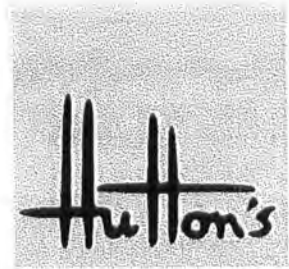


Appendix

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Private and Confidential

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Our Ref: SMCH/IJM/SCH5/1

Thursday, 05 January 2012

Dear Ms Ginwalla,

Our Client: Elwyn Schofield
Case ID: 1179/201001935

1. Please find herewith Councillor Schofield's replies to your questions.
2. Having reviewed the relevant documents, we would make the following comments on this matter:
 - a. We note that Mr Bowles' complaint is based primarily on accusations which our client allegedly made to him about Ms Ball during a meeting on 28th August 2009. The complaint was not signed until 29th November 2010 or received by you until 6th December 2010. The complaint appears to have been submitted some 15 months after the events in question. We would therefore argue that the complaint should not be investigated and ask that you confirm whether or not you agree, giving your reasons.
 - b. Further, as Mr Bowles had well over a year to prepare his very detailed complaint, it is worrying that our client has only been afforded a fraction of that time to provide responses to your questions. We would ask, therefore, that in the interests of fairness you do not conclude your report if you feel Cllr Schofield has failed to address any issues raised in the complaint or by the witnesses, and that you seek further information from us if you find that to be the case.
 - c. We note that you have indicated in your correspondence with our client that you will take into account the reports of the previous Ombudsman into the other complaints which have already been investigated. We are concerned that:

Members of the
Solicitors Regulation
Authority Panels for:
Clinical Negligence
Children
Family
Family Law Advanced Panel

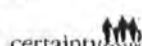
Partners:
Stuart M. C. Hutton,
Solicitor - Advocate
(Higher Courts Criminal)
Clare Strawbridge
Tim Musgrave
Christine O'Brien

Associates:
Gerard Griffiths,
Solicitor - Advocate
(Higher Courts Civil)
Huw Jones
Wynifred Wilson - Williams

Assistants:
Tristan Aglond
Leanne Jones
Stephanie Kolvin
Rebecca M Oakley

Executives:
Roger Lewis

Members of the Legal
Services Very High Cost
Case (Crime) Panel
(VHCC)



- i. These matters have already been determined and there is therefore a risk of double jeopardy arising in the instant case; and
- ii. Our client did not provide his comments on the draft reports of the Ombudsman in relation to these matters

We trust, therefore, that our client's conduct in relation to these historical matters will not be taken into consideration in determining whether or not he has breached the Code of Conduct on this occasion. We shall take whatever action is appropriate in the circumstances to ensure that our client's convention and other rights are observed.

We look forward to hearing from you.

Yours faithfully, /

[Redacted Signature]

Hutton's

**REPLIES ON BEHALF OF COUNCILLOR ELWYN SCHOFIELD
TO THE 22 QUESTIONS ASKED BY
THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

Corrections

<u>Paragraph</u>	<u>Correction</u>
10.9	"above" should read "below at 12.3/Appendix L".
10.19	The reference to paragraph 10.16 should read "10.20".
11.4/11.5	Suggests the documents offered to PwC were only the letters attached at Appendix I; the documents offered were in fact those attached at Appendix K, as is later confirmed in paragraph 11.10.
12.9	For "Appendix L" substitute "Appendix M ".
13.1	For "Appendix L" substitute "Appendix M ".

Hutton's

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Ref: SMCH/IJM/SCH5/1

**REPLIES ON BEHALF OF COUNCILLOR ELWYN SCHOFIELD
TO THE 22 QUESTIONS ASKED BY
THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

<u>Question</u>	<u>Reply</u>
1.	In 1995.
2.	I confirm that I signed the said declaration.
3.	I confirm that I signed the said undertaking.
4.	I confirm I understand paragraphs 4(c), 6(1)(a), 6(1)(d) and 7(a) of the Code of Conduct.
5. & 6.	I have not kept a record of the names of those individuals who have offered me training. However, I confirm that I have attended numerous Code of Conduct courses organised by the Isle of Anglesey County Council.
7.	I was a member of Anglesey Borough Council from 1973 to 1995 and a district council member for around three years before that, between 1971 and 1974.
8.	I would describe myself as an experienced member, having had over 40 years experience in local government. I have served as chairman and vice-chairman of several committees and as chairman of Anglesey Charitable Trust, and also Mayor of Anglesey. I have served as a cabinet member under 4 different council leaders, having held various portfolios including Personnel and Small Holdings. I was also asked to join a committee in 1996 to investigate complaints against various councillors, which in turn led to the establishment of our Standards Committee. At the time, we were one of the first council's to set up a committee in order to examine members' behaviour, and I was indeed pleased that the

council regarded me as someone in whose hands they could place a role of such importance and responsibility.

