

Appendix

7

WITNESS STATEMENT



Statement of: LYNN BALL

Age is under 18: Over 18

Occupation: Monitoring Officer
of Isle of Anglesey County Council

This statement (consisting of 14 page(s) each signed by me) is true to the best of my knowledge and belief

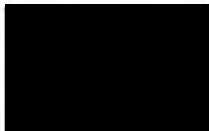
I Lynn Ball, Monitoring Officer of the Isle of Anglesey County Council (the Council) make this statement in support of a complaint that Councillor Elwyn Schofield has breached the Code of Conduct for Members.

My employment with the Council began in November 2001, when I was appointed as the Deputy Monitoring Officer and Legal Services Manager. I was then appointed to the role of Director of Legal and Committee Services and Monitoring Officer in November 2004. I consider that I am experienced in the role of Monitoring Officer and in terms of the running and the politics of the Council.

Councillor Schofield has been a member of the Council throughout my employment. I understand that Councillor Schofield has been a member of the Council, and of its predecessor, for many years but I am not aware of the date of his initial election to office.

Throughout my employment with the Council, and in each of the roles which I have held, I have had regular contact and dealings with Members generally. Over the years I have had direct involvement with Councillor Schofield and recall his regularly seeking my advice, and that of my predecessor, and then line manager, Ms Julie Openshaw.

In the early years of my employment with the Council I would say that I had a good relationship with Councillor Schofield and that there were no difficulties between us. At

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that stage he probably sought advice from me, and my colleagues in the Legal Section, more often than any other Member. In doing so, his manner was never aggressive or unpleasant. He would certainly never shout or bully, although he was very demanding as he visited us often, and his usual approach was to be relentless in his pursuit of any issue, and to change the parameters of his questioning during the course of discussion. This was his way of working with me, my predecessor, and other Officers, as he tried to secure whatever advice or opinion he was seeking to advance his particular cause.

While Councillor Schofield's conduct is frequently challenging, many of the issues that he raises are legitimate and valid. It is not the asking of the questions that is the problem but rather his refusal to accept the answer if the answer is not what he wants to hear. This is when he attempts to force others to change their minds. This may be a legitimate political tactic but it is not an appropriate way of dealing with Officers.

When I was Deputy Monitoring Officer and Legal Services Manager I was involved in defending judicial review proceedings which Councillor Schofield sought to bring against the Council and the (then) Monitoring Officer as a named co-defendant. The application for judicial review filed by Councillor Schofield's Solicitors related to a decision taken by the Standards Committee, on the advice of the Monitoring Officer, in respect of complaints lodged against three other County Councillors. At the outset of the proceedings I drafted a Part 36 letter which set out the weaknesses in Councillor Schofield's case and made a "drop hands" offer for him to discontinue the proceedings without any adverse costs order. The Part 36 offer was rejected and Councillor Schofield instructed his Solicitors to continue the litigation. The application was thrown out and I subsequently pursued the recovery of the Council's costs against Councillor Schofield. The matter was settled by a Consent Order approved by the Court. As a consequence, Councillor Schofield was required to discharge the Council's costs, as well as his own. I believe that my role in defending those proceedings initiated Councillor Schofield's animosity towards me. I am certainly unable to think of any other trigger. The Consent Order, bringing the judicial review to an end, was dated the 23rd June 2004.

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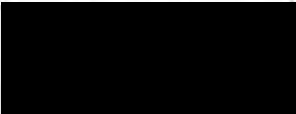
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In October 2004 my line manager left the Council. I acted up as Monitoring Officer and was shortlisted for the permanent post. On the day before my interview, by the Appointments Committee, I was advised by the Council's (then) Managing Director, Mr Geraint Edwards, that Councillor Schofield had complained to him that the recruitment process had been tainted as a result of interference by Councillor Gareth Winston Roberts; at the time the Deputy Leader of the Council.

I had no direct involvement at all with Councillor Schofield over this issue and I have no recollection of our ever having spoken about it. All communications came to me through Mr Geraint Edwards. Mr Edwards decided to commission an independent review of the appointments process, and instructed Peter Jones of Eversheds LLP to undertake the investigation. I was also subsequently advised by Mr Edwards that Councillor Schofield had complained about the investigation being conducted by Eversheds LLP, claiming that they were not sufficiently independent, as I had been employed by them as a trainee solicitor. There was significant publicity about the issue and Councillor Schofield expressed his concerns during a television interview.

However, the report produced by Peter Jones confirmed that there had been no interference in the process and no impropriety. Following receipt of that report, which I understand was shared by Geraint Edwards with the Appointments Committee, I was interviewed by that Committee and appointed to the post. I was advised that Councillor Schofield, who was a member of the Appointments Committee, refused to participate in the interview process as he was not satisfied with the independence or the outcome of the investigation.

