



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

8 September 2017

**COUNCILLORS**

**I MORAN, D WESTLEY, I DAVIS, J DAVIS AND K WRIGHT**

**INVESTIGATOR  
LEGAL ADVISOR & DEPUTY  
MONITORING OFFICER  
MEMBER SERVICES**

**MR M DUDFIELD  
MR M JONES  
  
MRS S GRIFFITHS**

**SUBJECT MEMBER  
COMPLAINANT  
INDEPENDENT PERSON**

**R BELL  
MR N BROOKS  
MR S IBBS**

Dear Councillor,

A meeting of the **HEARINGS SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **FRIDAY, 22 SEPTEMBER 2017** at **10.00 AM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA  
(Open to the Public)**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**

If a Member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet).

**3. CASE REFERENCE - LG5/79 - PARISH COUNCILLOR ROGER BELL** 3 - 86

To hear and determine whether the Parish Councillor has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-  
Susan Griffiths on 01695 585097  
Or email [susan.griffiths@westlancs.gov.uk](mailto:susan.griffiths@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

# Agenda Item 2

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>       <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>       <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>	<i>You may speak and vote</i>       <i>You may speak and vote</i>       <i>You may speak and vote</i>       <i>You may speak and vote</i>       <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/09/16 – 19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

### Interest

### Prescribed description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



HEARINGS SUB COMMITTEE: 22 SEPTEMBER 2017

## PRE-HEARING PROCESS SUMMARY

<b>(Parish) Councillor:</b>	Roger Bell
<b>Authority:</b>	Burscough Parish Council
<b>Complainant:</b>	Mr N Brookes, General Manager, Martin Mere Wetland Centre, Burscough
<b>Case Reference Numbers:</b>	LG5/79
<b>Chairman:</b>	Councillor I Moran
<b>Deputy Monitoring Officer:</b>	Mr Matthew Jones, Legal & Member Services Manager
<b>Name of the Investigator:</b>	Mr M Dudfield
<b>Member Services Officer:</b>	Mrs S Griffiths, Principal Member Services Officer
<b>Date the pre-hearing process summary was produced:</b>	6 September 2017
<b>Hearing Date:</b>	Friday, 22 September 2017
<b>Time:</b>	10.00 am
<b>Place:</b>	Council Chamber, 52 Derby Street, Ormskirk L39 2DF

**Summary of the Complaint:**

An allegation has been made by Mr Nick Brooks, General Manager of Martin Mere Wetland Centre, Burscough against Parish Councillor Roger Bell of Burscough Parish Council. The allegation is that at two meetings, the first at Martin Mere on 30 June 2016, and the second a meeting of Burscough Parish Council on 13 July 2016, Parish Councillor Bell breached paragraphs 3.1, 3.2 and 5 of the Parish Council's Code of Conduct.

**Relevant Section or Sections of the Code of Conduct:****Paragraph 2.(1) of the Parish and District Codes states:**

"2(1) You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member"

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

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

**Paragraph 3(2) of the Parish and District Codes states:**

"3.-(2) You must not do anything anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006); bully any person; intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council".

**Paragraph 5 of the Parish and District Codes states -**

"5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute."

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

All findings of fact not listed in the following Section appear agreed.

**The findings of fact in the Investigation report that are not agreed:-****Paragraph 4 Investigation Report**

- a) Parish Councillor Bell raises the question of the capacity in which he attended the meeting at Martin Mere. He considers that he did not attend the meeting in the capacity of a Parish Councillor.
- b) Parish Councillor Bell disagrees with the description given by Mr. Brooks of the meeting at Martin Mere on 30 June 2016. He considers there was a frank exchange of views and robust disagreement but no rudeness on his part. His reference to "shooting the geese" was intended to be humorous.



**Disagreements significant to the Hearing:**

The Sub-Committee will need to make findings with regard to both matters.

**Whether to hear evidence about those disagreements during the Hearing:**

Neither Parish Councillor Roger Bell nor the Investigator wish to call any witnesses. Detailed witness statements are provided.

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

Parish Councillor Roger Bell has requested that any discussions concerning Burscough Football Club should be held in private.

The Investigator has responded that there is no reference in his report or any of the appended documents to any subject matter concerning proceedings involving Burscough Football Club. If such matters were raised at the hearing he considers that logistically it would be very difficult for a hearing to be stopped (and the press and public removed) on each occasion anyone wants to refer to the Football Club.

He does not intend to ask for any part of the report or appended documents to be withheld from the public.

**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':**

Parish Councillor Roger Bell has requested that any parts of documents relating to Burscough Football Club be withheld. However, there are no such documents forming part of the investigation report or related information. The Investigator is content for his report and appended documents to be made public.

**In Attendance:**

**Subject Member:** Parish Councillor Roger Bell

**The Investigator:** Mr M Dudfield

**Witnesses:** None

**HEARING PROCEDURE:**

- **Appendix 1 - The Hearing Procedure (Green Papers)**
- **Appendix 2 - The Investigator's Report (Blue Papers)**
- **Appendix 3 – Additional Information (Yellow Papers)**
- **Appendix 4 - Response of Parish Councillor Bell (Grey Papers)**
- **Appendix 5 - Response on behalf of the Investigator (Lilac Papers)**
- **Appendix 6 – Views from the Independent Person (*to follow*) (Pink Papers)**
- **Appendix 7 - Categories of exempt information for excluding the public from meetings (Cream Papers)**



## HEARING PROCEDURE – STANDARDS COMMITTEE

### 1.0 CHAIRMAN'S INTRODUCTION

- 1.1 The purpose of the Sub-Committee's hearing is to decide whether or not Parish Councillor Roger Bell (subject member) has failed to follow the Code of Conduct for Burscough Parish Council and, if so, to decide whether or not any sanction should be applied and what form any sanction should take. A list of sanctions can be found at paragraph 6.3 of the Hearing Procedure.
- 1.2 All of those present will introduce themselves.
- 1.3 The Chairman will advise that the hearing will be conducted using the Hearing Procedure enclosed with the agenda and the Sub-Committee will run the hearing as set out in this document.
- 1.4 *If the subject member is not in attendance, the Sub-Committee can consider the Investigation report in their absence. If the Sub-Committee is satisfied with the Subject Member's reason for not being able to attend, another date should be arranged for the hearing.*
- 1.5 The Chairman shall ask the Subject Member, the Investigating Officer and the Legal Adviser to the Sub-Committee whether they wish to exclude the Press or public from all or any part of the hearing.
- 1.6 If any of them so request, the Chairman shall ask them to put forward reasons for doing so and ask for responses from the others and the Sub-Committee shall then determine whether to exclude press and public from all or any part of the hearing. Where the Sub-Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall be made available to the press and public. See Appendix 'Confidential Information and Exclusion of the Public'.

### 2.0 PRELIMINARY PROCEDURAL ISSUES

- 2.1 Any issues or disagreements about how the hearing should continue should be resolved at this stage.

### 3.0 STAGE 1 – FINDINGS OF FACT

- 3.1 The Chairman will refer to the pre-hearing process summary to see if there are any significant disagreements with the facts contained in the Investigator's report?

If no, move to Stage 2.

If yes,

the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. (If the subject member disagrees with most of the facts, it may make sense for the investigator to start by making representation on all the relevant facts, instead of discussing each fact individually.)

- 3.2 With the Sub-Committee's permission, the investigator may call any necessary supporting witnesses to give evidence.
- 3.3 The Sub-Committee may give the subject member an opportunity to challenge any evidence put forward by any witness called by the investigator.
- 3.4 The subject member will then make representations to support their version of the facts and, with the Sub-Committee's permission, call any necessary witnesses to give evidence.

*At any time, the Sub-Committee may question any of the people involved or any of the witnesses and may allow the investigator to challenge any evidence put forward by witnesses called by the member.*

- 3.5 If the subject member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the sub-committee will consider whether it would be in the public interest to continue in their absence.
- 3.6 After considering the member's explanation for not raising the issue at an earlier stage, the sub-committee may then:
- (a) continue with the hearing, relying on the information in the Investigator's report;
  - (b) allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary;
  - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if he or she is not already.
- 3.7 Upon conclusion of the submission of evidence the Sub-Committee, the Member Services Officer and the Legal Adviser will move to another room to consider the representations and evidence in private.
- 3.8 On their return, the Chairman will announce the Sub-Committee's findings of fact.

*During the course of a hearing, the Sub-Committee may at any stage prior to the conclusion of the hearing, adjourn the hearing to obtain further information or undertake further investigation on any point specified by it.*

#### **4.0 STAGE 2 - DID THE MEMBER FAIL TO FOLLOW THE CODE?**

4.1 The Chairman will advise that the Sub-Committee needs to consider, based on the facts it has found, whether the subject member has failed to follow the Code of Conduct.

4.2 The subject member will be invited to give relevant reasons why the Sub-Committee should decide that they have not failed to follow the Code.

4.3 The Sub-Committee will then consider any verbal or written representations from the investigator.

*The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.*

4.4 The subject member will be invited to make any final relevant points.

4.5 The Sub-Committee, the Member Services officer and the Legal Advisor will then move to another room to consider the representations.

4.6 On their return, the Chairman will announce the Sub-Committee's decision as to whether the subject member has failed to follow the Code of Conduct.

#### **5.0 STAGE 3A - IF THE SUBJECT MEMBER HAS NOT FAILED TO FOLLOW THE CODE OF CONDUCT**

5.1 If the sub-committee decides that the subject member has not failed to follow the Code of Conduct: the Sub-Committee can move on to consider whether it should make any recommendations to the authority.

5.2 The process will then move to Stage 4 below (omitting the process at paragraph 6.)

#### **6.0 STAGE 3B - IF THE SUBJECT MEMBER HAS FAILED TO FOLLOW THE CODE OF CONDUCT**

6.1 the Sub-Committee will consider any verbal or written representations first from the investigator and then from the subject member as to:

(a) whether the Sub-Committee should apply a sanction

(b) what form any sanction should take.

*The Sub-Committee may question the investigator and the member, and take legal advice, to make sure they have the information they need in order to make an informed decision.*

6.2 The Sub-Committee, Member Services officer and Legal Adviser will then leave the room to deliberate in private to consider whether to impose a sanction on the subject member and, if so, what sanction it should be.

- 6.3 **If the Sub-Committee decides that the member has failed to follow the Code of Conduct and that the member should be sanctioned, it may do any one or a combination of the following:**

#### **Borough Councillor**

- A. Report its findings to Council for information;
- B. Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- C. Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- D. Instruct the Borough Solicitor to arrange training for the member;
- E. Recommend to the Council the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.
- F. Recommend to the Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- G. Recommend that the Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

#### **Parish Councillor**

- A. Report its findings to the Parish Council for information;
- B. Recommend the Parish Council arrange training for the member;
- C. Recommend to the Parish Council the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.
- D. Recommend to the Parish Council that it withdraws facilities provided to the member by the Parish Council, such as a computer, website and/or email and Internet access.

*Notes:*

*If, at any time before the Sub-Committee has determined upon any sanction, the Sub-Committee considers that the nature of the failure to comply with the Code of Conduct for Members is a criminal matter, the Sub-Committee may instruct the Monitoring Officer to refer the complaint to the police. Advice will be sought from the Legal Advisor.*

### **7.0 STAGE 4 - THE DECISION**

- 7.1 On their return, the Chairman will announce the Sub-Committee's decision.
- 7.2 The Chairman will then advise the attendees
  - (a) that Member Services will provide a written decision including the findings, reasons and any sanction within two weeks of the date of the hearing.
  - (b) that a summary of the Sub-Committee's written decision will be published. on the Council's website.

## **Interpretation**

- *'Subject Member' means the member of the authority who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member's nominated representative.*
- *'Investigator' means the Appointed Investigator and includes their nominated representative.*
- *'Sub-Committee' is the Hearings Sub-Committee given delegated authority to conduct hearings rather than the main Standards Committee.*
- *'Legal adviser' means the officer responsible for providing legal advice to the Standards Committee/Sub-Committee. This may be the Monitoring Officer, the Deputy Monitoring Officer or another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.*

## **Representation**

*The Subject Member may be represented or accompanied during the meeting by a Solicitor, Counsel, or, with the permission of the Committee, another person.*

## **Legal Advice**

*The Sub-Committee may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Sub-Committee should be shared with the Subject Member and the Investigator if they are present.*





**CONFIDENTIAL**

West Lancashire Borough Council

Standards Committee Complaint against Burscough Parish Councillor Roger Bell

Report of an investigation by Mike Dudfield, acting as Investigating Officer,  
into an allegation concerning the conduct of Councillor Roger Bell

This report is submitted to the Monitoring Officer of West Lancashire  
Borough Council, Terry Broderick

26 May 2017

## Introduction

1. An allegation has been made by Mr Nick Brooks, General Manager of Martin Mere Wetland Centre, Burscough against Councillor Roger Bell of Burscough Parish Council. The allegation is that at two meetings, the first at Martin Mere on 30 June 2016, and the second a meeting of Burscough Parish Council on 13 July 2016, Councillor Bell breached paragraphs 3.1, 3.2 and 5 of the Parish Council's Code of Conduct
2. The allegation was considered under the Borough Council's Assessment Procedure and it was decided that the allegation should be referred for investigation.
3. I have been appointed by the Monitoring Officer, Terry Broderick to carry out the investigation and to consider whether the conduct alleged constitutes a breach of any aspect of the Parish Council's Members' Code of Conduct.

