

**West Lancashire District Council**

**West Lancashire District Council complaint reference INV2/LG5/13 Decision 2**

**CLT/1140 82**

**Sections 57A(2), 66 and 82A of the Local Government Act 2000 and The Standards Committee (England) Regulations 2008**

**Report of an investigation by Claire Lefort, acting as Investigating Officer, into an allegation concerning the conduct of Councillor Doreen Stephenson of Halsall Parish Council and West Lancashire District Council**

**23 April 2009**



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## Summary

1. An allegation was made by Councillor Marilyn Westley that Councillor Doreen Stephenson failed to comply with the codes of conduct for Halsall Parish Council ("the Parish Council") and West Lancashire District Council ("the District Council") (CLT1). I have investigated whether 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.
2. As a result of my investigation, I have concluded that Councillor Doreen Stephenson failed to comply with the Parish Code by failing to treat Mrs Atherton with respect at the extraordinary meeting of the Parish Council on 7 August 2008 due to the comments she made to Mrs Atherton. I have also concluded that Councillor Doreen Stephenson did not fail to comply with the Parish Code by her behaviour whilst Mrs Atherton and Councillor John Stephenson were formulating wording for a resolution. I have also concluded that Councillor Doreen Stephenson did not fail to comply with the District Code.
3. My finding under regulation 14 of the Standards Committee (England) Regulations 2008 is that there has been a failure to comply with the code of conduct.

## Relevant legislation

4. At a meeting on 9 October 2008, the Assessment Sub-Committee of the Standards Committee of the District Council decided to refer the allegation made against Councillor Doreen Stephenson to the Monitoring Officer for investigation under section 57A(2) of the Local Government Act 2000.
5. An investigation carried out by a Monitoring Officer following referral under section 57A(2) is governed by section 66 of the Local Government Act 2000. Under section 66, the Secretary of State may make regulations as to the way in which any matters referred to the Monitoring Officer are to be dealt with. Regulations made by the Secretary of State under this section are The Standards Committee (England) Regulations 2008 (SI 1085). These Regulations apply to this investigation.
6. Section 82A of the Local Government Act 2000 (inserted by virtue of section 113 of the Local Government Act 2003), enables a Monitoring Officer to delegate any part of his or her functions in relation to an investigation to any

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nominated person. In this case, I have been appointed under section 82A to investigate the allegation and prepare a report of my investigation.

7. The District of West Lancashire Parish Council Members' Code of Conduct ("the Parish Code") is dated 16 May 2007 and applies to the conduct of members at Halsall Parish Council and the West Lancashire District Council's Code of Conduct ("the District Code") is also dated 16 May 2007.
8. The relevant parts of the Parish and District Codes I have considered are:

**Paragraph 2 of the Parish and District Codes which states:**

*"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:**

*"(1) You must treat others with respect"*

## Councillor details

9. Councillor Doreen Stephenson has been a parish councillor for approximately 12 years, was the Chairman of the Parish Council about three to four years ago and was the vice chairman of the Parish Council in 2007. Councillor Doreen Stephenson was also a parish councillor of Down Holland Parish Council between 2000 and 2006.
10. Councillor Doreen Stephenson has been a councillor of the District Council since 2002 and is currently the Vice Chairman of the Planning Committee at the District Council. Councillor Doreen Stephenson is a member of the following District Council bodies:
  - a) External Overview and Scrutiny Committee
  - b) Internal Overview and Scrutiny Committee

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- c) Housing Review Sub-Committee
- d) Licensing Sub-Committee
- e) Planning Committee
- f) Licensing & Gambling Committee
- g) Licensing and Appeals Committee

11. Councillor Doreen Stephenson has received several training sessions on the code of conduct which were provided for both District and Parish Councillors. She said that she had also been to three or four training sessions before 2007. Councillor Doreen Stephenson considered that she was familiar with the code of conduct as much of it is common sense and as a law abiding citizen she does not consider that she regularly causes offence.

## **The evidence obtained**

12. I interviewed Councillors Marilyn Westley, Doreen Stephenson, Maureen Allchurch, Mrs Margaret Atherton, PC Barlow, Mr Critchley, a member of the public and Mrs Nicola Pryce-Roberts, who is also a member of the public. I have obtained copies of minutes of some of The Halsall War Memorial Playing Field and Hall Trust ('the Trust') meetings held although they are not the signed and approved versions. I requested via Councillor Maureen Allchurch, the Chairman of the Parish Council, signed and approved copies of the minutes of the Trust meetings between January 2008 and January 2009 to provide me with background which may be relevant to my investigation. Councillor Maureen Allchurch sought the advice of the Charity Commission in relation to the disclosure of the minutes for the purposes of my investigation, which advised that it was a decision for the Trust. The Trust formally considered my request at its meeting on 18 February 2008 and the majority of the members of the Parish Council at the Trust meeting decided that the minutes would not be disclosed to me. I have not been provided with any substantive reasons for the decision of the Trust. The Trust Secretary stated in emails to me seeking reasons for the decision (CLT120):

*"I am unable to tell you why each trustee voted the way they did. My understanding is that it is the Parish Council acting as Sole Trustee and the trustees who make up that body who decide what they believe to be in the best interests of the Charity. I assume that they voted bearing the above in mind."*

*"All I can say is that the document you sent to us was handed to the trustees on the night of the 18th, as instructed, for their consideration, and following that they were asked to vote as to whether or not to let you have copies of the signed minutes. The majority decision was that they were not to be provided."*