A few months after my appointment, and following a County Council meeting on 3rd May 2005, it was necessary for me, in my role as Monitoring Officer, to make a complaint to the Public Services Ombudsman for Wales (PSOW) concerning untrue claims that had been made by Councillor Schofield during the Council meeting. While that investigation was conducted I had no, or no significant, dealings with Councillor Schofield. The PSOW brought his investigations to an end on the 22nd March 2007, as a result of Councillor Schofield's continuing ill health and absence from the Council; his term of office having

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been specifically extended, on his application, by the County Council in a meeting which had taken place on the 6th March 2007.

Following the Council's confirmation that it would not pursue judicial review proceedings against the PSOW's decision, Councillor Schofield returned to Council duties at the beginning of August 2007.

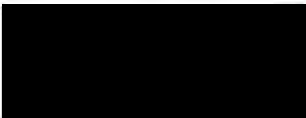
Upon his return to the Council, Councillor Schofield was a backbencher and I recall having few dealings with him during this period.

However, following the local government elections in May 2008, Councillor Schofield's (then) Group formed a ruling coalition with Plaid Cymru and Councillor Schofield was appointed to the Executive holding the portfolio for Property and Smallholdings.

After May 2008 I believe that, when the opportunity arose, Councillor Schofield began to target me over trivial matters and take issue with my advice generally. I believe there is a reasonable basis to conclude that he did so for personal reasons.

An example of Councillor Schofield's conduct towards me was observed at a meeting of the Executive on the 8th September 2008. Dr (now Professor) Zoe Radnor, who subsequently became a member of the Council's Recovery Board following Ministerial Intervention, was present as an observer at the meeting. On that occasion I had submitted a report to the Executive recommending minor constitutional changes with regard to the resolution of maladministration complaints. The suggestion had been made by the Deputy Monitoring Officer and Legal Services Manager. I attach as Exhibit "LB1" a detailed analysis of the processes which I was compelled to follow in trying to get a decision on this. It was a very straightforward issue and not controversial in any way.

However, at the meeting on the 8th September 2008, when this item was under consideration, Councillor Schofield took a disproportionately challenging approach and was relentless in his questioning of the proposals. I felt that he was deliberately trying to harangue me and that he had adopted this line as the report was prepared by me. There


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was a lot of time wasted in trying to deal with something so minor. I formed the view that this was a pretext for a personal attack on me as the matter under consideration did not warrant the difficulties that it caused. I felt exasperated after the meeting. It was a very tiresome process, particularly when work had been undertaken to no purpose. I am not suggesting that Councillor Schofield, or others, should not be asking questions or seeking clarification but it was clear that Councillor Schofield viewed the recommendation as the Council's Legal Section trying to exert an unreasonable degree of control over something hugely important when, in reality, it was about settling very minor compensation claims following recommendations from the PSOW. Councillor Schofield's behaviour was wholly unreasonable given the reality of what was actually under consideration.

Following the meeting on the 8th September 2008 I went straight into a Corporate Management Team (CMT) meeting, comprising the Managing Director, the Corporate Directors, the Head of Service (Policy) and myself. Professor Radnor also came to the meeting and this was the first time I had ever met her or spoken to her. Professor Radnor was setting up a workshop between the Executive and CMT, to develop corporate priorities and vision. Professor Radnor had said to me before the formal meeting began, following her observations at the Executive that: "he doesn't like you does he that Councillor Scarfield". During the formal meeting of the CMT Professor Radnor explained that she had wanted me to facilitate one of the workshops at the joint Executive / CMT meeting but that having seen Councillor Schofield's hostility towards me in the earlier meeting she no longer thought that would be a good idea. I recall that the Head of Service (Economic Development) was brought in instead to undertake my role.

On the 17th September 2008 I was called into a meeting by the Council's (then) Managing Director, Derrick Jones, and external Auditors, Ian Howse and Gareth Jones, from PricewaterhouseCoopers (PwC). It was an impromptu meeting that was convened at very short notice by Mr Jones. I was informed that the two Auditors had been in a meeting with the Executive that morning and had advised Mr Jones that they needed to meet with him, and with me, prior to a formal meeting of the Audit Committee which was due to take place that afternoon. During the meeting with the Auditors, Mr Jones and I were told that some members of the Executive expressed a significant degree of ill feeling towards Mr

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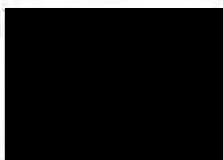
Jones and me. We were told that the Executive were targeting us and wanted us sacked. The Auditors said that Councillor Schofield was leading the attack.