## Conclusions

4. My conclusions are that Councillor Bell -
  - (a) was acting in his capacity as a councillor when he attended a meeting on 30 June 2016 at Martin Mere and a Burscough Parish Council meeting on 13 July 2017;
  - (b) failed to comply with paragraph 3.1 of the Burscough Parish Council's Code of Conduct in that, at the meeting on 30 June 2016 his conduct was not respectful to Mr Brooks and Ms Fellowes, and, at the meeting on 13 July 2016, his conduct was not respectful to the Chairman and Councillors of Burscough Parish Council or to Mr Brooks and any other members of the public present at the meeting;
  - (c) did not fail to comply with paragraph 3.2 of the Burscough Parish Council's Code of Conduct in that his conduct at both meetings did not constitute bullying; and
  - (d) did not fail to comply with paragraph 5 of the Burscough Parish Council's Code of Conduct in that his conduct at both meetings could not reasonably be regarded as likely to bring his office as Councillor or the Parish Council into disrepute.

### Relevant Paragraphs of the Code of Conduct

5. The current Members' Code of Conduct for Burscough Parish Council was adopted in March 2015. Paragraph 2.1 states -  
  
"You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member."
6. Paragraph 3.1 states -  
  
"You must treat others with respect."
7. Paragraph 3.2 states -  
  
"You must not do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006); bully any person; intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council."
8. Paragraph 5 states -  
  
"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute."

### The Complaint

9. The complaint relates to Councillor Bell's conduct at two meetings. The first was a meeting arranged by the Marketing Manager at Martin Mere, Victoria Fellowes, and was held at Martin Mere on 30 June 2016. The meeting initially involved Ms Fellowes and Councillor Bell. Ms Fellowes had previously had meetings with Councillor Bell to discuss various projects and proposals being considered by the Centre but not in the last 3 to 4 years. Mr Brooks joined the meeting because he had been attending meetings involved with the development of the Parish's economy, marketing and tourism where he had proposed a branding of the Parish with the Wetland Centre. Parish Councillors who had attended those meetings seemed supportive of the idea and Mr Brooks understood that the lone Parish voice against the proposal came from Councillor Bell even though he had not attended any of the meetings.
10. Mr Brooks says that shortly after he joined the meeting Councillor Bell said that, if it was up to him 'I'd bloody shoot all your pink-footed geese' and he repeated that statement several times during the meeting. Mr Brooks says that Councillor Bell then launched into a very unpleasant attack on the Wildfowl and Wetlands Trust in particular in relation to supporting statements made by the Trust in relation to a planning application by Burscough Football Club. He says that Councillor Bell made it clear that he supported the Football Club's proposals and when Mr Brooks started explaining the role that the Trust takes on planning matters,

particularly when approached by other concerned parties, Councillor Bell became visibly agitated.

11. Ms Fellowes confirms Mr Brook's account and says that Councillor Bell made the statement regarding the shooting of the geese several times. She said that Councillor Bell's attitude changed when planning related issues were being discussed. Councillor Bell was not listening to what was being said to him and his attitude was aggressive. Ms Fellowes confirms that she had not seen Councillor Bell behave like that before. Ms Fellowes says that she felt uncomfortable throughout that part of the discussion.
12. The second meeting was a meeting of the Burscough Parish Council held on 13 July 2016. Mr Brooks was present to speak to the Parish Council to put forward the case for the branding of Burscough as the 'Home of the Whooper Swan'. Mr Brooks made his presentation to the meeting and Councillors were allowed to respond. Councillor Bell responded raising points against the proposal which he had raised at the meeting at Martin Mere. The Chairman invited Mr Brooks to respond to these points, which he did. Mr Brooks says that Councillor Bell then asked to speak again but the Chairman invited another Councillor to speak. Councillor Bell stood up, hit the table with his hand, shouted 'Fucking Hell', and stormed off towards the exit door. After hesitating at the door and being requested by some Councillors to return to the meeting, Councillor Bell did so and, at the request of the Chairman apologised to the meeting for his conduct.
13. The meeting continued and Mr Brooks answered further points raised by Councillors. Councillor Bell did not seek to speak again although he muttered under his breath and shook his head when he apparently disagreed with what Mr Brooks was saying.

### The Response

14. Councillor Bell is a current Councillor on Burscough Parish Council. To my knowledge, he has also been a Member of West Lancashire Borough Council. Councillor Bell has been elusive throughout the investigation and I have not had the opportunity to interview him. When I was instructed, I was advised that, following the original assessment of the complaint, a local resolution had been attempted by the Monitoring Officer. Initially Councillor Bell had indicated an intention to resign but had subsequently decided not to and was not agreeable to the local resolution put to him.
15. In response to my initial letter of 24 January 2017 Councillor Bell spoke to me by telephone and asked questions concerning the procedure and the persons who I would be seeking to interview. I told him that I would interview any witness who he put forward provided I was satisfied that the evidence that person would give me was relevant to the complaint. I said that I thought things would be clearer after I had interviewed Mr Brooks and Councillor Bell. During that conversation Councillor Bell indicated that there were issues concerning Mr Brooks that he wished to bring to my attention. He then told me that his wife was seriously ill and he could not be certain at that stage when he would be able to provide dates for an interview. I agreed that he should contact me when the issues regarding his wife were clearer.

16. After interviewing Mr Brooks and Ms Fellowes and agreeing their statements I tried to contact Councillor Bell by telephone without success despite leaving messages on his answerphone. I wrote to him on 10 March allowing him to 17 March to contact me regarding an interview date when I would proceed without his version of events. In the meantime I had decided to seek the views of the Parish Councillors who were present on 13 July and I wrote to each of them to ascertain their recollections on 24 February. These are set out in the next section.
17. On 17 March I was telephoned by Councillor Bell. He told me that his wife's position was worse and that she was due to have a number of operations in the coming days. In the circumstances he had decided to resign from the Parish Council and asked if that would be an end to the investigation. I indicated that I would have to take advice from the Monitoring Officer because the investigation could continue despite a resignation. The Monitoring Officer advised me that he would be prepared, in the circumstances, to discontinue the investigation, but in view of his previous conduct, on the proviso that an early resignation was received. We agreed 31 March. This was conveyed to Councillor Bell. On 04 April I received an email from Councillor Bell which said that his wife wanted him to answer the complaint. He had not resigned. The email had three documents attached to it, the main statement being headed 'Privileged'. I considered the documents and sent a response on 05 April with 7 points on which I requested further information/comments. These included the fact that his response in a privileged document could not be considered as the 'privilege' would preclude me from including that document in my report without his express authority. I have received no reply to the email of 05 April, despite a reminder sent on 25 April. The emails and letters sent to Councillor Bell prior to the privileged response are set out in Appendix F.

### Parish Councillors' Recollections

18. On 24 February I wrote to the other Councillors who were present at the meeting, asking them to let me have their written recollections of the meeting on 13 July 2016 or, if they preferred, to go through their recollections at an interview. Written responses were received from Councillors Atherton, Kennedy and Makin (attached at Appendix D) and I had telephone calls from Councillors Bullen and Warrilow. Councillors Crawford and Hardisty requested an interview and their statements are attached at Appendix E. Unsurprisingly, given the length of time that had passed between 13 July 2016 and 24 February 2017, there are differing views. Some remember Councillor Bell swearing, others do not; most remember that Councillor Bell was aggressive towards Mr Brooks and that he had to apologise for his conduct.

### Conclusions

19. It is always difficult to reach conclusions when the Subject Member does not participate fully in the investigation. From the approach that Councillor Bell adopted when dealing with the Monitoring Officer after the initial assessment and his conversation with me in February, it appears that Councillor Bell's concern regarding the complaint was that his comments and actions had to be considered

in context and that his view of the context was very different to Mr Brooks.

20. At the meeting at Martin Mere on 30 June 2016, it is clear that Councillor Bell said that if he had his way he would shoot the pink-footed geese. Councillor Bell may feel that he did not say it as an intention but both Mr Brooks and Ms Fellowes felt that the remark, especially repeated several times was completely inappropriate given the nature of the Centre's activities. Ms Fellowes, in particular, said she had never heard Councillor Bell behave like that before and that she felt uncomfortable during that part of the meeting when planning issues were being discussed.
21. At the meeting on 13 July, the basic facts are, again, straightforward. Mr Brooks made a presentation to the Parish Council on the branding of Burscough as the Home of the Whooper Swan. Councillors asked questions or made comments and one of these was Councillor Bell, whose comments were very aggressive and negative towards Martin Mere. Mr Brooks was given the opportunity by the Chairman to respond and did so. At that point Councillor Bell wished to come back and reply to Mr Brooks's response to his original comments. The Chairman decided to call another Councillor to speak. Councillor Bell was not happy at this decision and, although some Members do not recall him swearing, there is no doubt in my mind that he swore and that he said 'Fucking Hell'. He was standing and showed further irritation before appearing to be leaving the room. At this stage he was requested to return by a number of Members and Mr Brooks has suggested that one of the Members was heard to make reference to 'another tantrum'. Councillor Bell decided to return to the meeting and resumed his seat. The Chairman asked him to apologise which he did although it is not clear to me whether that was just to the meeting or specifically to Mr Brooks. The item continued but Councillor Bell took no further part in the debate although he appeared to mutter under his breath when he disagreed with what was being said.
22. I have seen the Minutes of the Parish Council meeting on 13 July 2016. These are in the form that I would expect them to be and are not sufficiently detailed to help me with the precise detail of Councillor Bell's conduct during that part of the meeting.

### **Application of the Code of Conduct**

#### **Paragraph 2.1**

23. The first matter to consider is the application of the Code. This paragraph states that the Code applies 'whenever you act in your capacity as a Member'. Councillor Bell was invited to the meeting on 30 June primarily because Mr Brooks felt that he was a lone voice on the Parish Council against the work of Martin Mere and Mr Brooks wanted to explain more fully the Centre's benefits and to explore his reasons for opposition. It was not an official Parish Council meeting and he was not there as a representative of the Parish Council. The Parish Council's involvement in the branding proposal would be discussed at the meeting of the Parish Council on 13 July 2016. He was there solely because Ms Fellowes, on Mr Brooks behalf, asked him to be there and he was invited as a Parish Councillor. I do not have Councillor Bell's views on his capacity at that

meeting and it was one of the questions that I raised in response to his 'Privileged' Response.

24. My decision has to be on balance when considering the information that I have. There is clearly the possibility of an argument that he was not acting in his official capacity but that argument has not been raised and I have nothing to counter the indication from Ms Fellowes that the invitation was to Councillor Bell, Parish Councillor. Mr Brooks' specific intention was to discuss the branding issue with Councillor Bell prior to the Parish Council meeting on 13 July. On balance, I therefore conclude that Councillor Bell was acting in his capacity as a Parish Councillor at that meeting.
25. The meeting of the Parish Council on 13 July is straightforward. It was a formal meeting of the Parish Council and Mr Brooks had been invited to address the Council on the branding proposal. All Councillors present at that meeting were acting in their capacity as Members.

