

Response to questions from Cllr Keith Aspden 20/03/18**Process**

As part of this process, it is right that the Council is open and transparent and investigates complaints against councillors. However, the original allegations (which primarily related to alleged issues back in 2014 and 2015) were made twelve months 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 this statement, as the allegations seem to have been allowed to change over that period of time. For this reason, I will in the first instance answer your 63 questions as a statement, not least because I have already answered many of them in detail. If, having read this answer, and also having read all previous relevant documents, you still have specific questions outstanding, please revert to me.

I have never had to deal with such a stressful, prolonged and difficult process in my professional, council or personal life, with no professional advice from the council at any stage. This led to my immediate and without notice removal from my job as Deputy Leader of the Council, impacted on my family and has been allowed to play out very much in the public domain without my being able to respond. I am sorry that no doubt I have not handled every aspect of the last twelve months perfectly, but given the pressure, stress and lack of advice, I have tried my best to approach it calmly and attempt to get on with my life.

Background of investigation

I have been told that these allegations are unusual in that they do not arise from a complaint made by a member of the public or other elected member of the Council. Instead they emerged during the course of a serious disciplinary investigation into the potential gross misconduct of an officer, which had been identified and reported to the Chief Executive by myself.

The subject of that investigation, Person A, whilst on sick leave then raised a number of protected disclosures by way of the authority's 'whistleblowing' procedures, before resigning from [redacted] position after six months in advance of his disciplinary investigation. This is said not in any way to lessen or diminish the impact of the allegations, but rather to set them in their proper context. Throughout this investigation, I have expressed considerable sympathy and sadness, as have all Liberal Democrat councillors, for [redacted] very difficult personal circumstances.

My background

I was first elected as a local councillor in 2003 and I last signed a declaration of office following the May 2015 elections. I cannot recall attending any specific code of conduct training during my time as a councillor, although I am sure I will have received information in member training and induction.

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I am currently the Leader of the Liberal Democrat Group at City of York Council and serve on a number of committees, outside bodies and community groups. Outside of the council, I qualified as a teacher in 2004. Until these allegations, since 2003 there have been no standards complaints relating to me.

If necessary, I would be happy to put forward evidence from fellow councillors, Liberal Democrat party colleagues, professional colleagues in education and members of local and community groups to explain further the work I do as a local councillor and the way in which I undertake my duties.

Disclosure of confidential documents

I have never, at any stage leaked, or caused to be leaked, any confidential or exempt documents.

Congestion Commission – September 2014. This refers to a media article which appeared on 17 September 2014 in York Press regarding the Labour Council leader's proposed Congestion Commission following a controversial issue in York, the closure of Lenda! Bridge. Whilst *PERSON A* alleges that I handed over [the report to a journalist] in person, I repeat as above, I have not leaked any confidential or exempt documents, and I am pleased that Mr Chitty recognises in his report that *"there is no evidence to support that allegation."*

I do accept that I provided media comment, as did a Conservative party councillor (both of us were in opposition at the time), alongside others such as Friends of the Earth and a Green party councillor.

Mental Health investment - January 2017. This press release, which would have been authorised by Councillor Carol Runciman as the relevant spokesperson rather than myself, was announcing a political and budget priority for our group and was not confidential. All political groups across all councils, both in control and opposition, will want to share and explain their priorities and plans with residents and the local press. I understand through a conversation that we had with Mr Chitty in my second interview that Cllr Runciman still has a copy of the press release.

Group Leaders meetings

There has never been, since my time as a group leader (2013 onwards), any written and agreed rules or procedures for group leaders' meetings. It is my understanding that there are neither any rules agreed by group leaders, nor any rules within the council constitution.

Indeed, as part of this investigation I checked this with the Monitoring Officer, who confirmed via email: *"I haven't found any specific recorded agreement about confidential matters being discussed at Group Leaders. I do have the protocol which is attached. The only copy I can find of this is attached to an e-mail from James Alexander sent in 2011 and he refers to it having being agreed the previous year."*

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I was not a group leader in 2010/2011 and the protocol even if agreed then was not subsequently reviewed or agreed by new group leaders. That said, the protocol from 2010/2011 on confidentiality states: *"Decisions and agreements reached in the meeting are not routinely confidential. However, individual contributions, opinions etc. expressed in the meeting should not be shared without permission."*

Although since very late 2017 (I assume as a consequence of this investigation) council officers have added to the Group Leaders meeting agendas a statement to the effect that it is a private meeting only for group leaders, this has not been agreed by group leaders, is not within the constitution and cannot actually apply to the meeting given the potential attendance and nature of the business discussed, which is primarily to then be shared with political groups and to facilitate the smooth running of council meetings and business.