9. See below.

9.1 I confirm that I met with David Bowles at 3:00 pm on August 28th 2009 at the council's main offices in Llangefni. There was no-one other than Mr Bowles and myself in attendance. I attach my diary entry of the meeting at Appendix A.

9.2 I recall vividly that Mr Bowles' opened the meeting by stating very clearly that anything said during the meeting was **PRIVATE, CONFIDENTIAL and OFF-THE-RECORD.**

9.3 I remember the meeting very well. *At no time during the meeting did Mr Bowles make any notes at all.*

9.4 At the meeting, Mr Bowles questioned me on how I perceived the position of the council at the time. I told him that, as a result of the auditors' inspection and reports, councillors had unanimously resolved to draw a line under past conflicts and were committed to actively moving on to give effect to the auditors' recommendations. I made it quite clear that, along with the others, I was personally committed to following this course of action myself.

9.5 *Mr Bowles pressed me to discuss the historical issues affecting the council.* I therefore explained to him that Corporate Governance and other issues had given rise to significant public concern, all of which was well-documented in the auditors' report and had been reported widely in the media. He confirmed that he was well-aware of this, but insisted that I provide him with my own recollection of events. This is supported by my diary entry, mentioned above.

- 9.6 In an effort to co-operate with the soon-to-be Interim Managing Director, I indulged Mr Bowles to a degree and described some of the contentious issues as they had appeared to me during the relevant period.
- 9.7 It will be noted that my diary entry records my feelings about Mr Bowles' line of questioning at the time, which I found strange because I had expected him to adopt a more forward-thinking approach, as indeed the council had resolved to do. I did not expect him to carry out a post-mortem of the past and thought he would be more concerned with providing guidance as to how we could all help to foster good working relationships in the future.
- 9.8 Moreover, I wholly reject Mr Bowles' allegation that at the meeting I made a complaint about Ms Ball. I have never made a complaint about Ms Ball or any other officer or member of the council, to Mr Bowles or anyone else.
- 9.9 I accept that I have raised legitimate concerns about various issues in the past and maintain that these concerns have been justified in the circumstances. Criticism of the performance of those involved in politics and government is an essential part of any democracy. I may also have expressed negative opinions about councillors and officers at informal as well as formal meetings, but only in relation to their professional performance as public servants. This is entirely acceptable behaviour in which we all engage. What I have *never* done is make a formal complaint about anybody involved in the council.
- 9.10 If, as Mr Bowles claims, I wanted to make a complaint, would he not have requested it in writing, in accordance with due process?
- 9.11 In the premises, I am very suspicious of the provenance of Mr Bowles' note of our meeting. I first saw the note when it was sent to me along with Mr Bowles' complaint by the

Ombudsman, some 2 years after the meeting in question. I am greatly concerned that Mr Bowles has never sent me a copy of this note for ratification, which he should have done as a matter of course, especially in view of the significance the note now has in relation to the complaint against me. I can only assume that Mr Bowles did not seek to obtain my agreement of his minutes because he knows that they are not in any way an accurate record of our discussion.

- 9.12 However, I had initially been worried about Mr Bowles' recollection of our meeting when I received his letters of 19th February 2010 (Enclosures 24 and 25 attached to his letter of complaint). These were sent almost 6 months after our meeting. I was shocked at their contents and felt that Mr Bowles' insinuations were completely divorced from reality. I felt that the letters were riddled with inaccuracies relating to his interpretation of things said - and not said - during our discussion.
- 9.13 I was also extremely upset by Mr Bowles' wholly improper breach of confidence in revealing, in the letter to all councillors, what he had incorrectly viewed as allegations which I had made against Ms Ball at the meeting. Although he did not name me in it, the way in which the letter was written left the reader in no doubt that Mr Bowles had decided I was the leader of an alleged campaign of bullying and harassment against Ms Ball and that I had demanded that he take action against her. This simply is not true. Mr Bowles subsequently acknowledged that it was "common knowledge" that he had been referring to me in this letter (see attached letter to Aled Morris Jones at Appendix B).
- 9.14 I noted, also, that he stated in the letter to all councillors that he had received "a number of complaints" from members and yet I am singled out as the root cause of these complaints, which is completely unfair. He had quite clearly jumped to the conclusion that I had influenced other

councillors in getting them to make complaints about the monitoring officer. Making this sort of assumption and attributing complaints others may have made to me is totally unjustifiable and in my view calls into question Mr Bowles' judgment.

