



AGENDA ITEM: 4

HEARINGS SUB COMMITTEE: 21 July 2009

PRE-HEARING PROCESS SUMMARY

(Parish) Councillor:	Doreen Stephenson
Authority:	Halsall Parish Council
Complainant:	Parish Councillor Marilyn Westley
Case Reference Numbers:	INV 2 – LG5/13 – Decision 2
Chairman:	Independent Member, Mr John Cailles
Monitoring Officer:	Mrs Gillian Rowe, Council Secretary and Solicitor
Name of the Investigator:	Ms Claire Lefort, Weightmans Solicitors
Member Services Officer:	Mrs Jacky Denning, Assistant Member Services Manager
Date the pre-hearing process summary was produced:	6 July 2009
Hearing Date:	Tuesday, 21 July 2009
Time:	9.30 am
Place:	Council Chamber, 52 Derby Street, Ormskirk L39 3PB

Summary of the Complaint:

That Councillor Doreen Stephenson failed to comply with the Code of Conduct for Halsall Parish Council (“the Parish Council”) and West Lancashire District Council (“the District Council”) (CLT1). That Councillor Doreen Stephenson failed to treat others with respect by her alleged behaviour towards the ex-Clerk of the Council, Margaret Atherton, at an extraordinary meeting of the Parish Council on 7 August 2008, more specifically:

- a) Councillor Doreen Stephenson allegedly made comments to Mrs Atherton which were disrespectful;
- b) Councillor Doreen Stephenson’s behaviour was allegedly disruptive whilst Mrs Atherton and Councillor John Stephenson were formulating wording for a resolution.

Relevant Section or Sections of the Code of Conduct:

Paragraph 2 of the Parish and District Codes which states:

“2.-(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you-

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).”

Paragraph 3(1) of the Parish and District Codes states:

“3.-(1) You must treat others with respect”

The findings of fact in the Investigation report that are agreed:

All the paragraphs not listed in the following section.

The findings of fact in the Investigation report that are not agreed:

The Subject Member has contested the contents of paragraphs: 2, 3, 11, 19, 26, 27, 28, 31, 35, 46, 49, 50, 53, 57,59 and 62.

Disagreements significant to the Hearing:

1. Cllr Stephenson believes that PC Barlow's statement as to the comments that she allegedly made to Mrs Atherton at the meeting on 7 August is incorrect. Ms Lefort believes that PC Barlow is the one witness present at the meeting who's evidence can be regarded as independent on the issue being considered by the meeting.
2. Cllr Stephenson refutes the allegation that she made the comment recorded in the minutes as "Councillor D Stephenson interrupted again and suggested that the Clerk had deliberately not brought the estimates for the car-parking to the meeting as a delaying tactic." She also questions the accuracy of the minutes of 7 August. Ms Lefort advises that as the minutes, as amended and contained at CLT10 of the bundle of evidence, have been approved by the Parish Council they therefore can be relied upon as being accurate.

Whether to hear evidence about those disagreements during the Hearing:

The Sub-Committee will hear evidence at the Hearing.

Whether there are any parts of the Hearing that should be held in Private:

Although Councillor Doreen Stephenson has requested that the evidence of one of Ms Lefort's witnesses should be considered in private, Ms Lefort does not agree and the Hearing Sub-Committee will consider the issue at the Hearing should Cllr Stephenson wish to pursue the point.

Whether any parts of the investigation reports or other documents should be withheld from the public prior to the hearing on the grounds that they contain 'exempt material':

All parts of the Investigation report and other documents circulated to the Sub-Committee will be available to the public prior to the hearing.

In Attendance:

Subject Member: Councillor Doreen Stephenson and her representative Mrs Nicola Pryce-Roberts

The Investigator: Ms Claire Lefort, Weightman's Solicitors

Witnesses:

From Councillor Doreen Stephenson:

All these witnesses will provide their recollection of the comments made by Councillor Doreen Stephenson towards Mrs Atherton at the meeting and to provide their recollection of the meeting in September 2008 at which the minutes of the 7 August 2008 meeting were considered:

- Mrs. Alison Blundell
- Mr. David Galt
- Mr. Gerry Riley
- Mrs. Joan Riley
- Mr. John Wright
- Mr. Steve Hayes
- Mr. Kerry Tomlinson
- Mrs. Pearl Hayes
- Councillor R. Brookfield
- Councillor J. Stephenson
- Mr. Barry Critchley
- Mrs. Nicola Pryce-Roberts

From Claire Lefort, Weightmans Solicitors (Investigator):

These three witnesses will provide their recollection of the comments made by Councillor Doreen Stephenson towards Mrs Atherton at the meeting:

- Councillor Maureen Allchurch,
- PC Barlow
- Mrs Atherton

Councillor Marilyn Westley will provide her recollection of the meeting in September 2008 at which the minutes of the 7 August 2008 meeting were considered.

HEARING PROCEDURE:

- **Appendix 1 - The Hearing Procedure (Green Papers)**
- **Appendix 2 - The Investigator's Report (Blue Papers)**
- **Appendix 3 - The Evidence Bundle (Yellow Papers)**
- **Appendix 4 - Response of Councillor Doreen Stephenson (Grey Papers)**
- **Appendix 5 - Response on behalf of the Investigator (Lilac Papers)**
- **Appendix 6 - The Pre-Hearing Process (Pink Papers)**
- **Appendix 7 - Categories of exempt information for excluding the public from meetings (Cream Papers).**