This is supported in the evidence in your file note from Cllr X
Cllr X had never seen 'the' Group Leader Meeting Protocol", "issues of confidentiality were obvious although he could not recall any such issues that were discussed at meetings" and "there is no way that Labour would bring difficult aspects like that for them to any cross party forum".

If necessary, I would be happy to put forward evidence from former group leaders and former council leaders on the inconsistency of the approach to group leaders meetings. I believe that it would be helpful and long overdue if City of York Council officers were to develop a policy to be agreed and reviewed on an ongoing basis by group leaders.

Use of the Council's facilities by the Liberal Democrat group

It has been acknowledged throughout the investigations that the Liberal Democrats in York support work experience placements and employ part-time interns to support both the party's campaigns, and also to support Liberal Democrat councillors in their work on behalf of residents. It has also been accepted that such interns are paid living wage stipends on an hourly basis by the local Liberal Democrat party organisation (not by the Council Liberal Democrat Group, which does not have its own bank account). None of this has ever been denied and both myself and Cllr F explained the roles at the first interview with Mr Chitty.

What has been barely mentioned throughout, which seems to insinuate that this arrangement is peculiar to the Liberal Democrats, is that all four political groups on the City of York Council have, over many years, engaged interns or work experience placements to support councillors in their work. By way of evidence, in addition to Dawn Steel's comments in the initial report, *"that the Liberal Democrat and Labour Groups do have interns in place from time to time"*, in February 2010, the then Liberal Democrat group political assistant received the following email from an officer of the Council setting out arrangements for the appointment of interns:

"Re: getting an intern. Yes we have made similar arrangements in the past, both the Conservative Group and the Labour Group have had placements. It's really up to the group to organise/support but you will need to do the following:

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Contact [REDACTED] our HR rep to get clearance from HR to go ahead, I think this is for insurance purposes among other things. Can you make sure you brief the individual on Fire Evacuation procedure (drill every Wednesday at 10am but any alarm sounded outside this time should be taken as the real thing...evacuate to St Helen's Square)

- You will need make an appointment to get a temporary id/swipe card for them via [REDACTED]
- You will need to arrange temporary login arrangements for them via ITT. Give them a call on 2222 and explain it's a temporary placement and they should be able to assist."

It is therefore quite clear that it has long been established custom and practice at the City of York Council for political groups to have interns and for those interns to have access to Council facilities. For the sake of clarity, we can provide evidence that the role of interns in the Liberal Democrat group office, working alongside several councillors, is primarily the processing of residents' casework and that no party campaigning activity is undertaken by interns using Council facilities.

I believe that it would be helpful and long overdue if City of York Council officers were to develop a policy to support and encourage those on work experience and internships with the political groups and councillors, including a new system of keeping a record of who is working at the council, to be held by council officers.

The appointment of [REDACTED]

It was agreed shortly after May 2015, with the then Chief Executive, that given the three largest political groups had similar numbers of councillors, that there would be [REDACTED] the Leader of the Council, the Deputy Leader of the Council and the Leader of the Opposition, from within existing administrative budgets. [REDACTED] have a City of York Council job description, which will outline their role.

Officer appointments will follow agreed processes, such as chief officer and [REDACTED] appointments being made by councillor panels, with advice from officers, and officer appointments below chief officer level being made by officers. There are a limited number of roles where councillors are consulted in an advisory capacity, as confirmed by Officer A [REDACTED] in [REDACTED] disclosure to you, "in general, elected members should not be involved in the selection process of non Chief Officer posts, except where they have regular contact with the role e.g. Head of Communications."

I rely on the evidence of the appointing officer, Officer A [REDACTED] who clearly states in the investigative report that Person B [REDACTED] was the best candidate for the role. This is made out as well in the evidence of Person A [REDACTED], a member of the interview panel, who is cited in the report as saying:

"Person A concedes that, based upon the scores given at the time, Person B [REDACTED] was assessed as being the best candidate by each member of the interview panel, with scores ranging between 100 and 91 points."

This was also the conclusion of the investigating officer, Mr Chitty, in the same report:

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My role as chair was to simply welcome the candidates and make initial remarks, given the nature of the role, but not to lead the process or make the final appointment, as confirmed in Officer A's investigative report interviews and disclosure: *"I would be the decision maker and in direct charge of the process" and "the role of Chair in this particular interview process was only to welcome and make introductory comments, not to direct the process of the interview or decide the outcome as that was my role."*

In respect of the previous allegation made by Person A that I gave Person B advance information of the contents of the 'in-tray exercise' which formed part of the recruitment process, I once again confirm that this did not happen. Indeed, this is denied by Person B in his evidence and Mr Chitty comments in the investigative report that:



I am advised that at a technical level, paragraph 6 of the code of conduct would not apply in this instance as the appointment panel was not a formal meeting of the Authority, as defined in Section 31(1)(a) of the Localism Act 2011. The panel was acting in advisory capacity to Officer A, an officer of the Council exercising her delegated authority to make a staffing appointment. No formal agenda existed for the meeting, nor were any minutes kept of the proceedings in which a declaration of interest could be recorded.