9.15 After receiving the letters, I wanted to set the record straight and let Mr Bowles know that I objected in the strongest possible terms to the assertions contained in his letters. However, I was concerned that Mr Bowles would apply his own interpretation to the contents of my reply, much like he had appeared to do with our exchange at the meeting to which his letters alluded. I was also anxious not to provide him with any further material which he could wrongly present to others as an example of how I would not let matters lie and would continue to cause problems for the council. Therefore, with the best interests of the council and the people of Anglesey in mind, I decided not to send my reply to Mr Bowles and remained committed to drawing a line under the past and moving forwards. I attach a copy of my draft reply at Appendix C. My solicitors, Hutton's, are holding the original document, which can be made available for forensic examination in order to verify the date on which it was written.

9.16 It must be asked whether or not the councillors who did complain to Mr Bowles about the Monitoring Officer did so in writing. It must also be asked whether or not he kept notes of his meetings with these other councillors prior to him taking up his post. Was anyone else present for those discussions? Such information is crucial to determining the authenticity of Mr Bowles' note of my meeting with him on 28th August 2009, and would also assist in understanding the context in which Mr Bowles has submitted his complaint against me. It is essential that the Ombudsman has all of the facts before he reaches any conclusions on these points.

9.17 I am particularly concerned by the breadth and depth of the issues to which Mr Bowles' note of our meeting refers. It seems to me that Mr Bowles may have confused information he has obtained from other sources with the details of our discussion. He acknowledges in the letters he sent out on 19th February 2010 that a number of members had expressed concerns about the Monitoring Officer to him at the time. I believe he had met with quite a few of these members before he met with me on 28th August 2009 and, as mentioned above, he told me at the meeting that he was well-aware of all of the issues affecting the council prior to the Welsh Assembly Government's intervention. I would also add that all of the issues we *did* discuss were brought up by Mr Bowles and he was keen to elicit an opinion from me on each of those issues.

9.18 For the avoidance of doubt, I categorically deny saying that Ms Ball was "not fit for purpose". I do, however, recall using a similar phrase in the context of discussing Corporate Governance and Responsibility in relation to the conflicts which I believed arose from the numerous day-to-day duties which had been given to the Monitoring Officer. I was of the view that the head Legal Officer, Monitoring Officer, Employment Officer and Administrator should not all be merged into one role. I had expressed this view before Ms Ball was appointed to the post of Monitoring Officer and it is a view which I still hold today. Indeed, I understand this view may be shared by the Commissioners currently leading the council, who I anticipate will reduce the role and responsibilities of the Monitoring Officer in the months ahead.

9.19 My use of such a phrase was in no way an attack on Ms Ball herself, as I was referring at the time to the role and not the person. Mr Bowles has patently misinterpreted and misrepresented what was said.

9.20 It follows that, except insofar as anything to the contrary is stated above, I do not agree with any of the contents of Mr Bowles' note of our meeting.

10. See below.

10.1. I am deeply concerned by the way in which this question is phrased. The Ombudsman appears to have decided that I did in fact make these allegations, which I entirely refute.

3.12.1

10.2. I did not make these remarks. The papers in question clearly show that Councillor Clive McGregor held these views, for which he apologised after retracting them. Further, I did not state that the purchase of Craigwen was "illegal". I have used the word "unlawful" at times because that is exactly how Ms Ball put it in her report of 10th September 2007 (attached at Appendix D) and her email to Einir Thomas of 19th July 2007 (this is among the documents attached to the "detailed rebuttal" letter of 10 June 2009 in the Additional Evidence provided by the Ombudsman).

10.3. It is worth mentioning that the furore over Craigwen may have been avoided had John Arthur Jones ("JAJ") not complained to PwC that about my own attempts to purchase Craigwen. I was told that he had suggested that I had intended to buy the property in order to hold the council to ransom over access to adjacent land which the council owned (this was subsequently confirmed to me by PwC over the telephone).

10.4. The allegation was of course investigated by PwC and I was cleared of any wrongdoing, but it was only as a result of JAJ's complaint to PwC that the procedural flaws in the decision to purchase the property had come to light (this is discussed in more detail at **11** below).

3.12.2

10.5. I did not make this claim at the meeting and Mr Bowles' assertion that I did reinforces my belief that he has, at least erroneously, attributed all of the rumours and gossip he has heard on the issues at the heart of this complaint to me.

10.6. In any case, if one looks at the letter Ms Ball sent to PwC on 15th November 2007, it states:

"...if there remain significant areas of dispute, then I shall require an opportunity to obtain independent legal advice. I propose to instruct Peter Keith Lucas of Bevan Brittan. A copy of his CV is attached."

10.7. It is noteworthy that Ms Ball did not stop at "I will need to obtain legal advice". Rather, she went so far as to name the individual whose considerable experience and expertise in local government matters she wanted to highlight by enclosing his CV. I would not regard this as normal. It is surely reasonable to interpret this act as a threat in the circumstances, although I am anxious to once again point out that I did not actually say this to Mr Bowles at our meeting.