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## Background

13. The Parish Council is the sole trustee of the Trust which concerns the War Memorial Hall and Playing Fields situated in Halsall.
14. The District Council was provided with funding through the Big Lottery Fund for a Multi Use Games Area (MUGA), and in December 2007/January 2008, offered to provide an allocation of that Lottery Fund to the Parish Council to provide a MUGA on the Playing Fields.
15. The Parish Council considered the District Council's proposal for the allocation of the Lottery Fund for the MUGA at its meeting on 13 February 2008 (CLT3) and decided to accept the proposal. The minutes of the meeting record that the location of the MUGA on the Playing Fields was discussed and that it was decided to call a meeting of the Trust to enable public participation concerning the positioning of the MUGA.
16. The minutes of the Trust meeting on 12 March 2008 (CLT4) record that the positioning of the MUGA was discussed and that Mr P. Cooley from West Lancashire District Council was present. It is recorded that Mr Cooley explained the funding which was available, and the reasons for the MUGA, and that the only cost to the Parish Council would be the cost of electricity for the floodlights during the winter. The minutes also record that no objections were recorded, that the only concerns were parking and its effect on the football and cricket pitches, and the colour of the galvanised wire cage. It was also recorded that it was necessary to find the right position on the field to give the best for all users and that planning permission may be necessary.
17. The minutes of the Trust meeting on 9 April 2008 (CLT5) record that a plan of the MUGA was presented to councillors and members of the public and all present were invited outside to consider the MUGA implications. The minutes also record that it was suggested that the car park in front of the Memorial Hall be dispensed with in favour of an extended car park by the swings.
18. At the meeting of the Parish Council on 14 May 2008 (CLT6) the minutes record that Councillor John Stephenson stated that he had received a personal letter in which the Clerk, Mr Ian Davis, had offered his resignation. Councillor Marilyn Westley said that she was on the Panel which undertook interviews for the new Parish Clerk to replace Mr Davis. Councillor Marilyn Westley said that one of the candidates was Mrs Atherton and said that Mrs Atherton stood out above the other candidates. The minutes of the meeting of the Parish Council dated 11 June 2008 record that Mrs Atherton be offered the position of Clerk and Responsible Finance Officer (RFO) to the Parish Council.
19. The minutes of the meeting of the Parish Council on 11 June 2008 (CLT7) record that the MUGA project was discussed and that the Parish Council had

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been advised that funding was not available from the grant providers for replacement car parking in the possible sum of between £15,445 and £32,536, and resolved that funding for the replacement car parking needed to be obtained in order to proceed with the project.

20. The minutes of the meeting of the Parish Council on 9 July 2008 (CLT8) record that the Clerk, Mrs Atherton, gave an update to the Parish Council on the MUGA. The minutes record that the Clerk stated that estimates for the provision of car parking had been requested from four local contractors, that once they had been received an accurate figure would be known upon which to seek funding, and that a letter had been sent to the Memorial Hall trustees requesting the necessary permission. The minutes also record that the District Council had spoken to the Clerk and were anxious to have a firm decision in the next five to six weeks as to the acceptance of the funding for the MUGA proposal. During the discussion about the MUGA, the minutes record that Councillor Doreen Stephenson asked whether the August recess would still go ahead in view of the urgency of the business regarding the MUGA and the Chairman replied that the recess would still take place unless the estimates were in and required decisions, in which case it might be necessary to call an additional meeting.

21. Although I do not have a copy of the minutes, I understand that a meeting of the Trust took place in July 2008 at which the Trust decided not to grant the necessary permission to site the MUGA on the Memorial Field. Subsequently a notice of an extraordinary Parish Council meeting due to take place on 7 August 2008 was published which set out the Agenda for the meeting (CLT9). Item 4 of the Agenda states:

*“To consider the following Special Resolution under Standing Order 17.1 –  
2 Councillors have given written notice:*

*That as a consequence of the decision by the Trustees of the Halsall War Memorial Playing Field and Hall not to grant the necessary permission to site the MUGA on the Memorial Field that minute 9(i) of the Parish Council meeting dated 13 February 2008 be rescinded.”*

22. The extraordinary Parish Council meeting took place on 7 August 2008 (CLT10) at which Mrs Atherton was present. Following the meeting on 8 August 2008, Mrs Atherton wrote an email to Terry Broderick, the Legal Services Manager at the District Council (CLT11) complaining about the behaviour of Councillor Doreen Stephenson and some members of the public. Mrs Atherton gave notice of her resignation as Clerk and RFO on 21 August 2008 with effect from 31 August 2008 (CLT12). The resignation letter states:

*“Since the dreadful meeting on 7<sup>th</sup> August I have been quite unwell and I could not subject myself to further such ordeals and from*

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*indications I have had there are certainly more in the pipeline. In my view 'mob-rule' should never prevail."*

## **Allegation made by Councillor Marilyn Westley**

23. Councillor Marilyn Westley alleged in the complaint form that Councillor Doreen Stephenson has breached the Parish and District Codes by her behaviour towards Mrs Atherton at the extraordinary Parish Council meeting on 7 August 2008. Councillor Marilyn Westley provided as evidence to support her allegation a copy of the minutes of the meeting and the email from Mrs Atherton to Terry Broderick referred to in paragraph 22 above. The minutes and the email highlighted two incidents of Councillor Doreen Stephenson's behaviour at the meeting which may amount to a failure to comply with the Codes which are:

- a) alleged comments made by Councillor Doreen Stephenson towards Mrs Atherton; and
- b) alleged behaviour by Councillor Doreen Stephenson during the rewording of the resolution.

Although Councillor Marilyn Westley did not specifically identify the conduct set out in (b) above, as it was contained in Mrs Atherton's email which supported Councillor Marilyn Westley's complaint, I have considered that this formed part of the conduct and complaint which I needed to consider.

24. Councillor Marilyn Westley was not present at the meeting although she was sent a copy of Mrs Atherton's email of 8 August 2008 at which she said she was horrified. Councillor Marilyn Westley said that she spoke to the Chairman of the Parish Council, Councillor Maureen Allchurch, who said that Mrs Atherton had been visibly upset at the meeting and had informed her that she had never experienced anything like it. Councillor Marilyn Westley considered that the reported behaviour of Councillor Doreen Stephenson towards Mrs Atherton was appalling and that she believed that Councillor Doreen Stephenson had acted like a rabble rouser at the meeting on 7 August 2008. Therefore, to ensure that such behaviour was not repeated with a new Clerk, she considered it necessary to make a complaint (CLT17).

25. Councillor Marilyn Westley made comments in relation to a draft of my report, (CLT21) which I have taken into account although I have not made any amendments to my report as I consider that it supports the comments made.

## **Meeting on 7 August 2008**

26. The meeting was attended by 35 members of the public as counted by Mrs Atherton and recorded in the minutes of the meeting. The minutes record that apologies were given by Councillors David and Marilyn Westley and that Councillor Doreen Stephenson eventually declared a personal interest in the MUGA project, which was the only matter being discussed at the meeting.



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The minutes record that Councillor Doreen Stephenson initially said that she did not have any personal or prejudicial interest and that the Clerk then read out advice received from the District Council on District Councillors with regard to the Code of Conduct. It is also recorded that Councillor Doreen Stephenson said that she believed she had a personal and prejudicial interest but would not leave the meeting and following advice from Councillor John Stephenson, she declared only a personal interest (CLT10).

27. The minutes of the meeting also record that Councillor Maureen Allchurch, as Chairman of the Parish Council, addressed the meeting, mentioned a recent distressing poster and mail drop campaign against the Parish Council, and outlined the procedure for speaking and the reason the meeting had been called. She also began explaining the difference between the roles of the Parish Council and the Parish Council acting as Trustee and that she had prepared a written document explaining the Trustee's decision and the time line. The minutes record that Councillor Allchurch was interrupted by members of the public who asked for the time line to be provided to members of the public at that point of the meeting, and not at the end, and that several members of the public continued to interject and harangue Councillor Allchurch (CLT10).