That said, it is accepted in the investigative report that the connection between Person B and myself was clearly identifiable on the face of the recruitment papers, as it was declared that Person B was, at the time of his application and appointment, a part-time intern working for [REDACTED]. I took part in the interview panel for that role, and it should be noted that I did not know Person B or any of [REDACTED] family until [REDACTED] was interviewed for and commenced [REDACTED] internship in summer 2015.

I have made clear throughout this investigation that I do not believe that the connection with Person B, limited as it was to a supervisory duty of care by an employer for an intern, was that of having 'a close association' within the terms of paragraph 6(1) of the Code of Conduct. In seeking to define 'close association', I would go further and look to the helpful advice to officers within paragraph 7.1 of the Council's Employee Code of Conduct which states: *"To avoid accusations of bias, employees should avoid being involved in an appointment if they are related to, or the partner of, an applicant."* None of these apply.

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I cannot recall, from nearly three years ago, a specific conversation but as agreed in my earlier interviews it is likely that I mentioned in passing to Person B that [redacted] might consider applying for the [redacted] position because I would have wanted to see as wide a field of talent as possible in the applicant pool.

I also agreed back during my first interview with Mr Chitty on 6 July 2017 that at some point in summer 2015 I had a drink and conversation in a York pub, [redacted]

[redacted] This was with Person A, Person C and Person D. I confirmed that I had an informal discussion straight away and this has never been denied, but this was not a meeting and was not a short-listing meeting - it could not and would not have been.

I did have a long conversation in a pub, including about the strengths and skills that we would look for in a colleague. I am sorry, however, that from their interviews Person A [redacted] and Person C are now misrepresenting this drink and conversation as a pre-short-listing meeting, which it was not. This comes amid a very wide range of changing and unfounded allegations from Person A, which have been made well after the event and were not concerns that were reported to anybody at the time. According to Person C's statement [redacted] socialises with Person A and I understand they have discussed this ongoing investigation.

At the time and until now, I was unaware of Person C's campaign, mentioned in [redacted] statement, to "*try and reduce Keith's influence in the local party and council group*". It is true to say that for unknown reasons Person C and myself unfortunately never got along particularly well, and I know that Person C would have been disappointed to have narrowly missed out on being elected (he was a Liberal Democrat council candidate in May 2015).

My recollection of the evening and conversation is as follows:

- That it was a social evening, not a meeting and not chaired.
- That nobody raised any concerns or left the pub, or refused to take part in the conversation.
- Person C did not repeatedly say we should employ the best qualified person for the job, as that was what we all would have wanted to do.
- That nobody had paper copies of the applications.
- That I did not print off paper copies of the applications, nor did I instruct anybody else to do so.
- That no notes were taken.
- That there was no short-listing or pre-short-listing.

Given the accounts of the evening, you should approach Person D, who was the [redacted] at the time, with questions or for a statement.

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I note that the short-listing meeting as part of the recruitment process was held in West Offices, on Monday 29 June 2015. I believe that Officer A , Officer E , Person A and myself attended, and that Officer A had circulated electronic applications the previous week. I recall that 7 candidates were selected to be interviewed and, as confirmed to Mr Chitty during my interviews, 6 of the 7 candidates were at least known to me, as to other members of the panel. Officer A confirmed in [REDACTED] disclosure that *"I am satisfied that the short-listing I undertook was dealt with correctly and not influenced, other than by healthy debate, by anyone present at the short-listing meeting."*

During my first interview with Mr Chitty on 6 July 2017, I confirmed that Person B stayed at my house for a limited period of time. This was from when Person B first started at City of York Council, on 1 September 2015, for five weeks, until [REDACTED] family had completed the purchase of a flat. [REDACTED] needed temporary accommodation so that [REDACTED] could start [REDACTED] new job until [REDACTED] could move into the flat, and it fitted with the spirit of the York Liberal Democrats, whereby a number of colleagues have provided temporary accommodation for those new to the city. There was no formal agreement, and I received a one off payment of £500. I considered this to be directly to me as a home owner, and that it was towards the costs of rent, wear and tear and all bills for the duration of the five weeks. It is in line with the rental costs in my local area.

It is stated by Mr Chitty in his summary of PERSON B'S second interview with [REDACTED], that "Person B [REDACTED]"

I believe that it would be helpful and long overdue if City of York Council officers were to develop a policy to be agreed and reviewed on the appointment of certain council officers below chief officer level, when members are consulted in an advisory capacity, which has happened on a number of occasions over the years, particularly as I have already seen a suggested template for this from senior council officers.

Cllr Keith Aspden