#### Paragraph 3.1

26. In relation to the meeting on 30 June 2016, I have found that Councillor Bell did make comments regarding the shooting of pink-footed geese and Ms Fellowes found that part of the meeting to be very uncomfortable. Councillor Bell is entitled to have a different opinion regarding the worth of the Wetland Centre to the village of Burscough and to reasonably express that opinion. However, as a local authority Member Councillor Bell must be respectful in the manner in which he expresses opinions. I get the impression that Councillor Bell's view is heavily influenced by the fact that the Wetland Centre has commented negatively on the ecological reports submitted by Burscough Football Club in its planning application for permission to build a new ground on land that is inhabited on occasions during the year by pink-footed geese. Councillor Bell appears to be a strong supporter of the Football Club. On this occasion, he has crossed the threshold of reasonableness in making the comment he did and on repeating it several times. The comment is particularly vindictive given the aims and purposes of the Trust that runs the Wetland Centre and which employs the two people present at the meeting. I therefore conclude that his conduct at that meeting failed to comply with paragraph 3.1 of the Code of Conduct in failing to show respect to Mr Brooks and Ms Fellowes.
27. At the meeting on 13 July 2016, Councillor Bell's response to being refused permission to speak by the Chairman was out of order, both in the language that he used and his physical reaction and threat to leave the meeting. Swearing is not a reasonable form of language in a formal local authority meeting. To swear shows a complete lack of respect not only to the person to whom it was directed but to others who were present and witnessed the swearing. It is a matter of fact and degree in each individual circumstance as to whether or not showing disagreement with a decision physically is reasonable conduct. The swearing of itself is a failure to comply with paragraph 3.1 of the Code of Conduct in failing to show respect to the Parish Chairman, other Parish Councillors present and the public who were present. The physical reaction on its own is probably just within reasonable bounds but it appears that this was not the first occasion on which Councillor Bell has acted in this manner, albeit previous occasions have been

without the swearing. In that case I think it is an issue which requires attention by the Parish Council because it is not a form of conduct which should be allowed to continue unchallenged without becoming detrimental to the standing of the Council.

### Paragraph 3.2

28. Mr Brooks raises the principle of Councillor Bell's behaviour at the two meetings constituting bullying. At the meeting on 30 June those present were two professional employees of the Wetland Centre. Mr Brooks acknowledges that he is capable of standing up for himself and expresses his concern as to how other members of the public might be influenced when faced with the sort of behaviour shown by Councillor Bell at the two meetings. His complaint also raises the question of Parish Councillors who might be influenced by such behaviour during debates in the Parish Council.
29. Insofar as the meeting on 30 June is concerned, although Ms Fellowes felt uncomfortable at Councillor Bell's behaviour, I do not believe that Councillor Bell's outbursts constitute bullying. Bullying usually comprises a series of individual actions rather than a single one. None of the Parish Councillors who have written to me or to whom I have spoken have expressed any feeling of being bullied by Councillor Bell's behaviour, on this occasion or previously, and whilst I could see a situation where such behaviour could constitute bullying, I do not find it to be the case on this occasion. I therefore conclude that Councillor Bell's conduct does not fail to comply with paragraph 3.2 of the Code of Conduct at either meeting.

### Paragraph 5

30. Mr Brooks's complaint jumps to a conclusion that 'obviously, the behaviours in these two instances also contravene section 5 and bring the Council into disrepute'. The wording of paragraph 5 creates two situations - conduct that is reasonably regarded as bringing the office of the Councillor into disrepute; and conduct that is reasonably regarded as bringing the Council into disrepute. The situation needs to be looked at objectively - does the Councillor's behaviour seriously lessen confidence in either Councillor Bell's position as a councillor, or the Parish Council as a whole?
31. Various cases have considered the principles of this issue, particularly where it accompanies complaints in respect of other aspects of the Code. The standards associated with paragraphs 3.1 and 3.2 have lower levels of threshold than those that apply to paragraph 5. If Councillor Bell is known as someone who is capable of 'losing it' on occasions, as appears to be the case, but he still is elected to the Parish Council then it is unlikely that any confidence the public may have in his ability to be a councillor is lessened by conduct of the nature here. Similarly, if, as appears to be the case, the Parish Council have accepted his occasional outbursts without serious challenge, then it is unlikely that a single outburst will affect the public's overall view of the Council as a whole. On that basis I do not find that Councillor Bell's conduct on these occasions failed to comply with paragraph 5 of the Code.



### Response to the Report

32. I have received no response to the draft report from either Mr Brooks or Councillor Bell.

### Summary

33. The findings of the investigation are recorded in paragraph 4 of this report. I find a failure to comply with paragraph 3.1 of the Parish Code of Conduct in relation to Councillor Bell's conduct at the meetings on 30 June and 13 July 2016.
34. In dealing with this report consideration needs to be given to the fact that Councillor Bell was requested to apologise at the Parish Council on 13 July 2016 and did so, apparently in Mr Brooks' presence. I would also recommend that consideration should be given to the comments made by some of the Parish Councillors in their emails/statements that suggests that, on occasions, the standard of conduct in Parish Council meetings is below that which I would consider appropriate for public meetings of the Parish Council. The Committee may feel that a training recommendation is appropriate.

**Mike Dudfield**  
Investigator

**26 May 2017**

## **Schedule of Evidence**

- Appendix A Complaint from Nick Brooks dated 23 September 2016
- Appendix B Statement from Nick Brooks dated 21 February 2017
- Appendix C Statement from Victoria Fellowes dated 21 February 2017
- Appendix D Letter to Parish Councillors dated 24 February 2017 and written responses from Councillors Atherton, Kennedy and Makin
- Appendix E Statements from Parish Councillors John Crawford and David Hardisty both dated 17 March 2017
- Appendix F Copy correspondence with Councillor Bell



# COMPLAINT FORM

(Complaint that a Councillor/Parish Councillor may have breached the Council's Code of Conduct)

**TO: THE MONITORING OFFICER  
(Mr Terry Broderick, Borough Solicitor)**

**A. YOUR DETAILS**

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

<b>Title:</b>	Mr
<b>First name:</b>	Nick
<b>Last name:</b>	Brooks
<b>Address:</b>	Martin Mere Wetland Centre Fish Lane Burscough Lancs L40 0TE
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we may tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the Deputy Monitoring Officer and relevant persons appointed to deal with the complaint
- the Independent Person / Reserve Independent Person
- the parish clerk (if applicable)
- members of the Standards Committee

**We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about**

**your name and a summary, or details of your complaint being released, please complete section 6 of this form.**

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An Independent Person or Reserve Independent Person of the Standards Committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee or contractor or agent of the Council
- Other (.....)

3. Equality monitoring questions: Please complete the attached form and submit it with your complaint.

**B. MAKING YOUR COMPLAINT**

4. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
Mr	Roger	Bell	Burscough Parish Council

5. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer / Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made are in respect of alleged behaviour or conduct, occurring more than 3 months ago, clearly explain why the complaint was not made within the 3 month period. (You must explain why there are exceptional circumstances if the complaint is more than 3 months old)

Frivolous, vexatious and politically motivated tit for tat complaints are likely to be rejected.

**Please provide us with the details of your complaint.**

There are two incidents that are part of this complaint:

Firstly, we invited Councillor Bell to Martin Mere Wetland Centre in Burscough to chat with myself and our Marketing Manager, Vic Fellowes, about possible branding and marketing ideas to attract visitors to Burscough and other local issues. This meeting was on the 30<sup>th</sup> June. However, only a few minutes into the meeting, Councillor Bell told us that, if it was up to him: "I'd bloody shoot all your pink-footed geese". He repeated this several times. We were naturally surprised that he would come to a meeting at a conservation site and say such a thing and, if nothing else, it showed a complete lack of civility, sensitivity and good judgement.

Councillor Bell then launched into a very unpleasant and aggressive attack on the Wildfowl and Wetlands Trust (WWT) and me for submitting objections to the proposed Football Club development in Burscough, which, he told us, he supports. He accused us of stopping development in the area. I explained to him that we had been asked by local residents, including another parish councillor and Natural England, to comment on ecological reports that had been submitted in support of the Football Club's application. I further explained that all we do is follow the legal process to make comments on applications where we feel that either the proper process is not being followed, or where development may harm a protected species. I explained to him that, usually, we are asked to do this by other concerned parties but it is then up to the local planning authority to make decisions on whether developments go ahead, not WWT or me. Councillor Bell became visibly agitated by my defence of WWT's position and I actually found myself taking less of a stance against his opinion in order for him to calm down.

Secondly, at the Burscough Parish Council meeting on July 13th, I was present to put forward the case for branding Burscough as the "Home of the Whooper Swan". During the debate, Councillor Bell brought up points that he had discussed with us at Martin Mere and made the case that he was against the idea. I was then given the opportunity to respond to his points. Mr Bell wanted to then speak again but the chairman offered the floor to another councillor, who wanted to ask another question. At this point, Mr Bell flew into what can only be described as an angry rage. He stood up, shaking, hit the table with his hands and shouted "Fucking Hell". He then stormed off to the exit door and stood in front of it for around ten seconds in what I can only describe as being like a five year old having a temper tantrum because they can't get their own way. While he was doing this other councillors were telling him to come back and sit down and I heard one councillor (I think it was Councillor

Hardisty) say "Not another tantrum". Mr Bell returned to his seat and was made to apologise to everybody present by the chairman.

The question and answer session continued without any further questions from Mr Bell, although I have to say that when I was responding to other councillors he would shake his head and mutter things under his breathe to presumably show his disapproval over what I was saying. The whole thing was quite childish. Not wanting to experience his behaviour again, I also found myself not bringing up things in the meeting that I knew had the chance of sending Councillor Bell into another rage.

I think the breaches of the code of conduct are quite clear and are relevant to the following sections:

*3.1 You must treat others with respect*

*3.2 You must not do anything which may cause the Council to breach any of the equality enactments; bully any person; intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.*

*5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

#### **Selflessness**

*Holders of public office should act solely in terms of the public interest.*

#### **Objectivity**

*Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.*

In both the above instances there is clearly a complete lack of respect (3.1) shown by Councillor Bell to those that may have different opinions to his own and to all those present in his company at meetings. His behaviours are offensive and it is clear that the anger that he so clearly expresses is actually a form of bullying (3.2). I'm quite a robust character but I found myself not mentioning information to other councillors at the meeting and held back at the meeting at Martin Mere because I did not want to experience him storming out or subjecting everybody to another foul-mouthed outburst.\* This must have an even bigger effect on those with a much more nervous disposition who are likely to have to debate him on other issues. These behaviours therefore curtail debate, as there is a fear that disagreeing with him will cause an outburst and this is why it is a form of bullying - you don't want to challenge his opinions because you fear the consequences. Obviously, the behaviours in these two instances also contravene section 5 and bring the council into disrepute.

Furthermore, going to organisations, or even individuals, outside of the parish council meetings and attacking them for following legal processes and taking actions that he doesn't agree with is both obnoxious and threatening and again contravenes 3.1, 3.2 and 5 by showing a complete lack of respect to the other party and a complete lack of respect to official and legal procedures. The very nature of the attack we experienced was both obnoxious and threatening and therefore bullying,

given, as it was, by a local politician, who is obviously perceived as holding some degree of power in local decision making.

We then come to the principles of Selflessness and Objectivity and again, I believe the strength of Councillor Bell's comments and behaviours need to be questioned. Councillor Bell heads up a charity called Burscough Moving Forward, which supports development in Burscough and he made no secret of his support for the football club development. However his comments about shooting geese, his criticism of us simply following planning procedures and then the strength of his outburst during a debate on marketing ideas, which we support, give me great concern that he will not fairly consider any ideas that Martin Mere may put forward to the parish council, as his comments have clearly indicated a massive bias against our organisation. We have been working with the parish council across a broad range of issues such as tourism, marketing, flooding, recreation provision and the effects of the new Yew Tree Farm estate. It is very difficult to see that any debate on any of these issues can take place in a productive and fair environment in the presence of a councillor that has made no secret of his dislike of our organisation and the species we exist to protect. This may also contravene the code of conduct section on non-pecuniary interests.

This should be worrying for the Parish Council because, while it may be thought that a big organisation and a robust general manager can challenge such behaviours, what happens, for instance, to a pensioner, who might have come out against the football club development because they live near it and then come to the parish council on another matter, such as looking for funding for elderly services? How does Councillor Bell treat them, when they disagree with him?

\* Prior to this year, I was aware of Councillor Bell's penchant for losing his temper, as I had seen him storm out of a Marketing Lancashire meeting a few years ago. So, I was able to recognise him getting angry during his attack on us, when he repeatedly made the goose shooting comments. I need to point out that I was not involved in him storming out of the Marketing Lancashire meeting and was simply one of a large number of bemused observers.

**Continue on a separate sheet if there is not enough space on this form.**

## C. CONFIDENTIALITY OF COMPLAINANT AND THE COMPLAINT DETAILS

Only complete this next section if you are requesting that your identity is kept confidential

6. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:
  - (a) you have reasonable grounds for believing that you will be at risk of physical harm if your identity is disclosed;
  - (b) as you work closely with the subject member you are afraid of the consequences to your employment or of losing your job if your identity is disclosed;



(c) you suffer from a serious health condition and there are medical risks associated with your identity being disclosed.

**Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. We will contact you with a decision in respect of this. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.**

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

**Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:**

#### D. REMEDY SOUGHT

**Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint:**

There are two issues that need to be addressed:

1 – Councillor Bell's behaviour in terms of him quickly losing his temper and using foul language when somebody disagrees with him is clearly not appropriate for a parish councillor. It is also inappropriate to attack individuals and make threatening remarks to organisations, or individuals, that exercise their right to follow legal processes or hold views counter to his own. He needs to stop these behaviours. I have only been in a room with Councillor Bell three times in my life: he has thrown a tantrum twice and, in my opinion, been very close to throwing another tantrum on the third occasion. However, he made up for the lack of tantrum on the third occasion by telling a conservation charity that he would like to shoot the species they exist to protect.

My own experience from a few years ago and the comment "not another tantrum" at the parish council meeting also leads me to believe that this type of behaviour is not uncommon and has existed for quite a while. He certainly needs re-educating in his responsibilities as a parish councillor. I am not an expert, but it seems to me that some form of anger management counselling would also be appropriate.

His behaviour is offensive, threatening and bullying in its nature and, in my view, Councillor Bell needs to guarantee that he will not behave in this manner while carrying out his duties as a parish councillor. He should be excluded from all debates until he can offer this guarantee.

2 – Given his comments about the geese, his criticism of WWT Martin Mere (as a result of us commenting on a planning application) and the strength of his reaction at the debate on marketing at the Parish Council meeting, which immediately followed my response to his views, Councillor Bell also needs to guarantee that he will act with impartiality on all further debates involving WWT Martin Mere, or exclude himself from those debates. For the sake of fair decision making in the Parish of Burscough he also needs to guarantee that he will not take prejudicial views against any organisations, or individuals, over a string of issues just because they disagree with him over one issue.

It is essential that these areas are addressed. I have made this complaint not just in my capacity as the general manager of Martin Mere but as a resident of Burscough at the time of these incidents (I moved to Rufford last week); a resident of Burscough that has previously voted for Roger Bell. I want to ensure that any local issues involving Martin Mere are dealt with by parish councillors in a fair, respectful and non-prejudicial manner. However, as a local resident, I have also been appalled by Mr Bell's behaviours and the Borough and Parish Council's must address these behaviours for the sake of all residents of Burscough. I would also say that he is possibly somewhat unaware that his behaviours also show a complete lack of respect for his fellow parish councillors and he needs to be reminded that he is in a privileged position as a councillor and should treat that position and his colleagues with more respect than he

currently demonstrates.

Mr Bell is obviously a passionate and hard-working councillor but he needs to recognise that, in his position, passion cannot be allowed to develop into anger and opinionated bias. Such behaviours do not encourage local people to get involved in local decision making and that can only be detrimental to Burscough. It is therefore imperative that the environment in which local decisions are made is free from threatening, bullying behaviours and offensive language. I am sure that videoing Parish Council meetings would curtail this type of behaviour and, having lived in America and seen local meetings televised every month, this might also be a good idea to consider.

#### **E. ADDITIONAL HELP**

7. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

#### **F. PROCESS FROM HERE**



**West Lancashire Borough Council  
Complaint against Burscough Parish Councillor Roger Bell**

**Statement of Nick Brooks, General Manager, Martin Mere Wetland Centre, Fish Lane, Burscough L40 0TE**

1. This statement is supplemental to my complaint form dated 23 September 2016.
2. I have been General Manager at Martin Mere for approximately four years. I first became directly involved with Burscough Parish Council in November 2014 when the Parish Council commenced work on the Neighbourhood Plan. I attended meetings involved with the development of the Parish's economy, marketing and tourism. There were meetings with other stakeholders and we discussed how the Parish could better market itself and how Martin Mere could be used. A number of people pushed for events, weekend festivals etc but it seemed to me that these were short term and there was a shortage of car parking in the village if large numbers were to be attracted. I suggested using the throughput at Martin Mere with the Parish piggybacking and attracting the visitors into the Village. Businesses and other attractions would be advertised at Martin Mere. As Martin Mere is the home of the largest gathering of the Whooper Swan I suggested using that fact as a brand and this was the idea which was being discussed at the Parish Council meeting on 13 July 2016. When the Whooper Swans migrate they go to Akureyri in Iceland and it was suggested that Burscough should become twinned with Akureyri. This would be the first twinning arrangement in the world based on an animal or bird.
3. During the meetings organised by the Parish Council there was general support for Martin Mere from the Councillors. Councillor Bell had not attended any meetings and I gathered that his voice was a lone dissenting voice against Martin Mere. I wondered whether he fully understood what Martin Mere was about and I arranged with the Centre's Marketing Manager, Victoria Fellowes, to invite Councillor Bell to a meeting at the Centre. Victoria Fellowes hadn't had a catch up with Mr Bell for some time and had previously worked with him over some public transport arrangements and she thought this would be a good opportunity to catch up on this issue as well. This was the meeting on 30 June 2016 referred to in the complaint.
4. I joined Councillor Bell and Ms Fellowes and, after only a few minutes, Councillor Bell went on the offensive against me and the Wildfowl and Wetlands Trust, as set out in the complaint. He blamed us for trying to stop development in Burscough and told us a number of times that he would like to shoot all the pink-footed geese. This was the first time I had formally met him and our paths had only crossed once before, when I was Manager at Rufford Old Hall and we were both present, in a group of about 50 people, at a Marketing Lancashire meeting, during which he stormed out having lost his temper with the presentation that Marketing Lancashire were giving.

Instead of being able to seek to promote the relationship between the Centre and the Parish Council, I found myself having to defend our actions in the planning process. In particular, Councillor Bell raised matters concerning the role of the Centre in responding to planning applications for the football club development. During this part of our meeting MR Bell was visibly agitated.

Ultimately, we went on to discuss other issues and he calmed down. We discussed the potential branding of Burscough using the whooper swan but his attitude towards this idea remained negative, as he felt that Southport benefitted more from the Centre's visitors than Burscough.

5. One of the areas involved in the Neighbourhood Plan is the concept of managing the environment. Martin Mere is a SSSI and an SPA and we could be asked to comment on developments that might affect these designated areas and the species they are designated for, often by Natural England. From time to time I also receive requests to comment on developments in the area by Parish Councillors or local residents. One of these occasions related to the proposed redevelopment of the land occupied by Burscough Football Club. The proposal was to transfer the football ground to a field that is used by pink-footed geese and I was approached by a local Councillor. The Ecological Impact Assessment which accompanied the application was considered by myself and the Trust's specialist Officers and errors of fact and resultant conclusions were pointed out. Decisions on planning applications are not the Trust's responsibility but we would point out relevant matters for consideration in relation to SSSI and SPA issues.
6. The proposal for the branding 'Home of the Whooper Swan' and the twinning proposal was raised at the Parish Council meeting on 13 July 2016. The details of Councillor Bell's conduct are fully set out in the complaint.
7. Whilst Councillor Bell's conduct on these two occasions does not personally concern me, I am concerned that a Councillor behaves in this manner towards members of the public and towards their fellow councillors. I wonder how someone less robust than me would withstand the attacks he made on me and my employer when he disagrees with their position/views, or deal with his behaviour in the council meeting. From what I heard it appears to me that this conduct is not uncommon.
8. The provisions of the Code of Conduct that I feel are triggered by Councillor Bell's conduct are set out in the complaint and I believe that Councillor Bell's conduct on those two occasions breached those provisions.

This statement is a fair summary of an interview conducted by the Investigator on 13 February 2017.

**West Lancashire Borough Council  
Complaint against Burscough Parish Councillor Roger Bell**

**Statement of Victoria Fellowes, Marketing Manager, Martin Mere Wetland Centre,  
Fish Lane, Burscough L40 0TE**

1. I have been Marketing Manager at Martin Mere for approximately eleven years. I had met Councillor Bell on a number of occasions in connection with various projects and proposals in Burscough although I had not seen him for 3 to 4 years prior to the meeting on 30 June 2016. I do not know him personally.
2. Following discussions with the General Manager, I invited Councillor Bell to the Centre on 30 June 2016. I spoke to him first and discussed general promotional matters and funding opportunities in Burscough.
3. When Nick Brooks joined us a number of items were discussed including flooding and the success of the wharf. When planning was brought up his attitude changed, he became more tense and was not prepared to listen to what was being said. In particular he said on several occasions that he would shoot all the pink-footed geese. He raised the response sent by the Trust to the planning application for the transfer of Burscough Football Club's site and, whilst the Trust's role in planning matters was explained to him, he repeated that he would shoot all the pink-footed geese if it enabled the Club's proposal to go ahead. Throughout this period I felt uncomfortable at what Councillor Bell was saying and the nature of his manner. He was not listening to what was being said to him and his attitude was aggressive. I have not seen him behave like that before. The proposal to use the brand 'Home of the Whooper Swan' was discussed. He listened, openly said that he was on the fence as to whether he supported it or not but he could see the benefits and we had given him a lot to think about.

This statement is a fair summary of an interview conducted by the Investigator on 13 February 2017. /





**Mike Dudfield**  
Solicitor

**Local Government Consultant**

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Telephone:  
Mobile:  
E-Mail:

Councillor Julie Atherton

CONFIDENTIAL

Dear Cllr Atherton

**Complaint under Members' Code of Conduct - Councillor Bell - Burscough Parish Council**

I have been appointed by the Monitoring Officer of West Lancashire Borough Council, Terry Broderick, to investigate a Members' Code of Conduct complaint made against Councillor Roger Bell of Burscough Parish Council.

Part of the investigation relates to the conduct of Councillor Bell at a meeting of Burscough Parish Council on 13 July 2016 when the Parish Council was debating a proposal from the Martin Mere Wetland Centre to brand Burscough 'The Home of the Whooper Swan'. According to the minutes of the meeting (Min No. 224) Mr Nick Brooks, General Manager of the Centre made a presentation to the Parish Council. From what I have been told, the Chairman invited Members to ask questions and Councillor Bell was one of the Parish Councillors who spoke.

I would appreciate receiving details from you of any recollection you have of what was said by Councillor Bell, whether Councillor Bell used foul or abusive language, and his subsequent conduct up to the point where the Parish Council made its decision on that agenda item that evening.

I am writing to all the Parish Councillors who were present that evening. Please do not talk to the other Parish Councillors regarding the contents of this letter as it is important that I receive the individual recollections of those who were there. Please note that the investigation is confidential until such time as my report is considered under the Borough Council's procedures. A decision will then be made as to whether my investigation report and the supporting documentation may be brought into the public domain. Your reply will be attached to the report, with all other documents I receive during the investigation that I feel are relevant.

Please let me have a response to the points raised above as soon as possible. If you wish to communicate by email please do so. If you would prefer to have a private discussion with me I can arrange to meet you at Burscough.

Yours sincerely,

Mike Dudfield

**Mike Dudfield**

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**From:** "Julie Atherton"  
**Date:** 07 March 2017 15:54  
**To:** <1  
**Subject:** Complaint under Members' Code of Conduct - Cllr Bell, Burscough Parish Council

Dear Mike,

Thank you for your letter of 24 February 2017.

I do recall a meeting last year (probably the July meeting) where conduct was not acceptable.

Cllr. Bell did become aggressive - I can't remember the precise point that Nick Brooks made that aggravated him though. It was a presentation on a collaborative branding of the village.

Cllr. Bell did use foul & abusive language (f word).

He was agitated & at one point threw his pen across the floor (councillors were sat in a square horseshoe so there was a space in the centre of the room).

Cllr. Bell also stood up & walked to the door as if to leave but changed his mind & returned to his seat.

I'm sorry I haven't made any notes of the meeting - or the incident. My recall is not as detailed as it ought to be.

Please let me know if I can clarify anything further.

Kind regards  
Julie Atherton



**Mike Dudfield**

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**From:** "Mike Dudfield"  
**Date:** 27 February 2017  
**To:** "Brian Kennedy"  
**Subject:** Re: Conduct complaint Burscough Parish Council.

Dear Cllr Kennedy,

Thank you for your response.

The complaint against Cllr Bell was made in September and was considered by WLBC's Assessment Panel. In the first instance they instructed the Monitoring Officer to seek a resolution but, after a meeting, Cllr Bell was not in agreement with that course of action. The Panel decided in those circumstances to arrange for an investigation to be carried out and I was instructed towards the end of January. I am in contact with the Parish Clerk and I have a copy of the minutes of that meeting in July 2016.

Regards,

Mike Dudfield

**From:** Brian Kennedy  
**Sent:** Monday, February 27, 2017 10:53 AM  
**To:** r  
**Subject:** Conduct complaint Burscough Parish Council

Dear Mr. Dudfield

Thank you for your letter dated 24th. February regarding the above. I cannot recall the incident you refer to in the letter. May I ask why it has taken more than 7 months for this alleged incident to be investigated when after this amount of time most people will have difficulty recalling such a thing. Has the clerk been approached to check whether there is any reference in the minutes of the meeting?

