

## APPENDIX 5

### **Comments on Councillor Doreen Stephenson's response to the final report:**

Councillor Doreen Stephenson states that she did not receive a draft of my report. I confirm that I sent a hard copy of my draft report together with copies of the interview records I relied upon to reach my conclusions to Councillor Doreen Stephenson and sought her comments.

### **Comments on Form A:**

#### Paragraphs 2 & 3

It is a matter for the Standards Committee to decide whether there has or has not been a breach of the code of conduct. I relied on evidence which I considered to be factually correct.

#### Paragraph 11

It is relevant to include in a report concerning whether there has or has not been a breach of the code of conduct the extent of understanding and knowledge which the subject member has or believes they have. I do not consider that the last sentence is taken out of context at all and was Councillor Doreen Stephenson's response to a question asked about how familiar she considered herself to be with the code of conduct.

#### Paragraph 19

I do not consider it necessary to delete the remainder of the paragraph after the words "grant providers" as this paragraph simply sets out what is recorded in the minutes. Although Councillor Doreen Stephenson and her representative may consider that these figures are incorrect, it is considered that this paragraph should reflect what is contained in the minutes of the meeting of 11 June 2008 Parish Council meeting concerning the MUGA project as it provides background to the events on 7 August 2008. Also the minutes of the meeting of 11 June 2008 are attached to the report.

#### Paragraph 26

It is unclear why it is necessary to delete the words after "Marilyn Westley" as, once again, this paragraph reflects the minutes of the meeting. The minutes of the 7 August 2008 meeting refer in detail to events which took place in relation to whether Councillor Doreen Stephenson had a personal and prejudicial interest. I have summarised this part of the minutes in this paragraph. It is clear that my summary has been taken from the minutes because at the end of the paragraph, I refer to CLT10 which are a copy of the approved minutes of the meeting. It is also unclear as to why it is suggested that this paragraph contains information taken directly from witness statement as the second sentence begins with the words "The minutes record that...".

#### Paragraph 27

The parts of the paragraph which have been requested to be deleted are those contained in the minutes of the meeting which set the scene for the meeting. This reason for including the information from the minutes in this paragraph is to set the scene for the tone and atmosphere of the meeting as recorded in the minutes. I do not see any reason to delete any part of this paragraph. The minutes are included in the bundle of evidence for review in detail.

#### Paragraph 28

No comment

#### Paragraph 31

There is an error in the last sentence of this paragraph and it should read:

“Councillor Doreen Stephenson said that it was an emotional meeting and that she was emotional and was disgusted at the position of the Parish Council.” I do not consider that it is necessary to delete this entire sentence save from the two words “she was”. It is considered that this sentence provides important context as to Councillor Doreen Stephenson’s emotional state at the meeting and her passion about the MUGA project.

#### Paragraph 35

The words which are suggested should be deleted reflect Councillor Doreen Stephenson’s response to questions asked during the interview as set out in the interview record which Councillor Doreen Stephenson signed as being accurate subject to some minor amendments. It is considered that no part of this paragraph should be deleted.

#### Paragraph 46

It is considered that this paragraph should remain in the report as it reflects Mrs Atherton’s recollection of what happened at the meeting concerning the estimates. However it is clear from the words which are suggested should be inserted that there is dispute as to what was said by whom concerning the estimates which needs to be resolved at the hearing.

#### Paragraph 49

It is considered that this paragraph should remain in the report as it reflects PC Barlow’s recollection in his interview. Although Councillor Doreen Stephenson does not consider that PC Barlow’s evidence is reliable, this is a matter which can be resolved by the Standards Committee. PC Barlow was one of the witnesses who Councillor Doreen Stephenson identified to me to interview.

#### Paragraph 50

It is considered that it is not appropriate to change evidence presented by witnesses. Although Councillor Doreen Stephenson may believe that she said “say” and not

“day” at the meeting, this paragraph reflects the evidence given by PC Barlow and should remain as he recalls events at the meeting.

#### Paragraph 53

As mentioned above this paragraph reflects the evidence obtained from Councillor Allchurch and should remain as recorded in her interview record. Although Councillor Doreen Stephenson may not agree with the words “flippantly quipped” or “accusatory tone”, the words were used by Councillor Allchurch as she recalls events at the meeting.

#### Paragraph 59

It is considered that no amendment should be made to this paragraph. The minutes of the 7 August 2008 were considered at the Parish Council meeting in September 2008. Councillor Doreen Stephenson challenged the minutes as being inaccurate and four amendments were made to the minutes as can be seen at CLT10. The minutes have not remained draft and have been considered, reviewed, amended and approved as being accurate by the Parish Council. The words which are recorded as being said by Councillor Doreen Stephenson to Mrs Atherton have not been amended and therefore it must be accepted that the minutes as amended and contained at CLT10 of the bundle of evidence can be relied upon as being accurate.

Although I commented in paragraph 58 that it is not clear who spoke first, this reflects the differences in recollection amongst the witnesses interviewed. The minutes record the words used by Councillor Doreen Stephenson and the response provided by Mrs Atherton.

#### Appendix 1:

It is not considered necessary at this stage to respond in detail to Appendix 1 as the majority of Appendix 1 challenges the evidence of PC Barlow. It is a matter for the Standards Committee to consider at the hearing the value and weight of evidence presented to it.

Balancing the value and weight of evidence I obtained, I considered that Councillor Doreen Stephenson said the words as set out in the minutes to Mrs Atherton which I considered to be a failure to comply with the code of conduct.

#### **Attendance**

I will be attending the hearing and presenting my report.

#### **Witnesses**

Subject to availability and willingness to attend, I propose that the following witnesses attend the hearing:

Councillor Maureen Allchurch:

Provide her recollection of the comments made by Councillor Doreen Stephenson towards Mrs Atherton at the meeting.

Councillor Marilyn Westley:

Provide her recollection of the meeting in September 2008 at which the minutes of the 7 August 2008 meeting were considered.

PC Barlow:

Provide his recollection of the comments made by Councillor Doreen Stephenson towards Mrs Atherton at the meeting.

Mrs Atherton:

Provide her recollection of the comments made by Councillor Doreen Stephenson towards her at the meeting.

**Hearing held in private**

It is not considered that any part of the hearing needs to be held in private.

**Papers or other relevant documents in private**

It is not considered that any part of the hearing needs to be held in private.