### **Alleged comments made by Councillor Doreen Stephenson towards Mrs Atherton**

28. The minutes record the questions which were asked by members of the public. They also record the following:

*"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.*

*The Clerk with the permission of the Chairman refuted the implication that she had acted in this way or had conducted the tendering process in anyway other than as required by law and Standing Orders.*

*Councillor Stephenson did not withdraw her remark." (CLT10)*

29. Mrs Atherton's email to Terry Broderick (CLT11) states:

*"Cllr D Stephenson again started to interject and said that she thought there had been a deliberate delay in obtaining estimates and funding for the work required. I explained that I had gone out for estimates, the final one being hand delivered to my home last Sunday 3 August after several telephone calls and that I had enquired of the Lottery. She then shouted to the public 'then why has a meeting not be called if its not a delay, why are we not dealing with it tonight? Again cheers and applause...I asked if I might reply to the innuendo regarding my roles and I addressed the public. I reiterated that I had conducted myself with propriety and that I took exception to Cl D Stephenson's remarks."*

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30. There are disputes of fact as to whether Councillor Doreen Stephenson made the comments about Mrs Atherton at the extraordinary meeting on 7 August 2008 as recorded in the minutes of the meeting and in Mrs Atherton's email of 8 August 2008. I set out below the evidence obtained and reach conclusions on these matters in paragraphs 56 to 62
31. During interview, Councillor Doreen Stephenson said that Mrs Atherton was new at the Parish Council and considered that she had not ever faced so many emotional members of the public at one meeting. She said that the public led on the discussions about the MUGA, and that as it progressed she told the meeting that she wished to address the public on the MUGA from the inception of the project to the present day. However she said that Councillor Allchurch would not allow her to speak, that she considered that Councillor Allchurch was ignoring the public, and that as she did so the meeting was getting more and more heated. Councillor Doreen Stephenson said she was it was an emotional meeting and that she was emotional and was disgusted at the position of the Parish Council (CLT13).
32. Councillor Doreen Stephenson said that she eventually addressed the public and made a statement that several months ago the Clerk to the Parish Council had been mandated to obtain tenders and grant funding for the compensatory car parking. She said she told the public that to date this information has never been brought to the Parish Council for discussion. Councillor Doreen Stephenson said that she was very careful with the words that she used and did not accuse Mrs Atherton of not doing anything but was simply asking why Councillor Allchurch and Mrs Atherton had not brought the estimates to a meeting.
33. Councillor Doreen Stephenson said that Mrs Atherton told the meeting that she was still obtaining funding until the Sunday before the meeting. Councillor Doreen Stephenson could not understand why Mrs Atherton did not put this item on the agenda as the information obtained could have had an impact upon the decision at that meeting, and that she could not understand why Mrs Atherton did not advise Councillor Allchurch in advance of the meeting about the estimates. Councillor Doreen Stephenson considered that the Parish Council did not have full information so as to be able to make a decision that night. Councillor Doreen Stephenson also recalls Mrs Pryce-Roberts speaking at the meeting.
34. Councillor Doreen Stephenson said that she feels that Mrs Atherton had misinterpreted what she said to her at the meeting with regard to the estimates. Councillor Doreen Stephenson considered that the issue she raised about the estimates put Mrs Atherton on the spot. Councillor Doreen Stephenson said that she did not ever say anything about Mrs Atherton using delaying tactics. She said that she was very careful about the words that she

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used, but wanted to know why the estimates had not been brought forward when the Parish Council was still anticipating that this information would be brought to a future meeting. Councillor Doreen Stephenson recalled that Mrs Pryce-Roberts asked Mrs Atherton “hasn’t this delayed the process” which was in response to Mrs Atherton’s explanation of the steps she had taken to obtain estimates. She considered that there was a mix up in who had said what to Mrs Atherton. Councillor Doreen Stephenson said that her tone at the meeting and in relation to this was quite indignant, although she did not consider that she was accusatory.

35. Councillor Doreen Stephenson does not recall shouting *‘then why has a meeting not be called if its not a delay, why are we not dealing with it tonight?’* in relation to the estimates as recorded in Mrs Atherton’s email. Councillor Doreen Stephenson said that she considers that the minutes of the extraordinary meeting on 7 August 2008 are incorrect and that she does not accept that the comments attributed to her in the minutes or Mrs Atherton’s email to Terry Broderick are accurate. Councillor Doreen Stephenson said that at the next meeting of the Parish Council, which took place on 10 September 2008, she put forward a number of changes to the minutes of the meeting of 7 August 2008 as she considered most of the minutes to be inaccurate. However Councillor Doreen Stephenson was unable to say whether she raised issues of concern about the comments attributed to her. Councillor Doreen Stephenson also recalled that, during the meeting, Councillor Allchurch asked her to leave as she was trying to ask certain questions. Councillor Doreen Stephenson accepts that Councillor Allchurch could not control her at the meeting. She also stated that she probably did say at the meeting “I will have my say” as she intended to inform the public and ensure that the right questions were asked.
36. During interview, Mr Critchley (CLT16) said that he was present during the meeting and that Mrs Atherton was new and that Councillor Allchurch was an inexperienced Chair at the extraordinary meeting on 7 August 2008. Mr Critchley believes that Councillor Allchurch’s lack of experience was shown at an early stage of the meeting as she did not fully explain to the public what the meeting was about which led to much frustration and members of the public asking questions which were not properly answered by her. Mr Critchley considers that Mrs Atherton was “gobsmacked” by the members of the public that were present and that she appeared to be struggling to cope with the situation.
37. Mr Critchley said that Councillor Doreen Stephenson asked various questions of Mrs Atherton and that Mrs Atherton misconstrued those questions. Mr Critchley recalled that Councillor Doreen Stephenson asked about the tenders for replacement car parking, why the tenders were not on the agenda, and why the tendering process had not been completed. Mr Critchley said that

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the clerk did not seem to think that Councillor Doreen Stephenson should be allowed to ask questions in the way that she did.