10.8. Further, my understanding is that the issue had come to be associated with the expression "tanks on the lawn" because this was the way in which Mr Ian Howse of PwC had described it. By stating that he felt as if the letter in question indicated that Ms Ball had parked her "tanks on the lawn", it is clear that Mr Howse himself viewed it as a threat. I believe the expression was used at a meeting between the Leader of the Council, the Executive and PwC following the 2008 election.

3.12.3

- 10.9. I did not say this. Concerns about the relationship between the Monitoring Officer and members of the opposition had been discussed by the executive at the time (as is clear, for example, in Cllr McGregor's letter to Derrick Jones mentioned above), but I did not allege political bias on her part to Mr Bowles during our meeting. My understanding is that the contents of the draft Annual Letter alluded to by Mr Bowles were discussed with the outgoing executive immediately prior to their departure in May 2008, whereas the new executive were not advised of the details until many months later.
- 10.10. Further, it might have been apparent to the cabinet that some of the officers' (not just Ms Ball's) behaviour and decision-making at the time was suggestive of some impartiality. That is to say, it could have given the impression of bias and therefore was susceptible to criticism. For example, with regard to the Local Development Plan, the council had asked for names of individual applicants to be disclosed so that declarations of interests could be made at the relevant meetings. The CMT opposed this and the Head of Legal Services advised against it, which could have had the appearance of some sort of ulterior motive. An email from a council solicitor attaching the Monitoring Officer's report on the matter appears at Appendix E.
- 10.11. At the relevant time, confidence in the council was at an all-time low. It was therefore vital that decisions were made which did not expose members to potential criticism on the grounds that they had acted in matters in which it could be argued that they may have had a personal interest. As the Planning Committee would be dealing with a deluge of applications to be included in the LDP, there was a clear risk that applications might be approved in favour of individuals by members who might have connections in some form or

another with them, without proper declarations being made. As such, the consensus was that in order to protect members from the possibility of successful applications being attacked for these reasons, information as to the identities of applicants should be disclosed. Any factors which militated against disclosure were clearly outweighed by this very important concern.

10.12. This is something about which I may have expressed criticism in committee but I have never formally complained to anyone about it.

10.13. Furthermore, Ms Ball herself prepared the draft Terms of Engagement, of which I attach 3 versions at Appendix F. Among other things, the document describes how its signatories intended to (and subsequently did) target my seat in forthcoming elections in order to oust me from the council. Some of the signatories' other objectives to which the document makes reference include canvassing support for complaints to the Ombudsman about me, publically and robustly condemning me, marginalising and disengaging me, and discriminating against me with regard to committee appointments.

10.14. In my view, it would have been wholly inappropriate for a senior council officer to have drafted this document, let alone the Monitoring Officer. I understand that Ms Ball has said that she drafted the document at the request of the leader of the council. However, in my opinion, she should not have been involved in what was essentially a political manoeuvre, intended to create divisions within the council along political lines. Even if she had little-to-no influence over the contents of the document, by preparing the Terms of Engagement she has at the very least acquiesced to what I feel was extremely inappropriate behaviour on the part of the signatories. Indeed, she had participated in the very sort of behaviour which Dr Gibbons and Mr Sargeant had condemned. In short, she should not have drafted the

document, whether in collusion with or at the request of elected members or otherwise. Such an act clearly creates the impression of bias.

10.15. Moreover, a number of councillors were very uncomfortable with the Terms of Engagement document. They rightly held the view that the approach taken by Mr Bowles, the Monitoring Officer and Cllr McGregor was untoward in the extreme. They believed that a witch hunt was underway against myself and a colleague and that we were the subjects of a personal attack. I note that not all of those who signed the earlier drafts signed the final document, which suggests that the councillors became increasingly uneasy with the Terms of Engagement.

10.16. I attach at Appendix G a copy of a letter written by Cllr Rhian Medl which describes in detail her feelings about the matter, and the many reasons why she refused to agree to and sign the document. I note, in particular, that she refers to a conversation she had with Elan Closs Stephens, Chair of the Recovery Board, who congratulated her for expressing her extreme disapproval of the Terms of Engagement, and admitted that she had been very unhappy with the document and had asked Mr Bowles to withdraw it, but he refused. Another letter from Cllr Gareth Winston Roberts to Cllr Brian Owen attached at Appendix H also records his similar views on the issue.

3.12.4

10.17. I deny raising this issue and contend that it was not discussed at the meeting.

3.12.5

10.18. I did not discuss this matter with Mr Bowles at the meeting. However, for the sake of clarity, I wish to point out that I was not the whistleblower in this affair. A whistleblower had

alerted me to alleged undue influence which may have affected the selection process at the time. In my view, it was unwise to commission Eversheds to carry out an investigation due to Ms Ball's connection with the firm. There were innumerable other firms which could have completed the investigation and there was therefore no reason whatever to instruct solicitors for whom Ms Ball had previously worked. Again, however, I wish to make clear that I did not complain to Mr Bowles about this.

