hearings Procedure, a copy of which was included in the papers for the hearing, and checked that all parties understood the procedure to be followed.

He explained that the hearing was being video recorded in order to allow a record of the proceedings to be made accessible to the public via the Council's website.

The Legal Advisor to the Panel confirmed that third parties' personal information had been redacted from the hearing papers. The parties were reminded that third parties' personal information should not be disclosed during the hearing, because this was exempt information under Schedule 12A of the Local Government Act 1972 and any such information would need to be redacted from the recording of the hearing before it was made accessible to the public.

The Chair explained the preliminary matters which the Panel had considered prior to the start of the hearing and announced the Panel's determinations on those matters (Resolutions set out above).

The Chair outlined the order to be followed at the hearing, in accordance with the Hearings Procedure.

The Complainant, Cllr Michael, was invited to give his evidence first, followed by his witnesses, Cllr Thorne and Cllr Goodway. Then the Respondent, Cllr McEvoy, gave his evidence. The Panel was given the opportunity to ask questions of each Councillor and the witnesses. Then the Panel called the Council's Head of Planning and the planning lawyer to provide professional advice in relation to the planning issues raised in the complaints, and to respond to the Panel's questions. The Complainant was given the opportunity to sum up his complaint, and then the Respondent was given the opportunity to sum up his response.

The Chair explained that the Panel would retire to deliberate and would announce its decision later that afternoon. Cllr McEvoy asked to be notified of the Panel's decision by telephone; and Cllr Michael confirmed that he was also content to be notified by telephone.

At 13.15, the hearing was adjourned for lunch.

At 14.00 the Panel resumed in private with its Legal Advisor to deliberate over its decisions.

RESOLVED:

In relation to each of the complaints made against Cllr McEvoy, the Panel found as follows:

- 1) Complaint One – There was no evidence of a breach of the Members' Code of Conduct.
- 2) Complaint Two – The Panel unanimously upheld this complaint and found Cllr McEvoy had breached paragraph 6.1(a) of the Members' Code of Conduct.
- 3) Complaint Three – The Panel found no evidence of a breach of the Members' Code of Conduct.
- 4) Complaint Four – The Panel found no evidence of a breach of the Members' Code of Conduct.
- 5) Sanction - In respect of its finding of a breach in relation to Complaint Two, the Panel concluded by unanimous decision that Cllr McEvoy should be given a private

written warning to refrain from making public allegations against individuals, without evidence to substantiate those accusations or independent determination of misconduct or crime.

The meeting terminated at 3.30 pm