38. Mr Critchley said that the comments which are recorded in the minutes as being made by Councillor Doreen Stephenson towards Mrs Atherton about the estimates for car parking were not made by Councillor Doreen Stephenson. Mr Critchley also said that he did not hear the words 'delaying tactics' being used by Councillor Doreen Stephenson at the meeting on 7 August, although he said that it is possible that Mrs Atherton may have construed her comments in that way. Mr Critchley said that he heard Councillor Doreen Stephenson say '*Why have we not got the estimates and why are they not here at this meeting?*'. Mr Critchley remembered that Mrs Atherton said that the estimates were at home. Mr Critchley said that Councillor Doreen Stephenson's questions of Mrs Atherton were not accusations. Mr Critchley said that he does not recall Councillor Doreen Stephenson shouting to the public as recorded in Mrs Atherton's email to Terry Broderick dated 8 August 2008.
39. Mr Critchley said that Councillor Doreen Stephenson's behaviour towards Mrs Atherton at the meeting on 7 August 2008 was a reflection of the views of the gathered public who were concerned about the MUGA as they did not consider it was being dealt with in a fit and proper manner. Mr Critchley said that how people interpreted Councillor Doreen Stephenson's behaviour was up to them in his opinion. Mr Critchley said that Councillor Doreen Stephenson is a 'to the point' person. He said that she wants to know what is going on and does not beat around the bush and it is this manner which she adopted when speaking to Mrs Atherton at the meeting.
40. During interview, Mrs Nicola Pryce-Roberts said that she was present at the meeting on 7 August 2008 and that in her opinion she considered that the meeting was poorly conducted. She said that she did not consider that Councillor Allchurch chaired the meeting well, as she would not explain anything to members of the public and had no control of the meeting. She said that she recalls people were asking questions but were not being given answers (CLT15).
41. Mrs Nicola Pryce-Roberts said specifically that Mrs Atherton played a very small role in the meeting. During the meeting, Mrs Nicola Pryce-Roberts recalls that Councillor Doreen Stephenson asked Mrs Atherton if she had received tenders for replacement car parking and recalled her saying "can we see the tenders as Parish Councillors had asked to see them". Mrs Nicola Pryce-Roberts considered that Mrs Atherton got defensive about the question asked and she perceived the question as criticism.

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42. Mrs Nicola Pryce–Roberts said that she could not recall Councillor Doreen Stephenson saying that Mrs Atherton had deliberately not brought the estimates for the car parking to the meeting as delaying tactic. However, she recalls Councillor Doreen Stephenson asking why the estimates had not been made available to the Parish Council. Mrs Nicola Pryce–Roberts believes that the minutes of the meeting are not factual as the order of the events set out in the minutes is incorrect. Mrs Nicola Pryce–Roberts considers that Mrs Atherton became very defensive irrationally. Mrs Nicola Pryce–Roberts described Councillor Doreen Stephenson’s tone when speaking to Mrs Atherton as irritated and exasperated but not aggressive.
43. Mrs Nicola Pryce–Roberts also could not recall Councillor Doreen Stephenson shouting to the public “why has a meeting not been called if it is not a delay, why are we not dealing with it tonight?”. She could also not recall Councillor Allchurch asking Councillor Doreen Stephenson to withdraw her remarks
44. During interview, Mrs Atherton said that it was very hard to convey on paper what the atmosphere was like at the meeting on 7 August 2008, and that, prior to the meeting, she was aware of the build up of feeling towards the Parish Council meeting. She therefore felt it incumbent upon her to seek advice from member services at the District Council, so as to forewarn of any disruption which may occur. Mrs Atherton said she knew that several people would want to speak at the meeting and she therefore agreed with Councillor Allchurch that she would stand on the door before the meeting had started, and take the names of individuals who wanted to speak (CLT14).
45. Mrs Atherton said that at the meeting Councillor Allchurch warned Councillor Doreen Stephenson to address the public through the Chairman and not address the members of the public directly or she would be asked to leave. Mrs Atherton said that Councillor Doreen Stephenson said that she would not leave, that she did not care what Councillor Allchurch said and that Councillor Allchurch could report her to the standards board. Mrs Atherton thought this was disrespectful. Mrs Atherton recalled that there was further interruption of the meeting by Councillor Doreen Stephenson.
46. Mrs Atherton recalled there was a lady in the public gallery who said that she understood that five estimates were obtained for replacement car parking and questioned why five estimates had been obtained as it had delayed obtaining the estimates. Mrs Atherton said that Councillor Doreen Stephenson looked across at her and asked if she had brought the estimates to the meeting and also said “I think you have deliberately not brought them as a delaying tactic”. Mrs Atherton said that she asked the Chairman for a right of reply to this comment. She said she told the public “ladies and gentleman I want to refute what Councillor Stephenson has implied” and also told the meeting that she had acted with propriety that the last estimate was brought to her home on

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the Sunday afternoon before the meeting. She said they were not required for the meeting as estimates are not on the agenda for discussion. Mrs Atherton said that the Chair of the meeting asked Councillor Doreen Stephenson to withdraw her remark and Councillor Doreen Stephenson said that she would not withdraw it.

47. Mrs Atherton said that she felt that her integrity had been brought into question at the meeting by the comments made. Mrs Atherton said that she considered Councillor Doreen Stephenson to be very aggressive towards her at the meeting and that her tone when she made the comments about the estimates was also aggressive.
48. During interview, PC Barlow said that he made sure he attended the extraordinary Parish Council meeting on 7 August 2008 as this was a particularly controversial time with regard to the MUGA project and it was expected that there would be more members of the public at this meeting than usual and all of those attending were very passionate about the MUGA project. PC Barlow was present in his role as Rural Beat Manager responsible for the areas of Halsall, Burton, Haskayne, Down Holland and Altcar (CLT19).
49. PC Barlow considered the minutes of the meeting on 7 August 2008 to be very accurate and that they reflected accurately the number of people who were present. PC Barlow was sat towards the back of the room on the left hand side and could see the members of the Parish Council. PC Barlow considered that the meeting was very heated and that members of the public were very passionate as they really wanted the MUGA. He said that many members of the public were firing various options of funding such as offering loans to the Council and that some were getting their cheque books out and offering to pay for the funding.
50. PC Barlow considered that Councillor Doreen Stephenson knew what the public wanted, which was the MUGA. He recalled Councillor Allchurch describing the time line of the MUGA project and members of the public asking questions of the Council and particularly Councillor Allchurch. PC Barlow said that he remembers Mrs Nicola Price Roberts raising an issue about five estimates for car parking and intimating that things had been delayed and not fully disclosed to the Parish Council. He said that this comment was directed towards the Parish Council rather than any particular individual. PC Barlow said that he recalls Councillor Doreen Stephenson definitely saying what was recorded in the minutes, that Mrs Atherton had not brought the estimates as a delaying tactic. PC Barlow said that he felt quite sorry for Mrs Atherton at this time and recalled that she refuted this suggestion and said that it was not true. PC Barlow also said that he recalled Councillor Doreen Stephenson being warned about her comments and that when she was warned he remembered her saying "I will not leave, I will have

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my day". PC Barlow said that he believes that Councillor Doreen Stephenson was enjoying what was going on and, although she was not shouting, the volume of her voice was raised.