3.12.6

10.19. I deny saying anything about this to Mr Bowles during our meeting. I was committed to drawing a line under the past, as mentioned above. However, see 10.16 below.

3.12.7

10.20. I deny making this complaint to Mr Bowles at the meeting or at all. However, I do believe that questions might have been asked about the Monitoring Officer's actions in relation to the complaints made to the Ombudsman against me.

10.21. More than one complaint which has been made to the Ombudsman was made by persons other than the Monitoring Officer. These were resolved in my favour. However, dissatisfied with the Ombudsman's decisions, the Monitoring Officer then pressed the Ombudsman into re-considering the matters in question.

10.22. With regard to the Ombudsman's decision to take no further action after his investigation into two specific complaints, the Monitoring Officer sent a Letter Before Action to the Ombudsman exhorting him to change his decisions in those cases. The Ombudsman rejected her claims and advised that it would defend any Judicial Review proceedings robustly. As I understand it, the Monitoring Officer was then minded to advise the Standards Committee that in her view

the Ombudsman's decisions were flawed and that they could take appropriate action. I recall thinking that if the Ombudsman had felt that the evidence against me was so strong as to require further action, then surely he would have taken appropriate steps in the circumstances.

10.23. Finally, I note that in the above-mentioned Letter Before Action the Monitoring Officer claims that no evidence had been produced to confirm my illness at the material time. I also note that in paragraph 3.6.8 of his complaint, Mr Bowles refers to this time when I had "allegedly become ill". I further note that the Ombudsman has stated that he may consider these previous complaints as part of the "context" of the current complaint. In fact, a consultant's report was provided to the Ombudsman at the time, confirming my illness. For the sake of completeness, however, I am quite prepared to disclose my medical records in order to confirm not only the fact that I was very ill at the time, but also that my condition was extremely serious and even life-threatening at one stage.

10.24. It is worth remembering that every member of the executive at the time, save for John Arthur Jones, voted to allow me to remain a member.

3.12.8

10.25. I deny making this complaint to Mr Bowles at the meeting.

3.12.9

10.26. I am amazed by this claim. Notwithstanding that I have never made a complaint to Mr Bowles, I feel it would be ridiculous for anyone to suggest that Ms Ball would have done as he describes. Further, until I received Mr Bowles' complaint from the Ombudsman, I was not aware that John

Arthur Jones was contemplating legal proceedings in relation to the contents of the documents in question.

10.27. I would add that I had absolutely nothing to do with the incident in question. The "leaflets", as I recall, were two letters, one authored by John Arthur Jones, in which he made potentially very damaging comments about a fellow councillor with whom he was not particularly friendly; the other was written by another individual and referred to various items of an inappropriate nature which had apparently been discovered in John Arthur Jones' office. I had no knowledge of the contents of these documents before they were discovered and the information was relayed to me by others, and had no reason whatever to wish for any of the details to become known. I felt it was an abhorrent act to intentionally leave those documents in the facilities at the council offices.

11. See below.

11.1. I would like to reiterate that I had no knowledge at all of the council's intention to purchase Craigwen when I decided to attend the auction. Indeed, I was not made aware of it until some time after the auction had taken place. At the time, I had been absent from the council for around a year at the time due to ill-health.

11.2. Following the auction, I received a call from a Mr Sion Tegwyn of the BBC who asked me for my comments on the complaint which had been made by John Arthur Jones ("JAJ") to PwC concerning my bidding at the auction against the council. I had not been aware that it was the council who had purchased the land up to this point.

11.3. I then contacted PwC by telephone and the company confirmed that JAJ had indeed made a complaint about me. I explained to PwC that I had not been aware that I was

bidding against the council at the relevant time. I gave my assurance that I would co-operate fully with any investigation the company wished to carry out.

- 11.4. JAJ then continued to make allegations against me in relation to this matter, and this attracted significant public interest. I therefore felt I should obtain all of the facts and as such made a request under the Freedom of Information Act 2000 to the council. After receiving and reading various documents (copies of two letters from the Corporate Information Officer attached at Appendix I), I formed the view that the information they contained was of such significance that they should be given to PwC, so that the company had all of the information available in completing the investigation of the complaint made against me.
- 11.5. I then consulted Councillors Phil Fowle, B Owen, Bob Parry and Goronwy Parry, and we all decided to request a meeting with PwC. At the meeting, which took place at the council's Llangefni offices, we presented the documents acquired under the FOIA 2000 to PwC's representatives. The contents of the documents were discussed and the auditors present at the meeting told us that they would request unredacted versions from the council themselves. We were assured that we would be provided with a progress report on the matter in due course.
- 11.6. We then had another meeting with PwC at the end of 2007. We were advised that the progress had been slow due to "challenges" and the need to obtain legal advice.
- 11.7. I recall feeling very low and was exasperated by the whole affair. I and my family had been dragged into the matter and made the subject of baseless accusations over the council's purchase of the property.
- 11.8. I was subsequently cleared of any wrongdoing by PwC (a copy of their letter to me confirming the same is attached at