Regards

Councillor Brian Kennedy

Sent from Yahoo Mail for iPad



**Mike Dudfield**

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**From:** "Ian Makin" <  
**Date:** 09 March 2017 09:09  
**To:**  
**Subject:** Complaint under Members Code of Conduct

Good morning Mike,

Thank you for your letter dated 24th February.

I was in attendance at the meeting on 13th July 2016. I am unable to confirm what Cllr Bell actually said during the meeting, I do recall his behavior during the discussion as I was sat next to him. At one point during the discussion, Cllr Bell threw down his pen on the table, the pen broke and scattered across the table and onto the floor in front of us. He then went to stand up which caused his chair to fall over. At this point he walked to the door as to leave the room, at this point a number of councilors called him back, I am unsure if he did actually leave the room and then return or he got to the door and then returned.

I hope this helps your investigation.

Kind regards

Nichola Makin





West Lancashire Borough Council  
Complaint against Burscough Parish Councillor Roger Bell  
Statement of John Crawford,

1. I was co-opted as a Parish Councillor to Burscough Parish Council in September or October 2014.
2. The Parish Council agreed to hold a development session for all councillors as it was felt that they needed to consider doing their business differently and therefore held an "away day" at Martin Mere in November 2015, for all councillors to attend. Councillor Atherton and myself worked on the content to be delivered, which we also co presented. At the end of the session we were asked to present a different presentation as a follow on to first one and this was done. Councillor Bell did not attend either session and as far as I can recall he did not offer his apologies. During the first day the Parish Council councillors received a presentation from Mr Brooks, General Manager at Martin Mere on the position at the Centre and how the Centre could assist the Parish Council in increasing visitor numbers to Burscough.
3. At a meeting of the Parish Council on 13 July 2016, Mr Brooks made another presentation and proposed a branding theme, 'Home of the Whooper Swan'. Parish Councillors were given the opportunity to ask questions of Mr Brooks. A number of Councillors asked questions, including Councillor Bell. I was concerned at the manner in which Councillor Bell conducted himself. He appeared to be bringing issues to the meeting from other meetings he had with Mr Brooks; he attacked or criticised the statements made by Mr Brooks and challenged the figures that had been presented. I recall one comment he made that 'more visitors to the Centre stayed in Southport than Burscough. I thought Mr Brooks handled the situation well but I feel that he had every reason to complain about Councillor Bell's conduct. Whilst I do not recall Councillor Bell swearing at that point in the meeting, he adopted an extremely aggressive manner towards Mr Brooks and Martin Mere. I gained the impression that other councillors were also concerned about what was happening in a Public meeting. In order to defuse the issue and to close the discussion down I made a proposition for this item to be referred to the Capital Projects Group and to report back with recommendations, this was accepted. This process was one that was agreed at the development sessions in order to have a more measured approach when dealing with new projects and remove any undue pressure or waste valuable resources.
4. Later in the meeting there was an item concerning Burscough Interchange. I asked to speak first as I along with other councillors had been selected to attend a private meeting at the Interchange involving the Parish Council and Lancashire County Council, Network Rail and Arriva regarding the future of the Interchange. As Councillor Bell had been involved in previous meetings he was again selected to attend this meeting as a Parish Councillor but when introductions were made he said that he was there not attending as a Parish Councillor, but representing another organisation, Burscough Moving Forward, this organisation was also interested in taking over the Interchange. In my view this organisation had not been invited to the meeting, and in effect were a competing organisation to the Parish Council. Councillor Bell remained in the private meeting and spoke on behalf of Burscough Moving Forward. The following week I spoke to the Parish Clerk about my concerns around the situation.
5. I raised this in the Council meeting as I never wanted to be placed in that position again and felt that he was abusing his position as a Parish Councillor and with his experience as a Borough Councillor, he should have known better. Councillor Bell did apologise for his

action, but I felt this was that was not enough, however the meeting moved on. Shortly afterwards the meeting became heated and the Chair tried to get some Order when the Parish Clerk tried to speak but Councillor Bell would not let her speak. His comments were challenging her position before she had completed giving her advice. I stepped in and gave my view by explaining to everyone present that the Clerk had a duty to explain the legal position and where responsibility lay for the determination of a conflict of interest. Councillor Bell wrongfully abused the Chairman of the meeting and the Parish Clerk. I believe on this occasion he swore at least once during his abusive tirade and finally stormed out of the meeting.

6. I was so concerned regarding the matter that I contacted the Clerk a couple of days later to ensure that she was alright.

7. On at least one other occasion I can recall that Councillor Bell has stormed out of a Parish Council meeting when he has not been able to get his way. On that occasion the meeting had been going on for 2 hours and he asked for the meeting to stop due to Standing Orders. He received no support and left the meeting, the remaining members all agreed to remain and complete the agenda.

This statement is a fair summary of an interview conducted by the Investigator on 14 March 2017.

**West Lancashire Borough Council**  
**Complaint against Burscough Parish Councillor Roger Bell**

**Statement of David Hardisty,**

1. I am a Parish Councillor on Burscough Parish Council. Although I am in my first term, I have previously been a local councillor in Skelmersdale and Up Holland in the 1970's and had in the past served on the Parish Council some years ago.
2. When I first joined the Parish Council, we spent a day at Martin Mere and, during the day, a presentation was made to the Council suggesting the scenario of Martin Mere being used as a vehicle for getting additional visitors to Burscough. Nothing happened on that suggestion until the meeting of the Parish Council on 13 July 2016. Mr Brooks, the General Manager at Martin Mere made a presentation regarding the joint branding of Burscough as the 'Home of the Whooper Swan' which would be beneficial to Martin Mere and to the village. Mr Brooks advised us that the Centre already generated £6.2M from visitors to the Centre and he drew a comparison with themed places such as Stratford-upon-Avon where a specific theme generated far greater visitor numbers and income into the locality. Mr Brooks wanted assistance on the branding, especially local business details and made it clear that the Centre would contribute financially to the venture. He also wanted to involve the local schools in the venture.
3. Following the presentation, Parish Councillors were given the opportunity to speak and to ask questions of Mr Brooks. Councillor Bell was one of the Parish Councillors and he addressed the meeting in a manner which I felt was quite obnoxious and aggressive. He was extremely negative and questioned the figures presented by Mr Brooks. Mr Brooks pointed out that the figures had been produced not by the centre but by students from the University of Central Lancashire. Councillor Bell stated that venture would cost the Parish Council a 'great load of money' and he sought to destroy the propositions put forward by Mr Brooks. Looking around the room it appeared that no-one could understand why Councillor Bell was acting in the way that he was. When later Parish Councillors spoke and asked questions, Councillor Bell jumped in to challenge what was being said. I do not recall whether Councillor Bell swore during that part of the meeting.
4. Later in the meeting there was an argument prior to the discussions starting, regarding the Burscough Interchange when Councillor Bell was being advised by the Clerk on a question of an interest. Due to the nature of the discussions it was to be held without members of the public being present. He was furious at being advised he should not attend and definitely swore on that occasion and threw a pen across the table and threatened to leave the meeting. I advised the meeting that I thought Councillor Bell ought to apologise to the Clerk and, begrudgingly, he did. However, shortly afterwards he 'lost it' again, swore and left the meeting. There did not appear to be any understanding or support for his stance.

This statement is a fair summary of an interview conducted by the Investigator on 14th March 2017.

...A.D.Hardisty.....

Date ...17/3/17.....

**Mike Dudfield**  
Solicitor

**Local Government Consultant**

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Telephone:  
Mobile:  
E-Mail:

Councillor Roger Bell  
Haydock Farm  
School Lane  
BURSCOUGH  
Ormskirk  
L40 4AE

24 January 2017

CONFIDENTIAL

Dear Councillor Bell

**Complaint under Members' Code of Conduct - Burscough Parish Council**

I have been appointed by the Monitoring Officer of West Lancashire Borough Council, Terry Broderick, to investigate a complaint made against you by Mr Nick Brooks of Martin Mere Wetland Centre. This decision has been taking following an assessment process in accordance with the Borough Council's approved procedures and subsequent discussions between the Monitoring Officer and yourself.

I have been asked to investigate whether your conduct at a meeting on 30 June 2016 at the Wetland Centre with Mr Brooks and the Centre Marketing Manager, Mr V Fellowes, and at a meeting of the Parish Council on 13 July 2016 when the Parish Council was debating a proposal from the Wetland Centre, has breached the Parish Council's Members' Code of Conduct. I enclose a copy of the complaint made by Mr Brooks.

In the first instance -

1. Please let me have a list of any documents that you would wish me to take into account in the investigation and either provide copies of these documents or let me know where originals of the documents may be inspected.
2. Please let me have the name, address and telephone number (or other appropriate

contact details) of any person or organisation whom you would wish me to interview in the course of the investigation.

3. Please provide any other information that you would wish me to take into account in the investigation, including any information that I would need to seek from a third party.

I will need to interview you to go through your position with regard to the subject matter of the complaint. At this stage I am looking at your interview being in the period 30 January to 10 February. Please let me know which days and times of day are suitable for you to be interviewed in that period. I can interview you at your home or, if you prefer, I can make arrangements for an alternative venue at the offices of the Parish Council or the Borough Council. You may be accompanied at the interview by a person who is independent of the investigation. My procedure at interview is to take notes and afterwards to prepare a statement of the issues discussed that I feel are relevant to the investigation. A draft of that statement is then sent to you for approval and signature. All signed interview statements accompany my report.

Once my investigation is complete, I prepare a draft report which will be forwarded to you and the Complainant, for comment. I consider any comments received on the draft report and then finalise the report and forward it to Mr Broderick for action in accordance with West Lancashire Borough Council's Standards Procedures.

Please let me have a response to the points raised above as soon as possible. If you wish to communicate by email please do so.

Please note that the investigation is confidential until such time as my report is considered under the Borough Council's procedures. A decision will then be made as to whether my investigation report and the supporting documentation may be brought into the public domain.

Yours sincerely,

Mike Dudfield

**Mike Dudfield**  
Solicitor

**Local Government Consultant**

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Telephone:  
Mobile:  
E-Mail:

Councillor Roger Bell  
Haydock Farm  
School Lane  
BURSCOUGH  
Ormskirk  
L40 4AE

10 March 2017

CONFIDENTIAL

Dear Councillor Bell

**Complaint under Members' Code of Conduct - Burscough Parish Council**

I refer to my letter of 24 January, our subsequent telephone conversation and my recent unsuccessful attempts to speak to you on the telephone. During our discussion I explained the need for me to meet with you to understand your version of the two events which are the subject of Mr Brook's complaint and you explained the personal difficulties that you were facing. I indicated that I would wish to see persons other than Mr Brooks and that Ms Fellowes would be one of those persons and you confirmed that you would wish me to obtain her version of events. However, since that call I have heard nothing from you despite a number of attempts to contact you.

When this complaint was first made, it was considered by the West Lancashire Borough Council's Assessment Panel and the Monitoring Officer, Terry Broderick was asked to meet with you to see if an agreed solution could be reached. He tells me that you indicated a different emphasis/context to the words that you accept that you used and, for that reason, you were not agreeable to Mr Broderick's solution.

I have no details of the difference in emphasis/context and, without seeing you, cannot take that possibility into account. I have interviewed Mr Brooks and Ms Fellowes and have also contacted the Parish Councillors who were present at the Parish Council meeting on 13 July 2016. Some have already given me their versions of that meeting and

I am meeting others next week. If I do not hear from you with either your version of events or a date and venue for a meeting by 17 March, I will proceed to draft my report on the basis of what I then have. Whilst this is not very satisfactory, it is the only way in which I can proceed given your failure to make arrangements for a meeting.