It was during this meeting that I first became fully aware of Councillor Schofield's ill will towards me. Up to that point I was only aware that Councillor Schofield had some issues with me because of his judicial review application in 2004, the Eversheds' investigation in 2004 and my complaint to the PSOW between 2005 and 2007. I had also been told, informally from other Councillors, that Councillor Schofield held a grudge against me. His challenges to my advice over trivial issues also indicated a degree of personal antipathy. However, it was only at the meeting on the 17th September 2008 that I was made aware of the extent to which Councillor Schofield had been pursuing the "Craigwen" issue with PwC, and the extent to which his views had tainted relationships with others of the Executive. It is noteworthy that, in investigating the "Craigwen" issues, PwC incurred professional fees of £50,540.00. Given that none of the Officers involved in the acquisition of "Craigwen" were ever interviewed by PwC, and that this was an ordinary domestic conveyancing transaction with relatively little paperwork, it is reasonable to conclude that much of the fees incurred involved lengthy communication between PwC and the Executive, presumably led by Councillor Schofield. It was also during the course of the meeting on the 17th September 2008 that I first heard of the alleged relationship breakdown between the Legal Service and the Executive. In fact, two days before I had a productive and amicable meeting with Councillor Fowlie who was (then) the Portfolio Holder for my Services and the Leader of the County Council.

Following the meeting with the Auditors on the 17th September 2008, at the request of the Managing Director, I prepared an attendance note of the conversation with PwC. This is attached at Exhibit "LB2". The attendance note was circulated, by the Managing Director, at the next meeting of the CMT.

What the Auditors said came as a real "hammer blow". Until that point I was somewhat exasperated by Councillor Schofield's negativity but, after the meeting on the 17th September 2008, I felt greatly distressed by his actions in that he had used his personal animosity towards me, and his influence on others, to poison relationships with other

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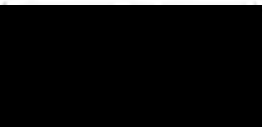
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Councillors and with the Council's Auditors. I was shocked by this together with the fact that it was clear, from the Auditors, that the Executive wanted to "get rid" of chief Officers. This was their objective. It made me feel vulnerable and isolated for a very long time afterwards. It also added significantly to the burden that this knowledge had been provided in confidence by the Auditors which meant that we could not bring the issue into the open and, at that point, other than my legitimate professional "clashes" with Councillor Schofield, I had no knowledge of what the accusations were against me.

At a meeting on the 8th December 2008, the Executive was considering a report regarding transfer of assets to Menter Môn. There were four properties involved in all. I advised the Executive that one of the properties should be valued before pursuing the transfer. Councillor Schofield would not accept the advice, or even simply decide to disregard it. Instead he interrogated me on the matter. Whilst this is typical of his behaviour, I felt on that occasion that he was even more dogmatic than usual in his approach. It is perfectly reasonable and permissible for members to disregard advice if they have good reasons. Relentlessly trying to persuade an Officer to change their professional advice is a different matter.

Similarly, on the 9th February 2009, I submitted a Report to the Executive regarding the restructure of my Services. Again, Councillor Schofield took issue with the proposals in my Report. I recall that two other members of the Executive specifically told Councillor Schofield, during the meeting, that I had done exactly what they expected Heads of Service to do and that my proposal should be supported. They effectively questioned why Councillor Schofield, and some other members of the Executive, were being so difficult about a simple matter. In any event, the Executive voted against my recommendation and my Report was called-in to the Principal Scrutiny Committee. I felt I was being pulled in two directions by the Executive, and Scrutiny, for the purpose of political point scoring. In the grand scheme of the Council's work, it was an insignificant issue. There were no redundancies of individuals in post and an overall saving rather than additional expenditure. Furthermore, the Council had asked and encouraged Heads of Service to undertake this exercise. The body language of some other Members of the Executive, on the 9th February 2009, indicated to me that others were becoming fed up with Councillor

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Schofield's resistance to change. Again, it did not warrant so much argument or debate and, again, it was frustrating to have undertaken the work involved to have it thrown out on a whim.

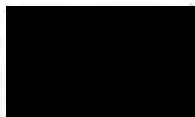
In December 2008 the Executive sent a letter to Wales Audit Office (WAO) making a set of allegations against the Council's CMT. It became known as the "Paragraph 85" letter.

The CMT became aware of the existence of the letter when WAO published its Annual Report, although there was no copy of the letter appended to the Report and the letter had not been shared with the CMT. The WAO Report was published in January 2009 and the CMT made a formal written request to the Leader of the Council for sight of the letter. The letter was finally disclosed on the 25th March 2009. Issues concerning the letter and its disclosure formed a significant part of the PSOW's Report of the 3rd February 2010, and the decision of the Adjudication Panel for Wales on the 27th September 2010, as a result of which Councillor Fowlie, the former Leader of the County Council, was disqualified from holding office for twelve months.