Appendix J). However, JAJ persisted in denigrating me. I invited the CMT to confirm publicly that I had not acted improperly in any way, but they would not. I therefore had to defend myself and make a considerable effort to clear my name while the allegations continued. This inevitably led to further details of the purchase being discussed in the media, all of which I attribute to JAJ's actions.

11.9. There were also two meetings arranged with the Leader of the Council, the executive and PwC following the 2008 election. I attended these meetings. However, for the avoidance of doubt, I never had any private individual meetings with anyone from PwC and all communications I did have with the company have been disclosed above.

11.10. I attach at Appendix K a dossier of relevant documentation for the Ombudsman's consideration. I offered this to PwC at one of the meetings but they declined to accept it, explaining that they would request all of the relevant information themselves.

12. See below.

12.1. Again, I am greatly troubled by the wording of this question which presumes that I provided the notes in question to Councillor McGregor. I did not provide any notes to Councillor McGregor on this issue and deny his allegations to the contrary. I therefore cannot provide a copy of these typed notes as they do not exist. In any event, I do not type - as with my correspondence, any notes I make are normally handwritten.

12.2. For the avoidance of doubt, I did not take any part in the writing of the "Paragraph 85" letter. This was confirmed by Cllr McGregor in a letter to me dated 6th November 2009 (Appendix N - see 13.10 below).

- 12.3. In my view, the general lexis and tenor of the "paragraph 85" letter suggests that Cllr McGregor drafted the letter himself. If one compares the letter to other letters he has written, there are clear similarities. I attach at Appendix L an example, being a letter from Cllr McGregor to then Managing Director Derrick Jones, dated 22nd December, 2008.
- 12.4. I note that Cllr McGregor has suggested that the same notes I had allegedly given to him were used to prepare the letter to Derrick Jones mentioned above. I vehemently deny this allegation for the same reasons as I deny contributing to the "Paragraph 85 letter" - I never provided any such notes to Cllr McGregor.
- 12.5. The 22nd December 2008 letter refers to discussions Cllr McGregor had with Derrick Jones in private on 10th December 2008. I did not know such a meeting had taken place until I saw this letter. Therefore, it is impossible that I could have been the source of that information. I note that in his complaint, Mr Bowles appears to appreciate that the letter was all Cllr McGregor's own work.
- 12.6. This letter also reveals that, despite what Cllr McGregor says in his Witness Statement, his relationships with council officers was anything but cordial. For example, in the letter he states:
- "As a new councillor and executive member I have been dismayed by the obvious distrust shown to us by the senior officers."*
- 12.7. I find it simply incredible that Cllr McGregor is disclaiming ownership of the content of the "Paragraph 85" letter and has sought to distance himself from it by arguing that he merely corrected grammatical errors and ignored the substance of it.

12.8. It is unfortunate that a man of his background is now trying to absolve himself of responsibility for exercising extremely poor judgment on this matter, despite having already acknowledged his mistake, retracted the comments made in the letter and apologised. It is also unfortunate that I was not given the opportunity to review the letter before it was sent so that I could have advised Cllr McGregor of my views on its contents.

12.9. I also note that Cllr McGregor alleges that I was the originator of the term "three green bottles". This is not true. Cllr McGregor used the term on more than one occasion and this is confirmed by the attached letter signed by 10 colleagues, dated 30th October 2011 (attached at Appendix L).

13. See below.

13.1. The letter attached at Appendix L confirms that the issue of the "Paragraph 85" letter was the subject of considerable debate within the Original Independents Group ("OIG"). The letter, signed by no less than 10 of my colleagues, is the strongest possible evidence proving that Clive McGregor, who was at the time Leader of both OIG and the Council, had originally made his position very clear: there would be no apology for the "Paragraph 85" letter which he had written.

13.2. However, the Executive and OIG (including me) resolved that Cllr McGregor should write to the CMT and express regret that matters had badly deteriorated, and make it clear that there was indeed a willingness to draw a line under the past and move forwards, just as the Corporate Governance Report of 2007 recommended.

13.3. Sadly, Cllr McGregor never did this. The relationship between the CMT and Executive then deteriorated further,

resulting in the CMT contemplating legal action and a complaint to the Ombudsman. I believe this impasse could have been avoided had Cllr McGregor communicated with the CMT in the spirit of re-engagement.