Yours sincerely,

Mike Dudfield



**BURSCOUGH PARISH COUNCIL**

Minutes of a Meeting of the Parish Council  
held on 13<sup>th</sup> July 2016

Present: Cllrs Atherton, Bell, Bullen, Crawford, Hardisty, Kennedy, Mackrell, Makin, Taylor and Warrilow,

217. Apologies for Absence: Apologies for absence were received from Cllrs Reade, Sutherland and Leyland.
218. Disclosure of Pecuniary and Non Pecuniary Interests: None
219. Minutes of Previous Meetings: It was resolved that the minutes of the ordinary meeting held on 8<sup>th</sup> June 2016 were a true record.
220. Residents' Points of Interest: An update was sort regarding progress for Traffic controls on Runnell Bridge. Request has been made to LCC to meet, and clerk will contact again.
221. It was resolved that items 12 and 13 be brought forward.
222. Fair Trade
- a. The report by the Fair Trade Steering Group was received and noted.
  - b. It was resolved that the Parish council recommit in principle to support Fairtrade.
  - c. It was resolved that Cllr Atherton be appointed to represent the Parish Council on the Fair Trade Steering Group
  - d. It was resolved that the Parish Council confirm its commitment to including reference to being Fairtrade Town in new Boundary signs.
  - e. It was noted that there had been delays in discussions regarding positions for boundary signs. The meeting requested that Cllr Derehi be asked to expedite.
223. Standing Orders were suspended to allow Nick Brooks, Martin Mere to address the meeting.
224. Branding: It was resolved that the Capital Projects Group:
- a. Investigate funding sources available
  - b. Consolidate residents' business feedback
  - c. Investigate all other options/themes
  - d. Make recommendation to full Parish Council in September 2016
225. To receive a report from the Police:
- a. There was no representation from the Police.
  - b. It was noted that detail was needed to inform the monthly list of crimes.
  - c. It was suggested that trialling an alternative meeting may be more convenient for Police, and the Clerk was therefore asked to arrange a meeting with an officer perhaps at Skeimersdale or Ormskirk
226. County Councillor Derehi's report was noted.
227. Standing Orders were suspended to allow Borough Councillor David Evans to address the meeting.
228. Cllr Evans provided a verbal report.
229. Finance:
- a. It was resolved that the remaining £130 of grant funding for Friends of Richmond Park be released.
  - b. It was resolved that the following items be approved for payment

Employee 5	expenses/re-imburements	276.25
Employee 2	salary	285.37
Employee 5	salary	1507.16
HMRC	tax and NI	518.19
Peoples pension	pension	414.42
NRE	office lease	460.00
Champion	newsletter	132.68
Edan Gardening Services	footpaths	200.78
CASS	neighbourhood plan	806.64
Hodgson Tool Hire	tool hire	84.00

CPRE	membership	36.00
Zurich	insurance	1017.90
Zurich	insurance- additional costs	44.65
Desktop	stationery	20.63
Alpha Business Products	photocopier/printer	600.00
LAMCTP	Councillors' training course	63.00
KC Computers	printer ink	14.99
Wilkins	contract Mere Ave	658.34
Wilkins	contract planters	663.35
Wilkins	ad hoc watering/hours	192.00
Wilkins	repairs to waste bins	75.00
Yates	clever spid deployment	266.40
Yates	simple spid deployment	158.40
Yates	playground inspections	114.00
Friends of Richmond Pk	final part of grant	130.00
CILCA	training course	250.00
<i>Total</i>		<i>8990.15</i>

230. Capital Projects Working Group:

- a. It was noted that an amendment was required to the notes of the Capital Projects Working Group as follows: That Cllr Crawford was appointed as Vice Chairman
- b. It was resolved that the terms of reference be amended to read:
 

Scope of work

  - i. *WE recognise that it is not always clear which projects should be directed via the Capital Projects group. Capital projects includes any project which is innovative, substantive, structural and leaves a legacy, for clarity this test should be applied at parish council meeting at the first opportunity.*
  - ii. To identify projects
  - iii. To consider feasibility
  - iv. To evaluate projects
  - v. To work with partners to bring schemes forward,
  - vi. To work to develop schemes that are both in the Parish Council's ownership and where they are owned and operated by a third party (ownership is not an issue) or equally to encourage others to develop infrastructure
  - vii. and to consider terms of reference to recommend to Parish Council
  - viii. to work up projects ready for when funding becomes available
  - ix. to project manage projects to completion
- c. It was resolved that request be made to WLBC that S106 and CIL be allocated as follows
  - a. Section 106 - £64,000 Burscough East for open space- that no more than 50% of brickpits costs to be taken from Section 106, and that BPC work with WLBC to find the balance from external funding, and that £50,000 be allocated between tow path improvement and cricket club, together with existing any CIL funding available.
  - b. It was resolved that CIL receipts of £15,463 and £2,209 in Burscough West should be allocated to Mere Avenue Play area improvement scheme.
- c. It was resolved that a bid be submitted to A4A for a Feasibility study for a skate-park and youth provision, that will provide a quality piece of evidence and will establish a methodology for youth engagement

- d. It was resolved that members of the public be excluding from discussion regarding the following item (Burscough Interchange) due to commercial sensitivities.
- e. To consider taking ownership of Burscough Interchange:
  - i. The Clerk expressed concern regarding Cllr Bell's position, in that he may have a pecuniary interest in the item to be discussed as the Chairman of Burscough Moving Forward, a community organization with an interest in bidding for the asset, and asked that this be dealt with prior to discussion of the item. Cllr Bell advised that while Burscough Moving Forward had submitted an expression of interest; that it was unlikely they would proceed to bid for the asset.
  - ii. The Clerk provided the following advice:
    - 1. That Cllr Bell, having submitted an expression of interest and without clarity about whether or not he would submit a bid, has a conflict of interest, and on that point it is his own decision to withdraw or not.
    - 2. That the Parish Council, recognizing a conflict of interest and taking on board Cllr Bell's discussion points, may be influenced, giving rise to a resolution that could be challenged.
    - 3. That the Parish Council is in danger of discussing a commercially sensitive item in the presence of a potential competitor (albeit a Parish Councillor) who may then gain commercial advantage from the discussion.
    - 4. It is recommended that the Parish Council consider carefully points 2 and 3 above before deciding whether or not to proceed in discussing this item.
  - iii. Cllr Bell left the meeting.
  - iv. It was resolved that this Parish Council accept the recommendation of the Capital Projects Group as follows:
    - 1. That in its present form it should be considered too risky: The liabilities are too great – eg demolition costs, fencing, maintenance;
    - 2. Although the building is offered at no cost, the costs that the Parish Council would need to incur are impossible to quantify, and where they can be easily forecast, costly;
    - 3. That
      - a. The offer set out in the asset transfer document is beyond what was anticipated – based on meetings with LCC officers and members, we expected to receive details relating to the transfer of the building only;
      - b. If the offer relates only to the building, costs are still very significant;
      - c. The Parish Council would need a clear plan/vision for its use and potential revenue before submitting a bid;
      - d. If LCC respond with a different offer – eg peppercorn rent but LCC retain the liabilities, it should be considered again.

231. Armistice Day/Remembrance Sunday Arrangements:

- a. It was resolved that a donation of £500 be made to the Royal British Legion (LGA 1972 S137)
- b. It was resolved to defer consideration of arrangements for service at Ringtail Memorial and refreshments to investigate alternatives regarding refreshments.

232. SPIDS: It was resolved that the installation of post for solar spid at a cost of £750 plus VAT, on the basis of the post being in Parish Council ownership was acceptable.

233. Membership of Planning Committee: deferred

234. It was resolved that the Parish Council afford support to the Cricket Club in developing their Development Project.

235. To consider arrangements during summer recess as follows:

- a. Planning matters: It was resolved that authority to comment on planning matters be delegated to the Clerk in consultation with Chairman and Chair and Vice Chair of Planning Committee
- b. Finance: It was resolved that authority to approve payments be delegated to Clerk in consultation with two signatories.

**236. Burscough Flood Group:**

- a. It was noted that a new group had been set up named Burscough Flood Group and that the group was making good progress. It has linked in to an existing group, W L Flood Group.
- b. It was resolved to write to Rosie Cooper MP to request a seat at future W L Flood Group meetings, and to ask for copies of past minutes and future agendas.
- c. It was resolved that rather than provide a grant, in this particular case
  - i. the Parish Council purchase 1 plan at £96 to remain in the ownership of Burscough Parish Council, and for use of Burscough Flood Group as required, and
  - ii. The Parish Council purchase leaflets and distribution to a maximum cost of £250.00 to inform members of the public about flooding issues.

**237. Assets of community value:** It was resolved that request be made to WLBC that the following buildings be registered as assets of community value:

- a. Burscough Library including outbuildings/stables, Mill Lane
- b. The Grove Youth and Community Centre
- c. Older People's Club
- d. Royal British Legion

**238. PO 2017/8 Plantscape:** To consider report (circulated) and actions arising: It was resolved that displays be accepted in line with budget provision.

**239. Next Meeting:** It was noted that the date and time of the next meeting is 7 pm 14<sup>th</sup> September 2016.

**Sent:** Tuesday, May 30, 2017 2:00 PM  
**To:** Nick Brooks  
**Subject:** Re: Councillor Bell complaint

Dear Mr Brooks,

Thank you for your email. I indicated in my letter of 10 May that I intended finalising the report after 24 May and, as there was no response from either you or Councillor Bell, I have sent the report on to the Monitoring Officer. I will copy your email and this reply to him.

Yours sincerely,

Mike Dudfield

**From:** Nick Brooks  
**Sent:** Tuesday, May 30, 2017 1:28 PM  
**To:** Mike Dudfield  
**Subject:** Councillor Bell complaint

Dear Mr Dudfield,

Unfortunately, your letter, dated 10<sup>th</sup> May, has only just arrived on my desk, apparently having been misfiled while I was away on holiday. So, I am sorry not to have responded to you sooner.

I have read through the document and believe it is a reasonably fair assessment of the case. I can see how you arrive at your conclusions, but do think there is a hair's breadth between some of the decisions as to what does and does not constitute bullying and disrepute. I obviously lie on one side of that line and your decision on the other. I would ask you to consider how such behaviour in the council meeting could not fail to intimidate and change other people's behaviours during a debate if they are faced with the type of outburst that Mr Bell exhibited. The councillors may have become used to this behaviour and their threshold for being intimidated has risen, but please consider a more timid member of the public than me facing such an outburst. If you believe that such behaviour would not affect anybody then it is not bullying, but if you conclude that people could be affected by such intimidating behaviour then it has to be a form of bullying. I have no doubt that many people would be affected.

I also can't agree that shouting a raging "Fucking Hell" in the middle of a council debate does not bring the office into disrepute. Dennis Skinner has fallen foul of disrepute charges in the House of Commons on many occasions for far less demonstrative actions. If the council debate had been televised, I'm sure there would be a majority of the electorate that would agree with the disrepute charge. Surely, the fact that the audience was in a closed room, and limited in number, should not affect that outcome.

However, my reason for making this complaint is to ensure that the behaviours shown by Mr Bell in the future are of a standard expected of their office. That our evidence has been accepted, one of the counts upheld and a summary that suggests to the council that it should look at behavioural training will, I am sure, help to ensure that this type of behaviour is eliminated.

Thank you for your careful consideration and judgement in this matter.

Best regards

Nick Brooks

**Nick Brooks**  
General Manager

**WWT Martin Mere Wetland Centre**  
Fish Lane, Burscough, Lancashire L40 0TA



First, I accept that my behaviour at the Parish Council was wrong. I was upset that the Chair would not permit me to ask further questions when the subject of branding Burscough as the 'Home of the Whooper Swan' was being discussed. Mr. Brooks had been permitted to make a presentation to the council. I felt extremely strongly that Mr. Brooks had made some claims that were at least misleading. However, I should not have reacted in the way that I did; I agreed to apologise and remained in the meeting.

Secondly, I totally disagree with the comments made by Mr Brooks regarding the meeting I attended at Martin Mere. His comments are full of misrepresentations.

To start with, not only do I not have any animosity towards Martin Mere, I have over the years worked to assist them. I attach two files cx 1 and cx 2; this is a document I wrote in 2009, and the branding of Martin Mere at Burscough Bridge station arose from a meeting I organised between Martin Mere and the marketing people of Northern Rail. Other benefits accrued to Martin Mere from this meeting, including Northern Rail promoting Martin Mere on their website. Also, the tourism development people at Sefton Council were promoting Martin Mere as a day out for visitors to Southport. During these activities. Martin Mere was represented by Victoria Fellowes. I have enjoyed a good working relationship with Victoria for many years.

The invitation to attend the recent meeting at Martin Mere came in the form of a phone call from Victoria, to discuss tourism development – seemingly a natural continuation of this working relationship. No mention was made over the phone of any other person being involved, but on arrival Victoria told me that Mr. Brookes would also attend. I remember having a brief moment of hesitation even then, because of previous experience with him.

The meeting started with Mr. Brooks laying out the proposal to brand Burscough as the Home of the Whooper Swan. I told him I had two concerns.

First, I felt he was overstating the potential benefit to the businesses of Burscough that visitors to Martin Mere could bring. He referred to a study commissioned from Lancaster university that proved the point. I mentioned that I had seen a study from Lancaster university on a similar theme (I did not claim it was the same study, because I am not certain), and the study I had seen included quite a large geographic area. While I could not recall the full geographic area, it certainly included Southport. Mr. Brooks was clearly upset when I suggested that the per person spend by visitors in Burscough would be only a fraction of the figure he had presented to the parish council.