When I received a copy of the "Paragraph 85" letter I noted that more than half the letter related to the Council's purchase of the property called "Craigwen". These were the allegations against me. I immediately formed the view that they had been written by, or significantly influenced, by Councillor Schofield. It was clear that he had an "obsession" about "Craigwen". Since then I have received confirmation from the Council's (then) Leader, Councillor Clive McGregor, that this part of the letter was taken directly from notes provided by Councillor Schofield. I understand that the letter as a whole was written by Councillors McGregor, Schofield, Ieuan Williams and (former) Councillor Fowlie.

The "Paragraph 85" letter was described by Mr Rod Alcott, of the WAO, as the "tipping point" which brought about the Corporate Governance Inspection and, in its turn, the Ministerial Intervention, more than two years ago. The Council remains in intervention and is likely to remain so until at least the end of May 2012. However, while recognising the huge damage that it has done to the Council, sight of the letter, after such a lengthy delay, was actually a "godsend". Without knowing the content of the letter it was impossible to

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identify and answer the allegations being made. The letter contained allegations against the CMT generally but the second part of the letter was specifically about "Craigwen". I was not involved in the other allegations but I was involved in the Council's acquisition of "Craigwen". When I saw the allegations against me, and in fact against all the Officers who had participated in the purchase of the property, I realised that many of the claims being made were false or exaggerated and misrepresented. It is questionable whether it would have been appropriate for Councillor Schofield to discuss his issues about "Craigwen" with Officers, as he probably had a wellbeing interest under the Members' Code, given that he was the only other party at the auction who bid against the Council, and had been unsuccessful. However, the other members of the Executive could have raised their allegations about "Craigwen" with me, or with a number of other Officers who were involved, and we could have explained the exact circumstances.

I understand that the Executive were told, presumably by Councillor Schofield, that there was some terrible dishonesty / conspiracy going on in the background and that therefore their concerns should not be raised directly with us. I believe that the issue of "Craigwen", which eventually evolved into a complaint to North Wales Police, by the Executive, claiming that my conduct constituted misfeasance in public office, had been "grown" in the Executive by Councillor Schofield as a vehicle to pursue his own personal grudge against me. North Wales Police rejected the complaint. In addition, the conduct of the Executive in making the allegations contained within the "Paragraph 85" letter was also to be investigated by the PSOW, but was withdrawn following a request by Mr David Bowles, with the full agreement of the CMT, following the Executive's retraction of the allegations. It is extremely regrettable that one man's vendetta was allowed to run amok like this, to the long term detriment of the whole organisation.

However, albeit too late to affect intervention, the "Paragraph 85" letter was disclosed and this gave us a much needed opportunity to know the allegations and to respond to them. Effectively the CMT was given the voice that it had been denied for months.

Once we received a copy of the letter in March/April 2009 my colleagues on CMT and I were able to formulate our response. The first part of the rebuttal letter was drafted by the

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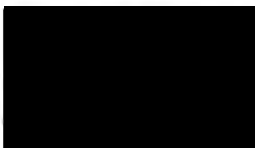
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rest of the CMT and I drafted the response to that part of the letter dealing with "Craigwen", after consultation with all of the Officers who had been involved in the acquisition. We were aware that there was considerable public interest in the matter and so we made a detailed and comprehensive response. Some of the issues were fairly complex and legalistic and, with the benefit of hindsight, I am not sure that we adequately conveyed our message. I am aware that some of those who read the letters, and received the documentary evidence, reassessed their former view.

In July 2009 the Auditor General for Wales issued his Corporate Governance Inspection Report calling for Ministerial Intervention. Intervention followed and the Welsh Ministers appointed Mr David Bowles as (then) Interim Managing Director of the Council. To the best of my recollection Mr Bowles did not take up his full time post until October 2009 but he came to the Council in August 2009 to undertake some recognisance work.

While undertaking this work Mr Bowles met with a number of senior Councillors and Officers, including Councillor Schofield, in his capacity as an Executive member. Following his meeting with Councillor Schofield on the 28th August 2009 I received an e-mail from Mr Bowles setting out a number of allegations against me which Councillor Schofield had raised during the course of the meeting. The content of the e-mail did not cause me immediate concern as I was fully aware, by then, that Councillor Schofield had issues with me and to some extent I had become inured to it. However, I subsequently met with Mr Bowles to discuss the allegations made by Councillor Schofield. Mr Bowles was very explicit and direct in his comments to me. In our discussion he told me that, in a previous post, he had had cause to suspend and dismiss a Monitoring Officer for being excessively compliant with the wishes of Councillors, when it was not appropriate to be so. I did not know Mr Bowles at this time and I took his comments to be a serious threat to my livelihood, my reputation and my decision to return to Anglesey to live and work. I was shaken and upset after the meeting as it appeared that Councillor Schofield's allegations, albeit unsupported by any evidence, were being taken seriously. I also remember being struck by the irony of the situation, given that it was standing up to Councillor Schofield, in a professionally appropriate way, as opposed to an excess of compliance, which had brought about these allegations. Among other things, Councillor Schofield had specifically