- 13.4. In any event, my reasons for not signing the resolution document require clarification. During October in 2009, my wife was diagnosed with cancer and urgently admitted to hospital where she underwent two major operations. She was then in intensive care for a period of time before returning home on 5th November 2009 (I would prefer this information to remain private and confidential and mention it now only because it is an important detail in the background against which I initially chose not sign the document).
- 13.5. Due to my wife's illness, I had not been able to participate in council business to the same extent as usual. I was therefore somewhat out of step with the other members of the executive at the time.
- 13.6. Cllr McGregor says in his Witness Statement that the CMT and executive met on 27th November 2009 to deal with the resolution document, and that after the meeting he attended my home to ask for my signature. This is incorrect.
- 13.7. It was, in fact, on the evening of 5th November 2009, the day my wife had returned home from hospital, when Cllr McGregor called. He arrived at my home at 5:00 pm and asked me to sign two documents: one, relating to a request for dispensation from the Standards Committee; the other, the resolution document.
- 13.8. I explained to Cllr McGregor that I had to attend to my wife that evening as she had just come home from hospital, and her health was my only concern at that time. I did quickly read the document and made some positive comments on it, but then went on to say that I would need to consider it further that weekend and asked if he could provide me with

a copy, which he agreed to do. He also agreed with me that the matter could be discussed in more detail at an informal meeting of the executive which was due to take place the following Monday, and I would let him know at that time whether or not I was prepared to sign the document.

13.9. I assured Cllr McGregor that I would not do anything to cause him any embarrassment at the meeting, and that if agreement could not be reached on this issue I would be prepared to resign from the executive. He then suggested that I could "resign with dignity" due to my wife's ill-health, but I made it very clear to him that I would do nothing of the sort. I recall that our discussion was at all times cordial and concluded amicably.

13.10. However, when Cllr McGregor subsequently forwarded to me a copy of the resolution document he attached it to a letter he had written in Welsh which stated that, regrettably, he understood that I intended to resign from the executive and make a public statement on the matter explaining that it was Cllr McGregor who had written the "Paragraph 85" letter and that he had never denied the same. None of this was true, but it seems as though Cllr McGregor had accepted that it was and therefore must have felt threatened by me. A copy of the letter is attached at Appendix N.

13.11. It is of note that in the letter, Cllr McGregor goes on to say that:

"I have never denied the letter was my work and I am more than ready to admit to the council that I wrote it."

13.12. I contacted Cllr McGregor as soon as I received his letter and categorically denied saying anything to anyone which would support what he had alleged. I understand that the very councillors from whom he claims to have received the information have also denied saying such things to him.

- 13.13. Having cleared the air with Cllr McGregor on this matter, I attended the above-mentioned meeting on 9th November 2009. On entering the committee room, Cllr McGregor asked me to step outside with him, which I did. He then informed me that he had decided to dismiss me from the cabinet. I reminded him that we had agreed to discuss the relevant issues during the meeting that day, but he responded by saying that he had made his decision and then left.
- 13.14. While the meeting continued, I waited in the members' lounge so that I could speak to the others once they had concluded their business. Everyone including Cllr McGregor then met with me. I gave a full account to them of my meeting with Cllr McGregor (as set out above) and Cllr McGregor confirmed to the others that the account I had given was correct. He then left the meeting to attend a prior engagement. After he had gone, the others expressed concern over what had happened and agreed that the matter should be revisited. It also transpired that each member of the executive had been visited separately by Cllr McGregor and pressurised into signing the resolution document. I was subsequently informed, however, that Cllr McGregor would not revisit the issue and had said that the matter had "proceeded beyond recovery".

The Resolution Document Itself

- 13.15. I did have concerns about the wording of the document, as drafted by Mr Bowles. The second paragraph contained both an apology for the "Paragraph 85" letter and a retraction of all of the observations made within it, *individually* and collectively, by the members of the executive.
- 13.16. I believed that by signing the document I would therefore be admitting that the allegation that I had knowingly bid against the council was in fact true, when it most certainly was not. I also felt that I would be taking responsibility myself for the words which Cllr McGregor had used in the "paragraph 85" letter. I was certainly very concerned that I

might be associated with terms such as "misfeasance" which appear in the letter, relating to the Craigwen Issue, especially in the light of the complaint made about me to PwC by JAJ.