51. PC Barlow said that he also recalled the events as set out in Mrs Atherton's email to Terry Broderick dated 8 August (as set out in paragraph 28 of this report). PC Barlow considered that it was almost as if Councillor Doreen Stephenson was not following the proper procedure and was interjecting, shouting and was warned by Councillor Allchurch on several occasions. PC Barlow said that in his view Councillor Doreen Stephenson was not acting in a professional way at the meeting.
52. During interview, Councillor Allchurch said that she recalled that Mrs Atherton said she would take the names of members of the public who wanted to speak at the meeting so as to ensure that everybody who wanted to speak had the opportunity to do so. Councillor Allchurch recalled that when the meeting opened she advised that she had prepared written notes in advance for the public and a time line showing how things had changed from February 2008 to the Trustees decision in July 2008 although she was interrupted in her opening comments by members of the public (CLT18).
53. Councillor Allchurch said that she considered Councillor Doreen Stephenson to be disrespectful towards Mrs Atherton during the meeting. Councillor Allchurch recalled that Councillor Doreen Stephenson flippantly quipped that Mrs Atherton was supposed to be taking quotations for the necessary replacement car parking and was shocked by her comment. Councillor Allchurch considered that Councillor Doreen Stephenson had an accusatory tone when she said that Mrs Atherton was supposed to be getting the quotations but that nothing had been seen of them. She considered that Councillor Doreen Stephenson was challenging what Mrs Atherton was supposed to be doing and her integrity as the Clerk. Councillor Allchurch said that she challenged Councillor Doreen Stephenson on two occasions, as she had made a serious accusation against Mrs Atherton. Councillor Allchurch said that this prompted an accusation by Mrs Nicola Pryce-Roberts that Mrs Atherton had taken too many quotations and had therefore caused a delay. Councillor Allchurch said that she felt upset and noted that the comments were aimed at encouraging the public to believe that Mrs Atherton had deliberately withheld the quotations from the Parish Council.
54. Councillor Allchurch said that she believed that Councillor Doreen Stephenson's inference and tone of voice and body language suggested that there was a deliberate attempt by Mrs Atherton to delay. Councillor Allchurch recalled the conversation between Councillor Doreen Stephenson and the public insinuating that it was a deliberate delaying tactic. Councillor Allchurch considered that this was a serious accusation to make of Mrs

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Atherton as she was suggesting that Mrs Atherton had delayed the obtaining of estimates in front of a large number of members of the public. Councillor Allchurch also said that Councillor Doreen Stephenson knew that this was a major issue for members of the public and therefore the accusation made about Mrs Atherton whipped up the public feeling.

55. Councillor Allchurch said that she recalled that Mrs Atherton asked to respond to the accusations which had been made and recalled that she explained that she had asked for quotations and that there was no delay. She recalled Mrs Atherton saying that she had chased the individuals herself so as to get the quotations and the last company had been chased several times and had eventually provided the quotation.
56. Councillor Allchurch said that she recalled Councillor Doreen Stephenson challenged the minutes of the 7 August 2008 meeting at the meeting of the Parish Council on 10 September 2008 and that Councillor Doreen Stephenson sought the removal of the alleged comments towards Mrs Atherton from the minutes. Councillor Allchurch recalled that there was a list of points which Councillor Doreen Stephenson did not like about the minutes and some of the minutes were changed and others were not.

### **Conclusions on the evidence as to the alleged comments made by Councillor Doreen Stephenson towards Mrs Atherton**

57. I conclude on the balance of probabilities that the meeting was heated and that the subject matter discussed was emotive and that Councillor Doreen Stephenson was emotional and passionate about the MUGA at the meeting. I also conclude that there were a large number of members of the public present, some of whom interrupted individuals speaking at the meeting and that it was a difficult meeting to chair. I also conclude that Councillor Allchurch was interrupted whilst giving her opening comments by members of the public and that Councillor Doreen Stephenson tried to make various comments at the meeting and was eventually managed to do so. I also conclude that Councillor Doreen Stephenson said during the meeting "I will have my say" in response to requests that she modify her behaviour by Councillor Allchurch.
58. I consider that the recollections of those witnesses I interviewed have faded due to the passage of time since the meeting. I also consider that the meeting was emotional and heated and there was a highly charged atmosphere which has meant that there is some confusion in the exact sequence of events at the meeting. It is therefore not clear as to exactly who spoke first in relation to the estimates for the car parking and at what point of the meeting this was raised. The recollection of Councillor Doreen Stephenson, Mr Critchley and Mrs Nicola Pryce-Roberts as to the comments allegedly made by Councillor Doreen Stephenson to Mrs Atherton differs from



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the recollection of Mrs Atherton, PC Barlow and Councillor Allchurch, as well as the minutes of the meeting.

59. I consider that the minutes of the extraordinary meeting on 7 August 2008 are an accurate record of events which occurred at that meeting. Minutes of meetings which have been approved and signed by the Parish Council are reliable evidence. I note that the minutes of the 7 August 2008 meeting relating to Councillor Doreen Stephenson's comments to Mrs Atherton were not altered at the 10 September 2008 Parish Council meeting. Councillor Doreen Stephenson could not recall whether she specifically challenged this part of the minutes. However I consider that either Councillor Doreen Stephenson refrained from challenging the comments as recorded in the minutes, or sought to challenge this part of the minutes but that her challenge was unsuccessful and the Parish Council adopted this part of the minutes as being accurate. I therefore consider that the approved minutes of the extraordinary meeting of 7 August 2008 are strong evidence as to the comments made by Councillor Doreen Stephenson.
60. Councillor Doreen Stephenson does not accept that she suggested to Mrs Atherton at the meeting on 7 August that she *"had deliberately not brought the estimates for the car-parking to the meeting as a delaying tactic"*. Councillor Doreen Stephenson said that the minutes are incorrect and that she made a statement at the meeting that several months ago the Clerk to the Parish Council had been mandated to obtain tenders and grant funding for the compensatory car parking and that to date this information has never been brought to the Parish Council for discussion. She said that she wanted to know why the estimates had not been brought forward when the Parish Council was still anticipating that such information would be brought to a future meeting and when such information would be brought to the Parish Council. Councillor Doreen Stephenson does not accept that she accused Mrs Atherton of using delaying tactics. Mr Critchley and Mrs Nicola Pryce-Roberts also state that the minutes of the meeting are incorrect and that Councillor Doreen Stephenson did not say that Mrs Atherton was using "delaying tactics". Mr Critchley recalls that Councillor Doreen Stephenson asked Mrs Atherton about the tenders for replacement car parking, why the tenders were not on the agenda and why the tendering process had not been completed and that he heard Councillor Doreen Stephenson ask *"Why have we not got the estimates and why are they not here at this meeting?"* Mrs Nicola Pryce-Roberts recalls that Councillor Stephenson asked Mrs Atherton if she had received tenders for replacement car parking and recalled her saying *"can we see the tenders as Parish Councillors had asked to see them?"*.
61. Mrs Atherton, on the other hand, recalls that Councillor Doreen Stephenson looked at Mrs Atherton and asked her if she had brought the estimates to the meeting and also said *"I think you have deliberately not brought them as a*

