

Cllr Keith Aspden



Barry Khan  
Assistant Chief Executive (Monitoring Officer)  
North Yorkshire County Council, via email

9 November 2018

Dear Barry

As promised, please find the below response in relation to the outstanding question regarding the Standards report.

**Do you disagree with any of the findings of fact in the report and the reasons for any disagreement?**

Yes, I disagree with some of the findings of fact in the report and the general approach taken to reach those findings, which I wish to explore at the hearing.

Those findings are as follows:

- (i) his involvement in the process whilst having a personal interest contrary to paragraph 3.8 of the Code;
- (ii) did disclose confidential information (the paper applications) contrary to paragraph 3.5 of the Code; and then
- (iii) as a consequence of failing to follow paragraphs 3.5 and 3.8 of the Code, Councillor Aspden thereby also conducted himself in a manner which could reasonably be regarded as bringing the Council or his position as a councillor into disrepute contrary to paragraph 3.7 of the Code.

In addition to my submissions already made, the areas that I wish to explore at the hearing in detail to demonstrate the reasons for my disagreement are:

- The criteria for Standards complaints, including on timescale.
- Unfairly dealing with the background and motivation behind the complaint, entirely ignoring conduct and circumstances.
- Failure to make clear findings on all relevant disputes of fact and on the (relative) credibility of all witnesses.
- The interpretation of the weight of evidence in the report, including that the vast majority of the allegations have been proven to be mistaken, unfounded or were otherwise not breaches of the code of conduct.
- The misrepresentation that Person A left the Council on positive terms and his creditability as the complainant.

- The changing nature of the allegations over time (muddling the original 'whistleblowing' complaint).
- The report is not clear on the reasons for findings, making very limited attempts to justify any conclusions.
- The need to rely on guidance from the Standards Board for England, rather than the current Code of Conduct, when the regime, requirements and guidance were entirely abolished in 2012.
- Failing to appropriately assess close association, including with the timescales involved, the available evidence and cumulative evidence.
- Ignoring the presented evidence that any association was both already declared and did not need to be declared in any event.
- Misrepresenting and failing to fully consider the evidence from Person D  
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Equally, I wish to repeat that it is right for the Council to be open and transparent, which includes investigating complaints against councillors in the public interest. However, the original allegations (which primarily related to alleged issues back in 2014 and 2015) were made nearly two years ago and since that time City of York Council have commissioned a desktop review, an investigative report and a standards report, at significant public expense. I have been interviewed twice at length, answered a range of supplementary questions, provided a variety of pieces of information and provided a response to the Assessment Sub-Committee, in advance of a number of statements for the Standards investigation, as the allegations seem to have been allowed to change over that period of time.

The consequences for me of this protracted and over-complicated process have been significant and damaging. It led to my immediate and without notice removal from my job as Deputy Leader of the Council, has impacted on my family and has been allowed to play out very much in the public domain without my being able to respond. I hope that no other elected councillor is subjected to a process like this.

Best wishes,

Keith Aspden, via email