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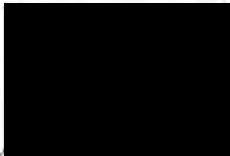
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alleged that I was politically partial and too close to Councillors John Chorlton (Leader of the Labour Group) and Councillor Gareth Winston Roberts ((then) Leader of the Môn Ymlaen Group). He suggested that I gave advice which favoured the interests of those groups and that I had leaked confidential information regarding Councillor Schofield. These allegations were very serious and damaging.

At this time I was aware that Mr Bowles might have taken the matter further and sought my suspension and an independent investigation. He told me that he had considered this possibility but that, instead, he had decided to commission a peer review to investigate the allegations. I was initially concerned about this course of action as I could not see that an evidential threshold had been met and I did not think that I, or indeed anyone else, should be subject to investigation just on the unsupported word of one man with a grudge. Initially, I felt that what was being proposed was unjust and unfair. However, Mr Bowles took the view that Councillor Schofield's complaints needed to be independently reviewed and he confirmed that he would not go ahead without my explicit agreement. I did agree, albeit not without reservation.

Mr Bowles instructed the investigator. Relevant papers were sent to him. I was never interviewed by the investigator and his work was completed as a paper exercise. I had one telephone call with the reviewer, initiated by him, to clarify a single administrative issue (whether or not an acknowledgement had been sent in relation to a letter to the PSOW, of which I had received a copy). I did not see any draft report. Whilst the exercise was being undertaken, over two or three months, I was concerned about the findings in the Report. I was satisfied that I had not acted unprofessionally or inappropriately but it was not without the bounds of possibility that a different Solicitor / Monitoring Officer could take a fundamentally different view of advice given or actions taken. The Report may well have been negative and this was a cause of prolonged anxiety.

After he joined the Council in October 2009 Mr Bowles also started to work, as a matter of priority, towards preparing a collective statement by the Executive and the CMT as he, rightly, felt that the first issue was to restore normal working relationships after the damage

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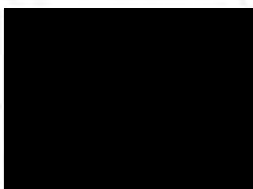
that had been caused in the preceding months. Councillor Schofield was the only member of the Executive who had participated in the "Paragraph 85" letter but who then refused to sign the collective retraction. As a consequence of his refusal, Councillor Schofield was removed from the Executive by the (then) Leader, Councillor McGregor. The other Executive members agreed to sign the statement and to work towards rebuilding relationships in the interests of the Council's recovery.

I felt that this was a very significant and positive step for the Council. In signing the statement, the Executive members had effectively acted against Councillor Schofield. This was a novelty as Councillor Schofield had, and still has, significant influence over other Councillors. It was an astonishing breakthrough too for Councillor McGregor to remove him from the Executive, because of his refusal to retract his allegations. I understand that despite the supporting documentary evidence provided with the "Paragraph 85" rebuttal letter, that Councillor Schofield was claiming that the responses provided in relation to "Craigwen" were largely fictional! The statement was signed with the aim of restoring relationships between the CMT and the Executive. In effect it forced us to work together and, while the statement did not erase recent events, which were still raw at that time, it did create an environment for those relationships to be repaired and restored over time and, thankfully, that is what happened.

On the 10th December 2009 I was at a meeting of the full Council when Councillor Schofield claimed that he had: "never made a complaint about any Officer or Member" within the Council. I was rather surprised by his comment.

In January 2010 Mr Bowles forwarded to me a copy of the final Peer Review Report. I was relieved by the conclusions and felt that the reviewer had been thorough and fair in his analysis. I did still feel very resentful, though, of the fact that I had been put through all of this, and doubtless significant public money had been expended, on the basis of Councillor Schofield's word. I believe that if I were not so efficient in my record keeping, and that the Legal Section did not benefit from an excellent electronic document and records management database, I may have struggled with the Peer Review.

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Following receipt of the Peer Review Report Mr Bowles wrote to all Councillors to inform them of the outcome. The letter was intended to be a robust and final statement on the subject to all Councillors. A copy is attached at "LB3". I became aware at that time, and was recently reminded of it in the context of the Council's Risk Register, that Mr Bowles considered that the greatest financial risk to the Council at that time was that I may pursue a claim for damages as a consequence of Councillor Schofield's appalling behaviour towards me.