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*delaying tactic*". Mrs Atherton also recalled that Councillor Doreen Stephenson shouted to the public *'then why has a meeting not be called if its not a delay, why are we not dealing with it tonight?'* PC Barlow confirmed that the minutes of the meeting of 7 August 2008 accurately recorded the events and that the comments that Councillor Doreen Stephenson had suggested to Mrs Atherton that she *"had deliberately not brought the estimates for the car-parking to the meeting as a delaying tactic"* were accurately recorded. PC Barlow also recalls Councillor Doreen Stephenson shouting to the public *"then why has a meeting not be called if its not a delay, why are we not dealing with it tonight?"* Councillor Allchurch recalled that Councillor Doreen Stephenson flippantly quipped that Mrs Atherton was supposed to be taking quotations for the necessary replacement car parking but that nothing had been seen of them. Councillor Allchurch believes that Councillor Doreen Stephenson's inference and tone of voice and body language suggested that there was a deliberate attempt by Mrs Atherton to delay and recalled the conversation between Councillor Doreen Stephenson and the public, insinuating that it was a deliberate delaying tactic.

62. I found no reason to doubt the credibility of the witnesses I interviewed, or the veracity of the evidence provided to me, but there is a clear conflict of evidence. I have taken into account that PC Barlow was an observer at the meeting and attended in his capacity as a police officer. As far as I am aware he does not have any particularly strong views in favour or against the MUGA project and would therefore be more independent than others present at the meeting. In addition, the minutes of the meeting relating to Councillor Doreen Stephenson's comments to Mrs Atherton were approved at the Parish Council meeting on 10 September 2008 as being accurate. In addition Mrs Atherton's email to Terry Broderick concerning Councillor Doreen Stephenson's conduct was contemporaneous as it was sent the next day after the meeting. Taking these matters into account, on the balance of probabilities I conclude that:

- a) Councillor Doreen Stephenson told the meeting that the Clerk had been mandated to obtain quotations for the cost of the replacement car parking to enable the MUGA project to be actionable;
- b) Councillor Doreen Stephenson asked Mrs Atherton if she had brought the estimates to the meeting and said *"I think you have deliberately not brought them as a delaying tactic"*; and
- c) Councillor Doreen Stephenson shouted to the public *'then why has a meeting not be called if its not a delay, why are we not dealing with it tonight?'*.

I also conclude that Councillor Doreen Stephenson's tone whilst she made the comments was indignant and exasperated.

63. If I am wrong in my conclusions as set out in paragraph 61, I conclude on the balance of probabilities that the questions asked by Councillor Doreen

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Stephenson of Mrs Atherton and the way in which they were asked implied impropriety on Mrs Atherton and the way in which she dealt with the estimates for replacement car parking.

## **Alleged behaviour by Councillor Doreen Stephenson during the rewording of the resolution**

64. Mrs Atherton's email to Terry Broderick dated 8 August 2008 (CLT11) also states:

*"The Chairman called upon Councillor Mills to move his resolution and this was seconded by Cl Corfield (D). She then asked if there were any amendments and Clr J Stephenson wished to propose one but couldn't get his wording right. I advised him on the standing order concerning amendments, meanwhile Cl D Stephenson was carrying on conversations with the public and accepting notes from one of them. Again the chairman asked her to desist as I couldn't hear what Cl J Stephenson was saying and I was trying to help him construct a properly worded amendment."*

65. The resolution which was noted on the agenda of the extraordinary meeting was (CLT9):

*"That as a consequence of the decision by the Trustees of the Halsall War Memorial Playing Field and Hall not to grant the necessary permission to site the MUGA on the Memorial Field that minute 9(i) of the Parish Council meeting dated 13 February 2008 be rescinded."*

The minutes of the 7 August 2008 meeting record that (CLT10):

*"The Chairman asked for any amendments to the resolution. Councillor Brookfield proposed a negative amendment and the Clerk explained the rules of amendment so this was withdrawn. Councillor D Stephenson engaged in conversations with members of the public and accepted a written note to provide Councillor J Stephenson with suggestions for amendment. Councillor J Stephenson proposed and Councillor D Corfield seconded: That as a consequence of the decision by the Trustees not to grant the necessary permission the Parish Council asks the Trustees to reflect on public opinion and reconsider the grant of necessary permission."*

There was some difficulty in achieving the correct wording to the amended resolution and therefore Councillor John Stephenson and Mrs Atherton took time out to formulate the wording for the resolution.

66. During interview, Councillor Doreen Stephenson recalled that Councillor John Stephenson put forward a resolution and Mrs Atherton was asked to help with the formulation of the resolution. Councillor Doreen Stephenson recalled that there were members of the public who were also trying to help to draft the amendment to the resolution. She also stated that she recalled that Councillor

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Allchurch was whispering with her “cohorts” at this time. Councillor Doreen Stephenson said that when the wording of the resolution was being discussed she was staring at the other three councillors and recalls making a comment to Councillor David Corfield that this was the second time he had been on the Parish Council and was causing trouble, and then a comment to Mrs Corfield saying that she was surprised about her response as she had been the nursery group leader. She said that that is the only communication that she can recall having whilst the resolution was being discussed (CLT13).

