

APPENDIX C

From: Graham Leach
Sent: 28 October 2013 15:37
To: 'Jane Pollard (janepollard@warwickshire.gov.uk)'; 'Peter Oliver (peteroliver@warwickshire.gov.uk)'; 'heath.blenkinsop@btopenworld.com'; Norman Pratt
Cc: Andrew Jones; Amy Carnall
Subject: RE: Notes from Pre-Hearing- Confidential

Dear All,

Please see the attached letter I have posted to Mr Hathaway.

The emails I refer to in my letter are those set out below.

Regards

Graham Leach
Democratic Services Manager and
Deputy Monitoring Officer - Warwick District Council

Tel: 01926 456114 ext. 3375
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www.warwickdc.gov.uk

Please do not print this email.

From: Graham Leach
Sent: 17 October 2013 11:18
To: 'Jane Pollard (janepollard@warwickshire.gov.uk)'; 'Peter Oliver (peteroliver@warwickshire.gov.uk)'; 'heath.blenkinsop@btopenworld.com'; Norman Pratt
Cc: Andrew Jones; Amy Carnall
Subject: RE: Notes from Pre-Hearing- Confidential

Dear All,

Further to my previous email I can confirm that the Hearing will take place at the Town Hall, Parade, Royal Leamington Spa, on 15 November 2013 starting at 10.00am.

The agenda for this meeting will be published on 7 November 2013 and therefore Andrew Jones will need any additional paperwork for inclusion in this agenda by 10.00am on Monday 4 November 2013.

To date I have not received the letter from Mr Hathaway outlining the areas of the reports that will be challenged. If I have not received this by 10.00am on 22 October 2013, I will need to take legal advice over the hearing and the procedure for it. I would be extremely disappointed if this was deadline was not met as all parties were in agreement on the importance of this matter and the need to hold the hearing as soon as possible.

In addition I will now be updating the complaints log to include the date of the hearing and the Councillors name.

Regards

Graham Leach
Democratic Services Manager and
Deputy Monitoring Officer - Warwick District Council

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From: Graham Leach
Sent: 15 October 2013 11:30
To: Jane Pollard (janepollard@warwickshire.gov.uk); Peter Oliver (peteroliver@warwickshire.gov.uk);
heath.blenkinsop@btopenworld.com; Norman Pratt
Cc: Andrew Jones
Subject: Notes from Pre-Hearing- Confidential

Dear All,

Thank you all for meeting with me last week to go through the prehearing process for the complaints into Councillor Mrs Bromley. It has been one of those weeks and I am sorry for not getting these notes out earlier.

Below are my notes from the meeting for your reference.

- Graham Leach would only be involved in the pre-hearing process. The Monitoring Officer on the day would be Andrew Jones and it would be either Peter Dixon or Amy Carnall from Committee Services supporting the hearing with Jane Pollard acting as Solicitor for the Council. This was because Graham was potentially one of the witnesses to be called to the hearing;
- It was agreed that although there were three complaints covered by two investigation reports the aim would be to have a single hearing in one day;
- It was agreed that at present, other than the deliberations by the Sub-Committee, all aspects of the hearing would be in public;
- The hearing would be at the Town Hall starting at 10.00am on 15 November 2015 (this would be confirmed once all parties have confirmed their availability);
- Councillor Mrs Bromley would be attending and would be represented by Mr Hathaway.
- Councillor Mrs Bromley would address the hearing directly at some stage;
- Councillors Pratt, Mrs Falp and Mrs Syson would form the Sub-Committee, Graham would confirm this once he has checked their availability;
- The Independent Person would be Mr Meacham. Mr Hathaway had concerns about this following the comments made by Mr Meacham at Council on 21 August 2013. Mr Hathaway considered these views may have been ultra vires. GL explained that each case must be on its merits and Mr Meacham had been consulted on the complaints already. While GL could ask Mr Tomkinson to attend the hearing this would then remove the option of an Independent Person for Mr Hathaway's client to seek guidance from independently from the case. Mr Hathaway accepted this and asked for his concern to be logged as part of this process;
- At present Mr Hathaway had not had full direction from his client as to which facts within the report that they wished to contest or a confirmed list of witnesses on both reports; however he felt 90% of the September report was likely to be challenged;

- it was not felt any witnesses were required about 29 August report;
- potentially for 16 September report they would like to call Andrew Jones, Lydia Turpin, Councillor Mellor, Andrew Cowlard, another Police Officer and Mrs Bromley herself;
- There was an intention to have a character witness if needed but no more, although it was duly noted written ones could be provided;
- Neither Mr Oliver or Mrs Hathaway wanted to refer to any case law other than that stated in the report;
- There was an issue regarding the printing of the statement of Mrs Bromleys statement a full copy of which is attached; and
- Mr Hathaway agreed to provide a letter, of the facts to be challenged and witnesses to be called, by 16 October 2013.

For reference I should be able to confirm the date of the Hearing and deadline for paperwork by the end of the week, I'm just waiting for Councillors to confirm they can attend. Once I have confirmed this the public register will be amended to say who the complaint is about and the date of the hearing.

Regards

Graham Leach
Democratic Services Manager and
Deputy Monitoring Officer - Warwick District Council

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Civic & Committee Services
Andrew Jones – Deputy Chief Executive & Monitoring Officer

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our ref: 5 and 5a/2013

your ref:

28 October 2013

Dear Mr Hathaway,

Councillor Mrs Bromley, Code of Conduct Hearing 15 November 2013

Further to our meeting on 9 October 2013 and the attached emails I do not appear to have received details of the facts of Mr Oliver's report your client wishes to challenge and the witnesses your client wants to call.

The information is required as soon as possible to enable fair consideration by the Investigating Officer, the Monitoring Officer and Chairman of the Hearing and to be able confirm the process for the hearing before the agenda is published. I feel the members of the hearing would not be pleased if the agenda was published and it stated that while the general process for the hearing and deadlines to achieve this had been agreed, the Councillor and her representative had not submitted the information as promised and had not responded to further enquires chasing this information.

The deadline for inclusion of information in the final report is next Monday, however the information is required before then to enable time for consideration by the parties as set out above. I would hope that you are not waiting to submit this information at the final minute because this could well cause a delay in the Hearing process.

You will recall that all parties agreed the need to progress this matter promptly for the benefit of everyone in that it should bring the matters to a close. Therefore while I await your response I am left in a position where I must take legal advice on how the case could proceed without the promised information.

I would therefore urge you to respond to me as a matter of urgency setting out when you will be able to respond by, or ideally with the information that you agreed you would provide.

Yours sincerely

Graham Leach
Democratic Services Manager and
Deputy Monitoring Officer