Councillor Schofield was later expelled from the Original Independent Group as he nominated a member to be committee chair in contravention of an agreement and a Ministerial instruction. It was considered that his actions were damaging the Council's prospects of recovery and removal from Intervention.

Mr Bowles' decision to make this complaint to the PSOW was the result of a meeting with all the Council's Group Leaders on the 24th February 2010. A number of alternative options were discussed in relation to the difficulties experienced with Councillor Schofield. This was partly in relation to his conduct towards me but also the agreement of all those present that Councillor Schofield's resistance to adopting new ways of working, and his negative influence on others, was the single biggest impediment to the Council's recovery. In conclusion, it was decided that the best course of action was to lodge this complaint with the PSOW. During the course of that discussion I was asked how I felt about being what the (then) Leader, Councillor McGregor, described as: "once again the meat in the sandwich". I said that I felt like a goat tethered to a stake; particularly after my last experience of lodging a complaint with the PSOW against Councillor Schofield. Nonetheless, professionally there was little choice in the matter. Certainly, the Group Leaders and Mr Bowles were extremely supportive and no pressure was brought to bear upon me. Mr Bowles was adamant that the Council could never recover if Councillor Schofield was to be allowed to continue unchecked in poisoning the Council. It was recognised by all involved that the difficulties experienced by the Council in the preceding two years had flowed from Councillor Schofield's conduct and that there was no indication that he was capable of learning from past mistakes and changing his ways.

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To the best of my recollection, sometime in December 2010, I had an unsolicited conversation with Councillor Schofield when he came into the Legal Section to deliver a form to one of my colleagues. During that conversation he made reference to the allegations which he had made against me to Mr Bowles. He said that he had no issues with me and that he was happy to work with me. He suggested that Mr Bowles had put words in his mouth and encouraged him to make the complaints. I found this difficult to believe because, at the time of his meeting with Mr Bowles in August 2009, having just been appointed to the Council, Mr Bowles would not have been aware of the issues that were raised by Councillor Schofield as they were not in the public domain.

Since this complaint was lodged with the PSOW I have generally had very little contact with Councillor Schofield. When I have it has been cold but cordial. My relationship with other Councillors improved markedly after Councillor Schofield was removed from the Executive, although contact with Councillors generally has now diminished as the Council's Executive powers have been subsumed by Commissioners, appointed by the Welsh Ministers. Nevertheless, as a consequence of my prolonged experiences with Councillor Schofield, and in particular the meeting with PwC in September 2008, I now have difficulty trusting my own judgement in terms of relationships with Councillors generally. I am more cautious in my approach, preferring to keep Members at "arms length". I still discharge my professional responsibilities, but I no longer do it in the same way. The sustained nature of these events have certainly left their mark on me.

I am wary and anxious about work generally. I try to ensure that I always complete file notes and attendance notes of discussions and advice, although I cannot always foresee potential criticism. I feel that Councillor Schofield is always looking for something he can feed off, and I know I will not be afforded any degree of latitude by him. Perfection is difficult to achieve when working within limited resources. In addition to the Monitoring Officer function, I also have overall responsibility for Legal, Committees, Land Charges and Corporate Information. In April 2010 I additionally took on responsibilities for HR, Scrutiny, Translators, Electors and Customer Care. This myriad of diverse functions is challenging enough without feeling constantly under threat of Councillor Schofield's indirect attacks and negative briefings.

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NOTE – 19/11/2008

CHANGE TO THE CONSTITUTION – ADDITION TO THE SCHEME OF DELEGATION TO OFFICERS – LEGAL SERVICES MANAGER – 3.5.3.6

Developments:-

Synopsis

1. **14/04/2008** – Executive – Item No.6 – Enclosures CH & Resolutions
2. **30/04/2008** – Principal Scrutiny Committee – Call-in – Agenda and all the papers
3. **19/05/2008** – Executive – Item No.3 – Enclosure A (Minutes of the Executive of 14/04/2008)
Item No.7 – Enclosures DD (Report) and E (Minutes of Principal Scrutiny Committee)
4. **23/06/2008** – Executive – Item No.3 – Enclosure A (Minutes of Executive 19/05/2008 – Item No. 7) & Resolutions
5. **24/06/2008** – Principal Scrutiny Committee – Item No.2 (ii) – Enclosure A (Minutes of Call-in Meeting 30/04/2008)
6. **08/09/2008** – Executive – Item No.9 (a) – Enclosure NG and Appendices A & B
7. **16/09/2008** – Council – Item No.6 (a) – Enclosure C (which is the same as Enclosure NG in the Executive Agenda of the 08/09/2008) – 6 above & Resolutions
8. **06/10/2008** – Executive – Item No.6 – Enclosure D (but also attached was the Report to the Executive on 23/06/2008 “Recent claims/complaints concluded by payments of compensation including ex-gratia payments”) & Resolutions
9. **27/10/2008** – Executive – Item No.3 – Minutes of 08/09/2008 – Enclosure 0041
10. **17/11/2008** – Executive – Item No.3 – Minutes of 06/10/2008 (Item No.6)
Transcript (Welsh) and Translation of part of meeting regarding minutes of the Executive of 6/10/2008 Item 6 – Enclosure A
Item No.3 – Minutes of 27/10/2008 – Enclosure CH
211. **28/11/2008** – Executive – Item No.3 – Minutes 17/11/2008 referring to minutes of 06/10/2008 & Resolutions