67. During interview, Mr Critchley recalled that Councillor John Stephenson put forward an amendment to the resolution and that Mrs Atherton asked for 10 minutes to be able to word the amendment and noted that she was flustered by members of the public. Mr Critchley recalled that Councillor John Stephenson discussed the wording of resolution with Mrs Atherton. Mr Critchley recalls that Councillor Doreen Stephenson was being asked a lot of questions by members of the public at this stage and that she could have possibly been talking to any one of those members of the public. He said that he recalls the room was “a buzz” and commented that this took place in a very small village hall. He said that the atmosphere was very charged (CLT16).
68. Mrs Nicola Pryce–Roberts recalled that a counter resolution was suggested by Councillor John Stephenson and the Clerk was asked to prepare the wording of the counter resolution with Councillor John Stephenson. Mrs Nicola Pryce–Roberts recalled that when Councillor John Stephenson and the Clerk were talking about the wording of the resolution, she thought the meeting had been adjourned. She said that she noted that the Chairman was happy for the Clerk and Councillor John Stephenson to sit to one side and she was sat next to them. Nicola Pryce–Roberts said that she did not consider there was any disrespect towards the Clerk (CLT15).
69. Mrs Atherton recalled that she and Councillor John Stephenson as well as the Chairman were trying to construct an amendment to the resolution, and that all the time, Councillor Doreen Stephenson was talking to the public and passing notes and saying various things. Mrs Atherton felt that Councillor Doreen Stephenson was carrying on with the public and recalls that the Chairman had asked Councillor Doreen Stephenson to stop as Mrs Atherton was having difficulty hearing what Councillor John Stephenson was saying to her. Mrs Atherton felt that Councillor Doreen Stephenson was being disrespectful as she was constantly interrupting the train of thought. Mrs Atherton said that this was not helping her to help Councillor John Stephenson (CLT14).
70. PC Barlow recalled that the rewording of the resolution seemed to go on for some while and considered that this part of the meeting was purely

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procedural and did not pay too much attention as to what Councillor Doreen Stephenson or other Councillors were doing. PC Barlow said that at this point of the meeting, members of the public had calmed down as they had had their say and given their comments and that this is purely much more a procedural issue that the Councillors were dealing with. PC Barlow said that he recalls that a member of the public had passed a note on a couple of occasions to Councillor Doreen Stephenson but at this stage of the meeting it was not particularly heated and there was no public participation (CLT19).

71. Councillor Allchurch recalled that Councillor Doreen Stephenson was talking to the public and that there was a note that was passed to her from a member of the public which she believed Mrs Atherton picked up. Councillor Allchurch did not consider that Councillor Doreen Stephenson was taking any notice of what was going on and was simply talking to the public and winding them up. Councillor Allchurch said that she had to tell members of the public that the resolution could not be put together because Mrs Atherton and Councillor John Stephenson could not hear due to the noise (CLT18).

### **Conclusions on the evidence as to the alleged behaviour by Councillor Doreen Stephenson during the rewording of the resolution**

72. There are some differences in recollection as to whether Councillor Doreen Stephenson was behaving in such a way as to be distracting and disruptive to Councillor John Stephenson and Mrs Atherton.
73. I consider that the recollections of those witnesses I interviewed have faded due to the passage of time since the meeting. I also consider that at this point of the meeting, the witnesses did not pay too much attention to what was going on which has also affected their ability to clearly recall the events. However, taking into account the evidence obtained and the minutes of the meeting, I conclude on the balance of probabilities that Councillor Doreen Stephenson was speaking with members of the public while Councillor John Stephenson and Mrs Atherton were formulating the wording for the amended resolution, and that at this part of the meeting, it appeared that there was a break in the formal proceedings of the meeting. I also conclude that due to the discussions by members of the public, Councillor Allchurch had to tell members of the public that the resolution could not be put together because Mrs Atherton and Councillor John Stephenson could not hear due to the noise.

### **Reasoning as to whether there has been a breach of the code**

74. The relevant paragraphs of the Parish and District Codes I have considered are paragraphs 2(1) and 3(1).

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75. In relation to the District Code, as the conduct was alleged to have taken place at an extraordinary Parish Council meeting and the business being considered related to the MUGA which was a Parish Council/Trust project, I do not consider that her conduct would have any bearing on her District Council position and therefore I do not consider that there would be a breach of the District Code.
76. Paragraphs 2(1) and 2(2) provide that, subject to sub-paragraph (3), the code of conduct **only** applies to the conduct of a member **acting in an official capacity** and not at any other time, which means whenever a member is:
- a) conducting the business of their authority (which includes the business of the office to which they are elected or appointed); or
  - b) acting, claiming to act or giving the impression that they are acting as a representative of their authority.
77. I have therefore considered whether Councillor Doreen Stephenson was acting in her official capacity at any time during the actions complained about. The Standards Board for England's (SBE) Case Review No 7, in relation to the meaning of official capacity, advises as follows:
- "The Code itself does not provide any further guidance on official capacity. However, there are circumstances when it is clear that the Code operates. These include any meetings of the authority, its executive or any of its committees or sub-committees. Participating in such meetings plainly involves carrying out the business of the authority. When an elected member exercises powers delegated to them as a member of the authority's executive, or holds a surgery for residents of their ward, the member is clearly performing the business of the office to which they have been elected.*
- Members' face-to-face dealings with officers about the business of the authority will almost always mean they are conducting the business of their office under paragraph 2(1)(a) of the Code.*
- Similarly, members of police or fire authorities will be conducting the business of their office when they attend formal meetings with police or fire officers, or make formal visits to police or fire stations.*
- The scope of representing an authority is potentially very wide. The Standards Board for England believes that this will cover situations where a member is appointed or nominated by their authority to another body, such as a board of directors or trustees.*
- Members will need to distinguish between occasions where they are invited to a meeting or function as an individual, and those where they are invited because of their position as a member of the authority. In the latter situation, they will be acting as a representative of the authority. Borderline situations may arise in relation to political events, where it might not be clear whether a member's presence relates to their position within a political party or to their membership of the authority. Any*

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*investigation will need to establish who invited a member to be there, in what capacity that invitation was extended and for what purpose. The view of the person sending the invitation will be of primary importance but the member's view will also be relevant. It is possible to invite a member to attend an event but that does not necessarily mean that they are being asked to attend as a councillor. For example, Lord Snowdon attended every event he went to as a Lord. He was one so he had no choice. Probably, he was invited to them all as "Lord Snowdon". However, there were probably far fewer events where his status as a Lord was the reason for his invitation. With councillors the same situation can arise. The fact that an invitation is made to a person who is a councillor using that title does not necessarily mean that the invitation is extended to them in that capacity. Often it will. However, it will be important to understand the intentions of the person extending the invitation."*

78. Taking into account the guidance provided by the SBE, I consider that it is clear that Councillor Doreen Stephenson was acting in her official capacity as a member of the Parish Council as she was carrying out the business of her office and authority by attending the extraordinary meeting of the Parish Council on 7 August 2008 and speaking and voting about the MUGA project.
79. Paragraph 3(1) of the Code requires that others be treated with respect. Failing to treat others with respect might be defined as unfair, unreasonable or demeaning behaviour directed by one person against another. I consider that most reasonable members of the public would take into account the context in which particular language and behaviour has been used in assessing whether it was "disrespectful". The context might include the place where an incident occurred, who observed the behaviour, the character and relationship of the people involved, and the behaviour of one or more of the parties that prompted an alleged act of disrespect.

