

Cllr Keith Aspden

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

6 August 2018

Dear Barry

I refer to our recent correspondence and I write to confirm that, as arranged, I had conference with Counsel on Friday. I shall be making an additional submission but, in the meantime, there are several matters which usefully can be dealt with now, as follows:

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. In addition to my submissions already made throughout, I will write to you again outlining the reasons for the disagreement.

Will you be represented by a solicitor or barrister, or by any other person at a final hearing to determine this matter?

Yes, I will be represented by Caroline Addy (One Brick Court). My solicitor is Richard Watson (Crombie Wilkinson).

Do you wish to attend the hearing?

Yes.

Do you wish witnesses to be called to give evidence to the Panel (and if so, which witnesses would you want to be there)?

Yes. Alongside myself, I would like the following witnesses to attend: Person A, Person C and Person D

Do you wish all or any part of the hearing to be held in private. Similarly do you wish any part of the Investigating Officer's report or other relevant documents to be withheld from the public. The stated general position of the City of York Standards Committee is that any hearings should be held in public and that documents should be publically available in advance of the meeting. However it is recognised in the policy that there may be circumstances in which fairness to individuals dictates and that the law allows for information be considered in private. Therefore if you want any part of the hearing and the documents to be held in private and be kept confidential, then

please can you state your reasons for this so that the matter can be considered by the Sub Committee hearing the case.

I can advise that I do not intend to request that the Hearing is private.



I would also welcome a meeting in advance of formulating the plans for the hearing to better understand the process and the public hearing.

Release of supplementary legal advice

You will recall the earlier request for a copy of the Gowling legal advice to be sent to me and that this has to date been declined. My counsel and solicitor have revisited this and advise that the Chief Executive has erred in not immediately making this available. I would like you to review the release on a confidential basis of the supplementary legal advice supplied to City of York Council from Gowling WLG, in advance of the hearing, in order to enable my legal representatives to fully understand the background, process and allegations.

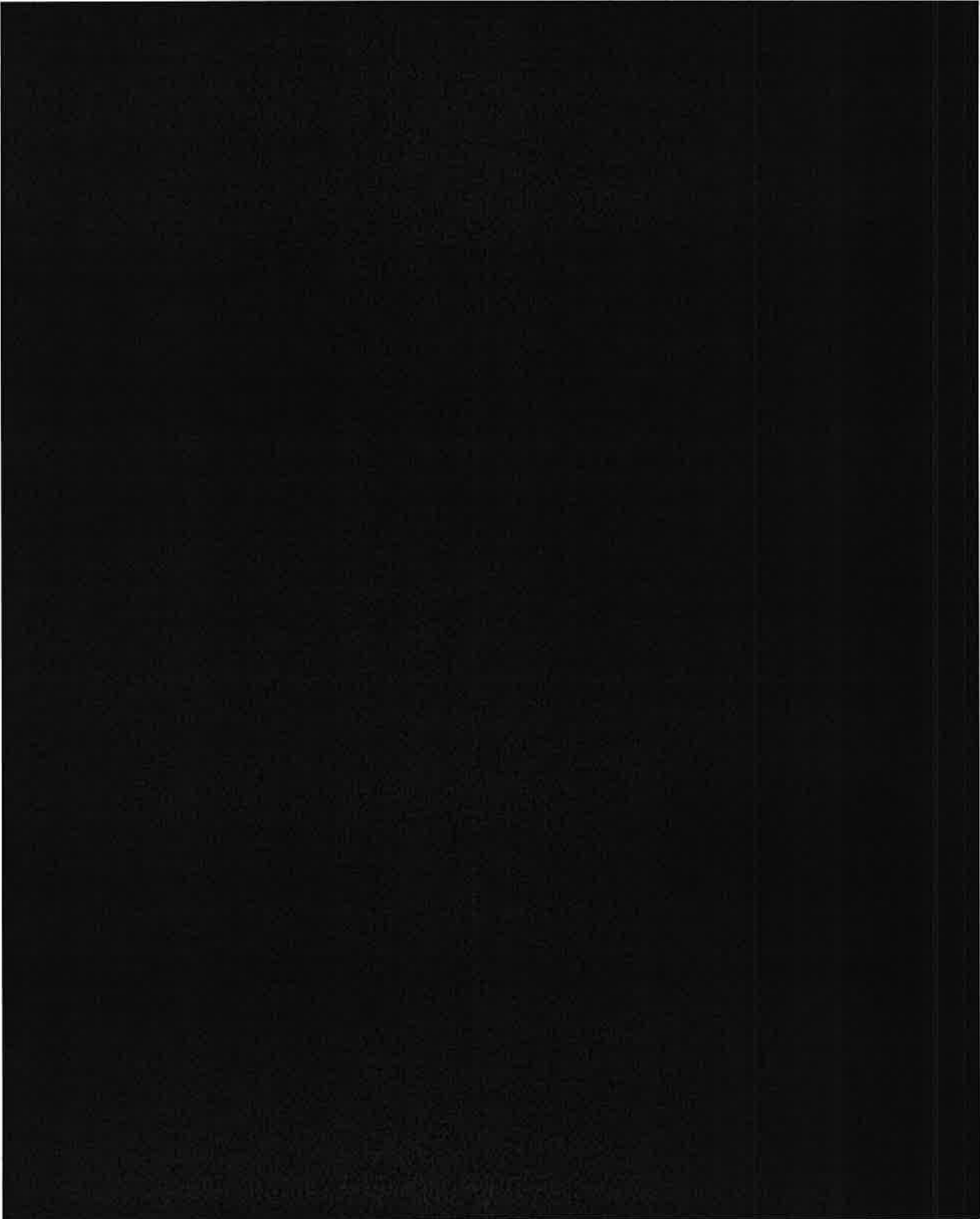


I believe that this legal advice must now be shared with me on the basis of fairness, openness and transparency and as legal privilege has clearly been waived. There has been significant dissemination of the relevant document



As you know, any document that has been too widely disseminated cannot attract the protection of privilege.





Errors in the report

Due to the extent of the documents at the time, I did not notice these two minor factual errors in the draft report until this point. I would like you or the investigators to

consider how they are presented in the Wilkin Chapman Standards Report before any publication.

1.3: The Project Rose Report and subsequent advice to the Chief Executive identified that Councillor Aspden might have been in breach of the Council's Code of Conduct in relation to the following.

This is not correct; the Project Rose Report did not identify areas where I might have been in breach of the Code of Conduct or offer the Council legal advice. It was only the subsequent advice to the Chief Executive (that I have not seen) that identified that I might have been in breach of the Code of Conduct.

4.9: On 17 February 2017 a confidential draft report which had been prepared for the Audit & Governance Committee was leaked to the media. Person A who at the time was a [REDACTED] admitted being responsible for the leak.

This is not correct. It would be accurate to say that on 17 February 2017 a confidential draft report which had been prepared for senior officers was leaked to the media by Person A. This was not the confidential draft report which had been prepared for the Audit & Governance Committee, which was a different report version.

If you do have any questions in respect of this letter, please let me know and I look forward to hearing from you on the points raised.

Best wishes,

A large black rectangular redaction box covering the signature of Keith Aspden.

Keith Aspden