LB2

Attendance Note

For Legal Services Manager

Matter reference: CC-011132-LB
Matter name: Property Acquisition at Auction 19.7.2007 - Craigwen, Amlwch
Attended by: Lynn Ball
Attendance with: Derrick Jones (Managing Director)
Gareth Jones and Ian Howse (PWC)
Attendance on: Wednesday 17th September 2008 (1:30 pm)
Recorded on: 17 September 2008
Subject: PWC's investigation into the acquisition of Craigwen

Following a very brief discussion about this afternoon's Audit Committee, Ian Howse confirmed that he and Gareth Jones had just come from a long meeting with the Cabinet, in the Leader's Office, concerning Craigwen.

Ian Howse said that the Cabinet was putting pressure on PWC in relation to their draft report and that they are being threatened with judicial review proceedings.

The Cabinet made it clear that they wished to use PWC's report to take disciplinary action against the MD and the MO.

The Cabinet asked for, and was given, advice by PWC about the legal protection afforded to the statutory officers. They also explained to us, in summary, the advice which they had given to the Cabinet on this point regarding the appointment of an independent investigator etc.

PWC said that they were having difficulties in getting the Cabinet (in particular Councillor Schofield) to understand the limits of PWC's duties and responsibilities under the code.

PWC was told that the relationship of trust had broken down between the Cabinet and the MD and the MO.

The Cabinet asked for guidance on their right to obtain legal advice independent of Council Officers.

I queried this and asked whether they meant in relation to Craigwen?

Ian Howse said that they were referring to all legal advice, on every issue, because of the breakdown in the Cabinet's relationship with the MO.

I advised them that I was not aware of any difficulty in relations with any Councillor other than, perhaps, Councillor Schofield.

Yesterday I, and others, had advised at a briefing meeting in advance of the full Council and on the previous day I met with the Leader to brief him about forthcoming Court proceedings which might result in his being approached by the Claimant and/or the media.

There was no indication of any problem.

I also advised them about four previous issues involving Councillor Schofield, namely: judicial review and costs against him following a challenge to the Standards Committee and the former Monitoring Officer; my appointment as Monitoring Officer and the Evershed's investigation as a result of a complaint from Councillor Schofield; Stanley Crescent, and complaints that were lodged with the Ombudsman against Councillor Schofield by me and the former MD.

Ian Howse said that all the Cabinet painted a very negative picture of relations between the Cabinet and the MD and the MO and he said that he did not know how we would be able to overcome this. He said that the "poison" was being spread by Councillor Schofield and that PWC had formed the view that this was personally motivated.

He said that he could appreciate that we were in great difficulties and that he would not have either of our jobs for "a million pounds".

PWC said that they did not want their findings to be liable to challenge by judicial review, although I suggested that, from our point of view, the best course of action would be to have a High Court Judge look at it. We would welcome that.

PWC confirmed their code responsibilities and said that they would now be seeking independent legal advice on the 3 issues, namely: the covenant, the Section 5, and whether or not Councillor Schofield is now breaching the Code of Conduct and, if so, what are PWC's responsibilities in relation to that.

The MD suggested that the Council bring in an independent investigator to look at it. I said that Councillor Schofield apparently "rubbished" the Eversheds investigation because I had worked for them as a trainee solicitor, even though I was not acquainted with the investigator. I was advised by the former MD that Councillor Schofield claimed that the investigation had no credibility because the instructions were given by the Managing Director. Whatever we do, unless PWC's findings serve Councillor Schofield's purpose, it will be rejected.

Ian Howse took with him a copy of my comments on the draft report. I confirmed that, whilst I still maintain the view that the "consultation" with the Acting Section 151 was sufficient, I told him that David Elis-Williams felt strongly that there should be a recommendation that, in any future circumstances like this, the Section 151 should be specifically included in any formal discussion/decision.

Ian Howse and Gareth Jones then left the meeting to attend the Audit Committee and said that they would be in touch as soon as possible.