### **Alleged comments made by Councillor Doreen Stephenson towards Mrs Atherton**

80. I have concluded that:
- a) Councillor Doreen Stephenson told the meeting that the Clerk had been mandated to obtain quotations for the cost of the replacement car parking to enable the MUGA project to be actionable;
  - b) Councillor Doreen Stephenson asked Mrs Atherton if she had brought the estimates to the meeting and said "*I think you have deliberately not brought them as a delaying tactic*"; and
  - c) Councillor Doreen Stephenson shouted to the public "*then why has a meeting not be called if its not a delay, why are we not dealing with it tonight?*".

I also concluded that Councillor Doreen Stephenson's tone whilst she made the comments was indignant and exasperated. I also concluded that if I was wrong on the above facts, the questions asked by Councillor Doreen

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Stephenson of Mrs Atherton and the way in which they were asked implied impropriety on Mrs Atherton and the way in which she dealt with the estimates for replacement car parking.

81. On the basis of the above, I consider that Councillor Doreen undermined Mrs Atherton and made unfair and unreasonable accusations/implications about her at the meeting in front of a large number of members of the public. Mrs Atherton was clearly upset by the comment and felt as though her integrity was being questioned. I consider that Councillor Doreen Stephenson did not have regard to her behaviour towards Mrs Atherton and was more concerned with conversing with the public about this issue. Whilst I appreciate that members are entitled to raise concerns about the performance of officers, they should do so in a controlled and measured way, and should not embarrass officers at public meetings and in front of members of the public. Any concerns should be properly raised directly with the officer outside of the meeting or with the Chairman of the Council. However Councillor Doreen Stephenson did not follow any such proper procedure and in my view sought to undermine Mrs Atherton. Whilst I realise that Councillor Doreen Stephenson was passionate about the MUGA project and emotional, and that the meeting was heated, I do not consider that this justifies her behaviour towards Mrs Atherton. Councillor Doreen Stephenson should have set an example at the meeting and acted in a more measured way to highlight her concerns about the progress of the MUGA project and the Trustees decision. I therefore consider that Councillor Doreen Stephenson failed to treat Mrs Atherton with respect at the extraordinary Parish Council meeting on 7 August 2008.

### **Alleged behaviour by Councillor Doreen Stephenson during the rewording of the resolution**

82. I have concluded that Councillor Doreen Stephenson was speaking with members of the public while Councillor John Stephenson and Mrs Atherton were formulating the wording for the amended resolution, and that at this part of the meeting, it appeared that there was a break in the formal proceedings of the meeting. I also conclude that due to the discussions by members of the public, Councillor Allchurch had to tell members of the public that the resolution could not be put together because Mrs Atherton and Councillor John Stephenson could not hear due to the noise.
83. Whilst I appreciate that the noise generated by members of the public and Councillor Doreen Stephenson would have been distracting to Mrs Atherton and Councillor John Stephenson during the formulation of amended resolution, I do not consider that Councillor Doreen Stephenson was acting in such a way as to be disrespectful towards Mrs Atherton and Councillor John Stephenson. I consider that Councillor Doreen Stephenson was talking with others at the time as it appeared to be a break in the proceedings of the



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meeting and the public were speaking to her. I consider that the disturbance was due to the noise generated by the public present at the meeting rather than specifically Councillor Doreen Stephenson. I also note that other councillors of the Parish Council were also speaking at this time.

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## Finding

84. My finding under regulation 14(8)(a)(i) of The Standards Committee (England) Regulations 2008 is that there has been a failure to comply with Halsall Parish Council's code of conduct.
  
85. Under regulation 14(8)(c) and (d)(i), I am sending a copy of this report to Councillor Doreen Stephenson and referring my report to the Standards Committee of West Lancashire District Council.

**Claire Lefort, Solicitor**  
**23 April 2009**

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## Schedule of Evidence

### Background information

CLT1	Extract of a copy of allegation made by Councillor Marilyn Westley about Councillor Doreen Stephenson <i>(Redactions made to copy allegation as parts of it refer to a complaint about another councillor, as well as complaints made about Councillor Doreen Stephenson which were not referred for investigation. In addition the evidence referred to in the copy allegation is at CLT10 and CLT11)</i>
CLT2	Copy of the Scheme governing the charity known as The Halsall War Memorial Playing Field and Hall and extract of information from Charity Commission website
<b>Evidence in chronological order</b>	
CLT3	Copy minutes of Halsall Parish Council meeting dated 13 February 2008
CLT4	Copy of agenda and minutes of The Halsall War Memorial Playing Field and Hall Trust meeting dated 12 March 2008 (unsigned)
CLT5	Copy minutes of The Halsall War Memorial Playing Field and Hall Trust meeting dated 9 April 2008 (unsigned)
CLT6	Copy minutes of Halsall Parish Council meeting dated 14 May 2008
CLT7	Copy minutes of Halsall Parish Council meeting dated 11 June 2008
CLT8	Copy minutes of Halsall Parish Council meeting dated 9 July 2008

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CLT9	Copy notice of extraordinary meeting of Halsall Parish Council to be held on 7 August 2008
CLT10	Copy minutes of extraordinary Halsall Parish Council meeting dated 7 August 2008
CLT11	Copy email from Mrs Atherton to Terry Broderick dated 8 August 2008
CLT12	Copy letter of resignation from Mrs Atherton
CLT13	Copy of interview record of Councillor Doreen Stephenson dated 18 November 2008
CLT14	Copy of interview record of Mrs Atherton dated 18 November 2008
CLT15	Copy of interview record of Nicola Pryce–Roberts dated 18 November 2008
CLT16	Copy of interview record of Mr Critchley dated 18 November 2008
CLT17	Copy of interview record of Councillor Marilyn Westley dated 18 November 2008
CLT18	Copy of interview record of Councillor Allchurch dated 9 December 2008
CLT19	Copy of interview record of PC Barlow dated 17 February 2009
CLT20	Copy of email correspondence dated 23 and 24 February 2009 concerning disclosure of signed and approved minutes of The Halsall War Memorial Playing Field and Hall Trust meetings
CLT21	Copy of email and response to draft report from Councillor Marilyn Westley dated 16 April 2009

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