Second, I mentioned that I would not be the only person that believed that promotion of Burscough could better be served through the heritage of the Leeds and Liverpool canal. I told him that some years ago, I was involved with others, including members of the parish council, with a proposal by British Waterways to brand Burscough as 'England's Canal Town'. Mr. Brooks was very dismissive of this as not being unique, but claimed that his proposal would be unique. I did not continue this matter, because it was obvious to me that Mr. Brooks was not willing to listen. My position is that neither proposal is unique.

On the matter of threatening to shoot geese, perhaps this is a case of attempted humour going wrong. There are quite a lot of people in Burscough who have been saying this for some years. Indeed, someone sent me a link to a website advertising shooting trips. All I can say is that Mr. Brooks seems entirely devoid of a sense of humour. Anyone who knows me at all knows that I am a strong supporter of animal welfare, and totally against all forms of hunting.

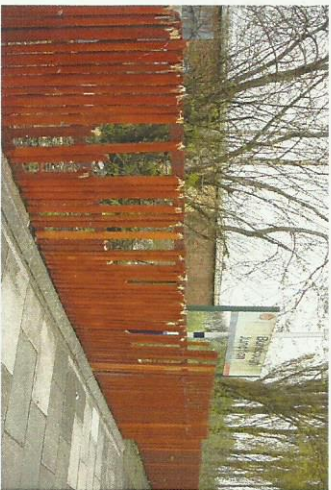
At the end of the meeting, I walked to the exit of Martin Mere with Victoria. I remember clearly commenting to her that Mr. Brooks had been rather aggressive throughout the meeting. Our discussions were, I believe, extremely amicable. I made a particular point of congratulating her on her new family member. You have told me that you have interviewed Victoria – I would really hope she gave you a more balanced view of the meeting than that provided by Mr. Brooks.

One final point about the conduct of both myself and Mr. Brooks during this meeting. Since the meeting was held in a public space – the café at Martin Mere – I think I know enough as to not draw attention to our disagreement in such a setting.



## Our Community Stations

Many of our local stations are looking a lot better than just a few years ago. As well as the work of train companies, a lot of community effort is helping to create a welcoming picture for commuters and visitors.



Before and After. Many partners in the rail industry and government came together to make this happen. Now volunteers from the Friends of Burscough Stations ensure it will be kept in good condition and welcoming.



Anyone who saw the entrance to Croston station only a couple of years ago will realise the amount of work needed to create this welcoming scene. The Friends of Croston Station have worked hard on the gateway to their village, and they have plans for a lot more in the future.

It isn't all hard work. Every year we celebrate our local lines with a Community Rail Gala. In 2009 this is on July 4th - see our web site for details.

And for the first time on our lines, in 2008 we had a Christmas Shoppers Special train, with Santa, singers and mince pies. We hope to do it again in 2009 if it can be arranged.



OPSTA believes strongly that these efforts offer many benefits to the communities served by our railway stations. We encourage you to think about how your community can benefit. If you have any ideas please contact Roger Bell on 01704 897491 or at [roger.bell@lineone.net](mailto:roger.bell@lineone.net).

# Connexion

*the ormskirk, preston & southport travellers' association*

Special Edition

Established 1981 (formerly OPTA)

Summer 2009

Affiliated with Railfuture and Transport 2000

Visit our web site - <http://opsta.iccommunities.co.uk>

Correspondence: 48 Manor Avenue, Burscough, Lancs. L40 7TT

Welcome to this special edition of Connexion, the newsletter of the Ormskirk, Preston & Southport Travellers' Association (OPSTA). We aim to give you a general introduction to our goals and where our projects stand.

## What Does OPSTA Do?

Our mission is simple: *To work for a rail service that meets the need of local people.* To this end, we:

- Lobby for development of the rail network to provide journey opportunities that meet the needs of the 21st century.
- Promote the existing train services to increase patronage in the belief that increased revenue will encourage improved services.
- Encourage local people to get involved with their local station, and make a difference to the gateway to their community.

## Our Community Rail Partnership

The West of Lancashire CRP shares many of OPSTA's goals. Many of our partners are involved in making our local railway better. The CRP provides an excellent forum to work together.

Our paid officers are every bit as keen as we are, and put in a lot more than just 9-5 to make things happen!



Great Northern Days Out  
**Southport**

ALL THIS AND MONEY SAVING VOUCHERS TOO!

Southport  
Partnership Community Rail

[www.northernrail.org](http://www.northernrail.org)





## Lobbying

OPSTA is perhaps best known for its lobbying to get the 'Burscough Curves' open again. If you look at the map on the right, you will see that the two lines cross in Burscough. They used to be connected. There is a clear need to link Southport with Ormskirk and Preston again - it is not coincidental that we show the draft cover of a new marketing leaflet promoting Southport as a destination.

We are certain that a sound business case exists. Now Merseytravel are carrying out a Demand Study on a number of options, including extending the Merseyrail electric network north of Ormskirk.

But the Burscough Curves project is by no means our only goal. There are several other issues we are working on.

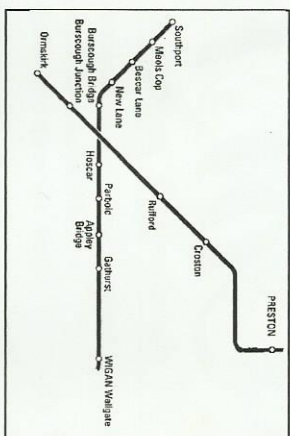
The Ormskirk - Preston line urgently needs a better timetable. Currently trains run on a strange pattern with gaps between trains of anything from 64 minutes to nearly two hours. Network Rail has proposed some track improvements that would enable a regular 'clock-face' hourly service. If this happens, OPSTA will launch a major marketing campaign (see the next page).

Burscough Bridge Interchange offers a great opportunity to develop links to the wider area, including tourist attractions, by better integration of trains and buses. We are working with Lancashire County Council to see how these opportunities can be developed.

Some of our trains are old and lacking in passenger comfort. The Government has announced that new trains are on the way, and we shall lobby to get at least some improvement in the quality of our trains.

We talk regularly with Northern Rail to get a more reliable service. While we are delighted to report that performance is now better than for many years, there are still a number of areas for improvement.

These are just some of the areas where OPSTA is trying to make a difference. With nearly 300 members, we get a lot of input. But we very much welcome your comments and complaints - and support!



The Ormskirk to Preston line is now branded 'The West Lancashire Line', and is being proposed for formal designation as a Community Railway.

The Southport to Wigan line is the focus of a number of efforts to increase passenger levels. With the Manchester conurbation at the end of the line, the opportunity to grow traffic is considerable.

## Promoting Our Railway

A big part of our work is promotion of our local train services. Every line has opportunities, and we see tourism as a key. Here are two examples.

Southport is a major resort destination. As part of Merseyside, it is well promoted by Merseyrail, but OPSTA is very involved in promoting the line from Manchester. The leaflet shown on the front cover is the first result. We are also helping to find funding to 'wrap a train' as an advert for Southport.



Martin Mere is part of the Ribble Coast and Wetlands area, one of Europe's most special places for wildlife. An average of 340,000 avian visitors per year make it one of the most important wetland places in Britain for migratory and breeding birds. The area's environmental significance together with its location between Merseyside and the Lake District resulted in its being recognised as a potential regional park for the North West and linking Burscough Bridge Station to Martin Mere is a key project outlined in the business plan for developing the Ribble Coast and Wetlands regional park.

WWT Martin Mere has received grants to improve the public transport routes from Burscough Bridge Station to the Martin Mere Centre along the main train route from Southport and Manchester. With these grants, we will see a well signposted trail from the station to utilise the existing public footpaths; promotion of the bus service; improved signage on Burscough Bridge Station; and the creation of a cycle hire facility from the village.

Our next project is to promote the Ormskirk - Preston line through the full involvement of each community on the line. Recently we heard Lord Adonis comment on the lack of information at some of the stations he visited. Well, we already are planning to remedy that. Since each community has something special to offer, we believe it will be a great project to get local people to develop a 'WELCOME TO...' Information display at every station. At the same time we will be working with local people to develop a brochure advertising all the benefits of the train service. To put it simply, research tells us that lots of people don't even know how attractive an option to the car our trains can provide!





**FORM A PARISH COUNCILLOR .....**

Please enter the number of any paragraph where you disagree with the findings of fact in the Investigator's report, and give your reasons and your suggested alternative.

**Parish Councillor's response to the evidence set out in the Investigation report**

Paragraph number from the Investigation report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
4	I have provided evidence of a long-standing relationship with Martin Mere through my work with OPTSA. I remember very clearly that the request for a meeting came via phone from Ms. Fellowes and made only a reference to 'tourism development'. I assumed this would be a continuation of similar earlier discussions.	The only correct finding is that I attended as a member of OPSTA, in continuation of previous discussions.
4	If the above evidence is accepted, then the code of conduct cannot apply to the meeting on June 30 2016.	Reference to the meeting on June 30, 2016 should be deleted.
4	Alternatively, if the code of conduct does apply to this meeting, then I rebut the description of the meeting by Mr. Brookes. There was a frank exchange of views. Specifically, his summary dismissal of the 2 points I was concerned about would suggest only a robust disagreement, not rudeness.	Reference to the meeting on June 30, 2016 should be deleted.

To be returned to:

Please attach separate sheets if necessary.

Member Services, 52 Derby Street, Ormskirk L39 2DF

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you.

Other evidence relevant to the complaint

Paragraph number	Details of the evidence
1	A copy of an OPSTA leaflet sent as files cx.1 and cx.2 which, among a general outline of OPSTA activities described previous efforts to promote Martin Mere.
2	In Appendix E of the examiner's report, the submission by Cllr. Crawford, para. 7 it states that I 'was not able to get my way'. This is in fact the one documented example of the chairman's failure to follow standing orders.
3	The reference to 'shooting the geese' was meant solely as a humorous comment. It was not my original idea. With the number of planning applications in the area being delayed by issues over the geese it has become a joke in the village. Someone sent me this link: <a href="http://www.icelandhuntingguide.com/pink-footed-goose-hunting/">http://www.icelandhuntingguide.com/pink-footed-goose-hunting/</a>
4	I have concerns about the concept of branding Burscough as the 'Home of the Whooper Swan'. I made 2 points to Mr. Brookes during the meeting of June 30, 2016.  The first is a basic disagreement about this particular branding, This email is typical of the comments I have received:  I have been aware of this idea of branding

Burscough for some time. But branding our village with a lie has to be the worst idea possible. Burscough is not the 'home' of the Whooper Swan, no matter how much Martin Mere would like it to be.

The whooper swan's origins are from Iceland and is the national bird of Finland.

What is the connection to Burscough apart from Martin Mere where these migrate for a few months a year before returning to Iceland?

Burscough has a great history from Farming (the origin of the area), Military (Army Ordnance Depot, HMS Ringtail, Remount Depot), Transport (railways, canal), and many industries etc.....

Surely there must be something there in Burscough's history that can be used to 'brand' Burscough.

Sorry that I don't agree with 'Home of the Whooper Swan', its dreadful. Please come up with some other options for 'branding' Burscough and let the PEOPLE of Burscough decide (maybe by a vote). Even put the idea out on social media to gain valuable feedback to actually see what people think.

Regards

(name removed)

Mr. Brookes was totally dismissive of this view, claiming it was 'not unique'. A quick search of the Internet would equally show that the Whooper



	<p>Swan is not unique to Burscough.</p> <p>The second relates to the benefit to Burscough of such a branding. This is an extract from a statement made by Mr. Brookes to the Champion:</p> <p>“Lancaster University's business school did a research project and found that Martin Mere was worth £5million a year to the local economy – we need to make use of this money in the village.”</p> <p>I have seen a report by Lancaster University on a similar theme. I do not claim it is the same report, but it possibly is. In the report I have seen, the geographical area covered is considerably wider than Burscough. It certainly includes Southport and may go as far as Liverpool. Therefore the figure of £5m is not the amount spent in the Burscough local economy. Mr. Brookes was unwilling to even consider the point.</p>
5	

Please attach separate sheets if necessary.

To be returned to:  
Member Services, 52 Derby Street, Ormskirk L39 2DF

**FORM C PARISH COUNCILLOR .....**

Please set out below, using the numbered paragraphs, any factors that the Hearing Sub-Committee should take into account if it finds that a Parish Councillor has failed to follow the Code of Conduct.

