



HEARINGS SUB COMMITTEE: 22 SEPTEMBER 2017

PRE-HEARING PROCESS SUMMARY

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