

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.

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

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 30th 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

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

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

09/05/2017

Mike Dudfield

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

09/05/2017

Mike Dudfield

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

09/05/2017

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.....

F

Mike Dudfield
Solicitor

Local Government Consultant

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

F

Mike Dudfield
Solicitor

Local Government Consultant

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