**Representations to be taken into account if a Parish Councillor is found to have failed to follow the Code of Conduct**

**Please note that no such finding has been made yet.**

Paragraph number	Factors for the Sub-Committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, suspension or partial suspension
1	<p>I have accepted the charge of being rude to the chairman of the parish council. This arose from frustration from the consistent failure of the chairman to follow standing orders which had built up over time.</p> <p>However, the chairman Mr. Bullen has recently resigned from the parish council. I therefore see no possibility of a recurrence of my action.</p>
2	<p>I will make this commitment. I will never in the future attend any meetings where Mr. Brookes is present, other than taking part in normal parish council discussions. Based on quite a history with Mr. Brookes, where I have found him to be aggressive and difficult – both at Martin Mere and his previous post at Rufford Old Hall, I really don't wish to expose myself to this again.</p>
3	
4	
5	

Please attach separate sheets if necessary.

To be returned to:  
Member Services, 52 Derby Street, Ormskirk L39 2DF

# FORM D

## Arrangements for the Sub-Committee Hearing

Please tick the relevant boxes and return to Member Services, 52 Derby Street, Ormskirk.

<b>1</b>	<b>Are you planning to attend the sub-committee hearing on the proposed date in the accompanying letter?</b>  If <b>'No'</b> , please explain why.	<b>Yes</b> x <input type="checkbox"/>  <b>No</b> <input type="checkbox"/>	<b>Reason:</b>
<b>2</b>	<b>Are you going to present your own case?</b>	<b>Yes</b> x <input type="checkbox"/>  <b>No</b> <input type="checkbox"/>	
<b>3</b>	<b>If you are not presenting your own case, will a representative present it for you?</b>  If <b>'Yes'</b> , please state the name of your representative.	<b>Yes</b> <input type="checkbox"/>  <b>No</b> <input type="checkbox"/>	<b>Name:</b>
<b>4</b>	<b>Is your representative a practising solicitor or barrister?</b>  If <b>'Yes'</b> , please give their legal qualifications. Then go to <b>Question 6</b> .  If <b>'No'</b> please go to <b>Question 5</b> .	<b>Yes</b> <input type="checkbox"/>  <b>No</b> <input type="checkbox"/>	<b>Qualifications:</b>

<p><b>5</b></p>	<p>Does your representative have any connection with your case?</p> <p>If <b>'Yes'</b>, please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p><b>6</b></p>	<p>Are you going to call any witnesses?</p> <p>If <b>'Yes'</b>, please fill in Form E.</p>	<p>Yes <input type="checkbox"/></p> <p>No x <input type="checkbox"/></p>	
<p><b>7</b></p>	<p>Do you, your representative or your witnesses have any access difficulties? For example, is wheelchair access needed?</p> <p>If <b>'Yes'</b>, please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No x <input type="checkbox"/></p>	<p>Details:</p>
<p><b>8</b></p>	<p>Do you, your representative or witnesses have any special needs?</p> <p>For example, is an interpreter needed?</p> <p>If <b>'Yes'</b> please give details</p>	<p>Yes <input type="checkbox"/></p> <p>No x <input type="checkbox"/></p>	<p>Details:</p>
<p><b>9</b></p>	<p>Do you want any part of the hearing to be held in private?</p> <p>If <b>'Yes'</b>, please give reasons.</p>	<p>Yes x <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons: Because of possible legal actions being taken against certain persons named in the papers for this complaint, I request that any reference to discussions on Burscough Football Club be held in private.</p>

<b>10</b>	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If <b>'Yes'</b>, please give reasons.</p>	<p><b>Yes</b>  <input checked="" type="checkbox"/></p> <p><b>No</b>  <input type="checkbox"/></p>	<p><b>Reasons:</b>  For the same reasons as above, I request that any part of the documents relating to Burscough Football Club be withheld.</p>
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## FORM E

### Details of proposed witnesses to be called

<b>Name of witness or witnesses</b>	1		
	2		
	3		
<b>Witness 1</b>			
<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If <b>'Yes'</b>, please provide an outline of the evidence the witness will give.</p>	<p><b>Yes</b>  <input type="checkbox"/></p> <p><b>No</b>  <input type="checkbox"/></p>	<p><b>Outline of evidence:</b></p>

<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
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## Witness 2

<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>



### Witness 3

<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>

(Please return to Member Services, 52 Derby Street, Ormskirk, West Lancashire L39 2DF)



**Griffiths, Susan**

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**From:** Mike Dudfield <[REDACTED]>  
**Sent:** 26 August 2017 12:37  
**To:** Griffiths, Susan  
**Subject:** Re: Hearings Sub-Committee 22 September 2017  
**Attachments:** Response to Bell's submission - 23.08.rtf

Sue,

Thank you for this and the previous emails. Attached is my response to Councillor Bell's statement and Forms A-C. In response to your questions -

1. I do not intend calling any witnesses.
2. I do not intend asking for any part of the hearing to be in private. There is no reference in my report or any of the appended documents to any subject matter concerning legal proceedings involving the Football Club and I am not aware of any such proceedings. Councillor Bell's statement has two paragraphs specifically relating to his involvement with the Football Club none of which appears to me to be either sensitive or prejudicial to the future of the Football Club. Logistically, it would be very difficult for a hearing to be stopped (and the press and public removed) on each occasion anyone wants to refer to the Football Club.
3. I do not intend asking for any part of the report or appended documents to be withheld from the public.
4. I do not intend calling any additional witnesses.

When you send the papers to the Standards Committee members, can you please send a hard copy to me so that I have the full papers in the same format and page documentation that the Committee has. My home address is [REDACTED]

Thanks

Mike

**From:** Griffiths, Susan  
**Sent:** Friday, August 18, 2017 3:44 PM  
**To:** Dudfield, Mike  
**Subject:** Hearings Sub-Committee 22 September 2017

Hi Mike,

I attach letter in relation to the above Hearing.

I have sent the same information in an e-mail, however in order to follow the formal process I have replicated this in a letter.

Kind Regards, Sue

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## West Lancashire Borough Council

### Standards Complaint - Councillor Roger Bell, Burscough Parish Council

#### Response to Councillor Bell's submissions

##### Meeting on 30 June 2016

Councillor Bell raises the question of the capacity in which he attended this meeting claiming that he was invited as a representative of OPSTA. It is disappointing that Councillor Bell raises that issue now when he could have raised it earlier. It was raised in his privileged email to me of 04 April and, in my reply of 05 April, I asked him questions so that I could investigate his claim. I received no response to that email and no response to the draft report which was sent to him on 10 May. I have recently spoken to Ms Fellowes regarding Councillor Bell's claim. When I mentioned OPSTA Ms Fellowes asked what it was because she had never heard of the organisation. She told me that the previous meetings in which she had been involved concerned the relationship between Martin Mere and the footpath to the railway station and other marketing matters involving Martin Mere and Burscough. She was aware that Councillor Bell was a Parish Councillor but not that he held any other representative position. She accepts that her telephone invitation to Councillor Bell was to discuss marketing matters and did not specifically refer to his position as a Councillor. He had been invited with the other Parish Councillors on a previous occasion but had not attended.

As to the conversation that took place between Councillor Bell and Mr Brooks, prior to undertaking any interviews, I received a telephone call from Councillor Bell and one of the points that he made was to request that I interviewed Ms Fellowes. In her statement Ms Fellowes confirms that Councillor Bell made the reference to shooting all the pink-footed geese on several occasions and that he related it to his views regarding the Football Club's proposal for a new stadium. She goes on to say that she felt uncomfortable at what Councillor Bell was saying and that his attitude was aggressive. This does not seem to suggest the making of a humorous comment.

##### Parish Council Meeting on 13 July 2016

Councillor Bell does not deny swearing and he accepts that he was rude to the Chairman of the Parish Council. He seeks to blame that on the Chairman's 'consistent failure to follow standing orders'. Regardless of the reason for his behaviour, if he was disrespectful to the Chairman it must follow that his conduct was disrespectful to the other Parish Councillors present and Mr Brooks whose proposal was being debated.

The majority of Councillor Bell's response centres on his disagreement with Mr Brooks' proposal regarding the branding theme which he had proposed to the Parish Council. Councillor Bell had the right at the meeting to question the proposal. The issue I have investigated is the manner in which he did that and his conduct in a public meeting when members of the public were in attendance. It is not part of my remit to consider the validity of the proposal.

Mike Dudfield  
26 August 2017

## Appendix 6

Subject Member: Councillor R. Bell

Complainant: Mr. N. Brooks

Independent Person: Mr. S. Ibbs

As the appointed Independent Person for W.L.B.C. I have been made aware of the complaint from Mr Brooks and of the actions taken.

In giving due consideration to the complaint and the direction it is taking I am helped considerably by the investigation report from the Investigating Officer, Mike Dudfield.

I find I have no difficulty in agreeing with the conclusions the Investigating Officer makes at para. 4(a) and 4(b) of his report. I will not repeat that detail here.

With regard to the conclusions at 4(c) and 4(d) I have additional comment as below.

In the matter of bullying, 4(c), I consider that in the case of this complaint the judgement will be subjective. On the one hand the actions of Councillor Bell, at the meeting on 30th June 2016, could be regarded not as bullying but as a child-like tantrum. Viewed differently definitions of the term bullying include intimidation, browbeating and harassment. Bullying is without question unwanted aggressive behaviour. Statements made to the Investigating Officer indicate the behaviour of Councillor Bell was both aggressive and unwanted. There can be no explanation for such behaviour unless it was for the purpose of intimidating one or more persons present at the meeting. When I consider the difference between petulance and bullying I remind myself Councillor Bell is elected to public office and his behaviour should be judged accordingly. I would not reach the same conclusion as the Investigating Officer although I respect the views expressed at para. 28 / 29 of his report.

Next I consider the matter of disrepute, 4(d), and note not only the Investigating Officer's conclusions but also the reasoning at paragraphs 30 / 31 of his report. He appropriately highlights the higher level of threshold to section 5 of The Code of Conduct. The difficulty I have is whether or not it is proper to confine my thoughts to the meetings of 30th June (Wetlands Centre) and 13th July (Parish Council) or look at the wider picture. If I confine my thinking then I must agree with the Investigating Officer. Councillor Bell may well have brought himself as an individual into disrepute but that is entirely a different matter. However those in public office are expected to demonstrate a high standard of professional behaviour. High standards are the nub of the councils Code of Conduct. From all the statements to the Investigating Officer it is clear Councillor Bell not infrequently falls short in this regard. Because the complaint doesn't focus on a one-off event I consider his lack of restraint does bring his Office into disrepute and

furthermore the Parish Council, being aware and not taking action, are also put at risk. I should acknowledge the Investigating Officers observation about Councillor Bell being elected even if he is known to 'lose it' on occasions. I give little weight to this as there are many reasons why an individual is elected and those reasons have not been, nor should they be, considered with this complaint.

Stuart Ibbs

Independent Person W.L.B.C.

## CONFIDENTIAL INFORMATION AND EXCLUSION OF THE PUBLIC

### Excluding the public from hearings

Hearings will be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

- 1 At the hearing, the Sub-Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the *Local Government Act 1972*. If the Sub-Committee considers that 'confidential information' is likely to be revealed during the hearing, the committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
- 2 The Sub-Committee also has the power to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are listed below:

**Categories of exempt information** under Schedule 12A of the *Local Government Act 1972*

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes:
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

3. The Sub-Committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by

an independent and unbiased tribunal. The committee also has a duty to act fairly and in line with the rules of natural justice.

4. Article 6 says that the public may be excluded from all or part of the hearing if it is in the interests of:
  - a morals;
  - b public order;
  - c justice;
  - d national security in a democratic society; or
  - e protecting young people under 18 and the private lives of anyone involved.

There should be a public hearing unless the Sub-Committee decides that there is good reason, which falls within one of the five categories above (a to e), for the public to be excluded.

- 5 The Sub-Committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to 'receive and impart information and ideas without interference by public authority'. Any restrictions on this right must be 'prescribed by law and...necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary'.

- 6 Conflicting rights often have to be balanced against each other. The committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Sub-Committee) may interfere with this right unless it is:

- a in line with the law; and
- b necessary in a democratic society in the interests of:
  - i national security;
  - ii public safety;
  - iii the economic wellbeing of the country;
  - iv preventing crime or disorder;
  - v protecting people's health and morals (which would include protecting standards of behaviour in public life); or
  - vi protecting people's rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

- 7 In relation to people's rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be 'necessary in a democratic society'. A measure will only be 'necessary' if it meets 'a pressing social need', and any restriction on people's rights must be 'proportionate'.



- 8 The Sub- Committee will move to a private room when considering its decisions, they do not consider that this will conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

