

APPENDIX 1

It should be noted that Councillor Mrs. Doreen Stephenson did not receive a draft copy of the report prepared by Ms. LeFort. She received only the final version and accompanying letter which led her to believe the report could now not be challenged; Councillor Stephenson has not therefore had the opportunity to raise these matters previously.

Councillor Stephenson refutes the finding of the report that she may have breached the Code of Conduct.

The report places too great an account on Police Constable Barlow's statement.

His statement was given on 17th February 2009 at Ormskirk Police Station whilst he was on duty – six months after the event.

A Police Officer should make his notes in his pocket notebook as soon as practicable after an event; this does not appear to have happened on this occasion. PC Barlow appears to use the minutes of the meeting, supplied by Ms Lefort, as an aide memoir and not rely, or so it appears, on his official notebook. Reference to his notebook would be the usual practise for an officer who had been on duty and was asked to give evidence. At no time in his statement / her report does it make reference to his referring to his notebook, nor is there a copy of any entry made in the notebook given in the report as evidence.

His recollection contains a significant statement that is factually incorrect this throws doubt on his recollection of the events.

PC Barlow is FACTUALLY incorrect when he states on *page 132 paragraph one line four* that

“ he left the meeting right at the very end when the Parish Council asked members of the public to leave because they do not want to discuss certain things in the public domain.”

This never occurred at this meeting and is not in the minutes. If it did occur it should be in the minutes with the appropriate resolution being passed and recorded prior to the exclusion of the public.

As he is mistaken about this fundamental fact is he mistaken about anything else?

The Report

Ms Lefort advises how she came to her findings and what evidence she has relied on.

Page 16 paragraph 57

She took statements from D. Stephenson, B. Critchley and N. Pryce-Roberts these differ from statements from M. Atherton, M. Allchurch, P.C. Barlow and the minutes of the August / September meetings.

Paragraph 59

She considers the “minutes an accurate record of events which occurred” on the basis that they “not altered at the 10th September” meeting.

She is not unreasonable in reaching this conclusion.

Barlow confirmed that the minutes of 7th August accurately recorded the events in *paragraph 61*.

Page 18 Paragraph 62

She states she finds no evidence to doubt the credibility of the witnesses or the veracity of the evidence provided, but a “clear conflict of interest” exists.

Hence her reliance on two pieces of evidence in particular

- Barlow's statement
- Atherton's e-mail to Broderick

In reaching her decision she has taken into account that PC Barlow was an observer who attended in his capacity as a police officer – he is therefore considered impartial.

In addition Mrs Atherton's e-mail to Mr Broderick was contemporary sent the following day.

Why is it relevant that Barlow's statement contains errors?

1) **His statement is peppered with inconsistencies.**

Page 130 paragraph two line four

“after he read through the minutes” – this confirms he did read them at his interview.

Page 130 second paragraph line two

He states “been to so many meetings that they all began to roll into one.”

Page 130 paragraph two line four

“Remembered all that had been listed in the minutes and considered the minutes to be very accurate.”

However, by Page 132 first paragraph line one

“the only part of the minutes which he disagreed with was in relation to the part which talks about PC Barlow being asked to intervene to which he declined.”

He contradicts his definite statement earlier regarding the minutes accuracy.

2) **He appears not to have made any entry in his note book.**

Page 129 final paragraph

“he was rural beat manager” “had held this post for 14 years”

So he is experienced.

Page 130 first paragraph

“part of his job is to attend Parish Council meetings”

On the basis that it was a noteworthy event you would expect to see an entry in his notebook, he states;

“this was a particular controversial time”

“it was expected that there would be more members of the public at this meeting than usual and all those who were attending were very passionate about the MUGA project”

Page 130 second paragraph

“the meeting was very heated”

Page 131 first paragraph line 20

“thinking at the time should he step in and decided not to”

Further when asked if he can recall the September meeting he again states *on page 132 paragraph three line thirteen.*

“he could not recall specifically this meeting as he had been to so many”

This is particularly peculiar as at this meeting he was again on duty and was expressly asked by Councillor David Westley to intervene and declined to do so on the basis that during the meeting no public behaviour was in breach of any law, a fact confirmed by a serving Police Sergeant (from another force) attending in his capacity as a resident. You would expect to see an entry in PC Barlow’s notebook about this event, again it appears he has not referred to it or there is no entry to refresh his memory.