LB

LB3

DAVID J BOWLES, C.P.F.A., B.Sc.
Rheolwr Gyfarwyddwr Dros Dro
Interim Managing Director

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGFNI
Ynys Môn - Anglesey
LL77 7TW

Strictly Private and Confidential

ffôn / tel: (01248)752100 ffacs / fax: (01248) 750839

Gofynnwch am - Please ask for: June Williams

ffôn / tel (01248) 752102 ffacs / fax (01248)
750839

E-Bost - E-mail:
Ein Cyf - Our Ref.
Eich Cyf - Your Ref.

19/02/2010

Dear Councillor

Undermining the Monitoring Officer

When I took up my appointment as the Council's Interim Managing Director I received a number of 'complaints' against the Monitoring Officer.

All of the complaints were made by Members, though most were made by one particular Member. A number seemed to be hearsay and were potentially repeating the concerns expressed by that one Member. The main complainant went as far as describing Ms Ball as 'not fit for purpose'.

The allegations included claims of undue influence on the Council's external auditors; impropriety in correspondence/evidence provided to the Public Services Ombudsman in connection with his enquiries; collusion with a leading member of the Opposition; inconsistent use of discretion on the issue of section 5A/5 reports; unauthorised/inappropriate disclosure of information and the misuse of the Standards Committee to place information in the public domain.

Such allegations into the competency of such a key post cannot be left unresolved. In response, I instructed a suitably qualified independent person who has been both a Monitoring Officer and Chief Executive, and who has worked with the WAO, to carry out a peer review into the work of the Monitoring Officer covering issues such as those above.

That investigation is now completed and has shown that in all cases Ms Ball acted appropriately and professionally and with a high degree of competence and skill. This is consistent with Ms Ball's high standing outside of the Council and my own review of documents.

The role of Monitoring Officer is a difficult one which can be perceived as obstructive even though the purpose of the advice given is to keep members within the law and various Codes.

The Investigator has also drawn to my attention his concern that the pursuit of these allegations, against the Monitoring Officer, exposes the Council to a risk of employment related litigation.

I endorse that analysis but would go further. I believe that the Monitoring Officer has been the subject of a concerted campaign of bullying and harassment. I find this conduct abhorrent and totally at odds with the Council's legal obligations as employer. If Ms Ball were to seek claims against the Council for her treatment I have no doubt that there would be a genuine prospect of the Council losing such a claim. If such claims were brought under the appropriate legislation the claims would be uncapped and possibly run well into seven figures. We therefore have obligations not just to Ms Ball as an employee

While I have received no indication from the Monitoring Officer that she intends to take legal action, should she do so, recovering compensation against the Council, then the Council will be seeking financial indemnity from any members who have played a part in what has the appearance of a poisonous vendetta.

As far as the Council is concerned, the allegations discussed above are now a "dead letter". If any member raises these issues again I shall consider such action to be evidence of serious misconduct and I shall personally report that member to the Ombudsman, requesting that they be referred to the Adjudication Panel for Wales.

This continuing conduct, by a few members, and especially one member, strikes at the heart of issues highlighted in the Corporate Governance Inspection Report (eg paras. 4, 5, 8, 20, 21, 23, 31, 34). The fact that it persists many months after publication of the Auditor's Report will be a matter of grave concern to the Minister and the Recovery Board. If this Council is to stand any chance of moving forward it must also be a matter of equal concern to those members (undoubtedly the significant majority) who seek to act in good faith and in the best interests of the Council and the public it serves.

I have written separately to the main complainant rejecting the allegations and drawing attention to the highly corrosive effects that whispering campaigns can have, that I will not tolerate such campaigns and drawing their attention to the potential financial implications for them personally. Given the number of allegations made by that one member it seems highly unlikely that they were made in good faith.

It should be noted that, in addition to the legal risk that such conduct poses to the Council, together with the damage it causes to relationships between members and officers, this kind of behaviour is hugely wasteful of resources, both in terms of the direct cost of engaging external investigators but also in the officer time which is diverted from more productive purposes.

It is important that officers are held accountable for their performance and reports going to the next County Council meeting will put in place appropriate mechanisms to appraise officers. If any member wishes to make a complaint against any officer, now or in the future, any such complaint will be rejected unless it is put in writing, signed, and supported by evidence. Any member, who is also a member of a group, will also be expected to have such a complaint endorsed in writing by their Group Leader.

If any member is aware of continuing attempts to undermine any officer they should advise the member to use the proper processes; if the member fails to do so it will clearly point to improper motives. I hope you will not tolerate officers being undermined simply for doing their job properly and professionally.

Finally I regret again having to write in these terms and no doubt if my position starts to be undermined it will be evident why.

Yours sincerely



DAVID J BOWLES
INTERIM MANAGING DIRECTOR