- 13.17. Nevertheless, I did feel that the Resolution Document raised some issues which warranted further examination, although it is most unfortunate that I was not asked to contribute to or review its contents and only became aware of what it said after it had been presented to me by Cllr McGregor.
- 13.18. I also felt that, because it retracted the "Paragraph 85" letter in its entirety, signing the Resolution would have been tantamount to accepting that there had been no substance in any of the issues raised in the letter.
- 13.19. While I did agree with most of the Resolution Document's contents and fully supported its aims, I did not believe it was right for the executive to make a full retraction of every point raised in the "Paragraph 85" letter. Indeed, some of those points echoed what was said in the Audit Report and have subsequently been acknowledged as having merit by the Commissioners who now control the council, who have taken action which reflects this. Perhaps, if I had been consulted as to the preparation of the Resolution Document, then a more appropriate wording may have been agreed and I would have signed it.
- 13.20. I appreciate that some may have felt that, in the interests of putting the matter to bed, it may have been easier for all if I had signed the document. However, it should be remembered that I and the other executive members had already resolved to draw a line under matters and move forwards, many months before the issue had re-emerged. As mentioned above, we had also asked Cllr McGregor to make a written apology himself. Moreover, at the council meeting on 10th December 2009 I explained clearly that, even though I did not feel able to sign the resolution document, I was still personally committed to working

towards a better future rather than arguing over events of the past (a copy of the relevant minute is attached at Appendix O).

14. See below.

- 14.1. As detailed above, after I refused to sign the resolution document Cllr McGregor dismissed me from the cabinet. He sent me written confirmation of the dismissal by way of a letter composed in Welsh which I attach at Appendix P. In the letter, he thanked me for my valuable contribution to the executive that term.
- 14.2. Cllr McGregor then made a statement printed by the Daily Post in which he said that I still remained a valued member of the Original Independents Group ("OIG"/"the Group"). A copy of the article attached at Appendix Q. I have therefore found it difficult to understand his subsequent behaviour towards me, and indeed the comments he has made in his Witness Statement given to the Ombudsman.
- 14.3. At the start February 2010, the OIG held a meeting to discuss whom the Group would support for chair of the Scrutiny Committee to which I had been allocated placement in the preceding month. After some deliberation, it was unanimously decided that the Group would support Cllr Cliff Everett, a member of the opposition group, as opposed to another member of that group, Cllr Eifion Jones. Cllr McGregor was present at the meeting and did not raise any objection.
- 14.4. At the subsequent Scrutiny Committee meeting, Cllr Everett declined the nomination and, in accordance with the council's constitution, Cllr Eric Roberts was proposed and seconded. However, at the request of the then managing director, Richard Parry Jones, no vote was taken and instead a recess was agreed so that further discussion could take place with a view to reaching a consensus on the matter.

- 14.5. At the next full council meeting, without any notice having been given to the chair or any members of OIG, Cllr McGregor announced that he had dismissed me from the Group on the ground that I had undermined his leadership by ignoring his instructions in relation to the nomination of the chair of the Scrutiny Committee. I understand that every member of OIG who was present was shocked by this announcement, and they were all very critical of Cllr McGregor because I had clearly given effect to the Group's decision. I refer to Cllr Rhian Medi's letter at Appendix G which sets out her recollection of the matter.
- 14.6. Another consequence of me not signing the resolution document was that I received a letter from the Ombudsman dated 16th December 2009 (attached at Appendix R). In the letter, the Ombudsman states that he understands that I did not want the "Paragraph 85" letter withdrawn. I have never said that, but would refer to comments made above in response to question 13 on that issue. Despite the general misunderstanding of the situation which the Ombudsman's letter reflects, I have remained committed to moving forwards since 2007. I stated this in the council meeting mentioned above. I have not raised the relevant issues at all since resolving to draw a line under the past and my record will confirm that. I have not made any complaints about these matters to anyone, whereas others have resurrected them or kept them alive, thereby preventing well-meaning officers and members from repairing their relationships.
- 14.7. Throughout 2010, Cllr McGregor began to use public consultation meetings as a place where he could foster a "culture of blame" for the council's problems aimed in my direction. I believe he had the support of Mr Bowles in doing this, and in any event claimed to have the support of the majority of council members, evinced by the Terms of Engagement mentioned above. As can be read in the attached letter from Rhian Medi's (Appendix G), this was obviously not the case.

- 14.8. Whereas prior to my refusal to sign the Resolution Document these public consultation meetings had in my view been very productive, after that point Cllr McGregor had more often than not used them to name and shame people. Mr Bowles himself used staff meetings to accuse me of engaging in divisive behaviour while at the same time, just as he has done in his complaint, admitting that he had no proof to support his claims. All of this was quite clearly contrary to the guidance given by Dr Brian Gibbons and Carl Sergeant, and something which I found to be totally counter-productive.
- 14.9. I have in my possession a taped audio recording of what I understand to be a staff meeting which took place on 9th June 2010. I attach at Appendix S what I understand to be a transcript of Mr Bowles' comments during that meeting. The transcript was provided to me anonymously along with the tape. It appears to me that the transcript and the tape accord. In the transcript, Mr Bowles' attitude towards me and the fervour with which he sought to turn others against me is quite clear. I am providing these notes in the spirit of openness, so that the Ombudsman has all of the information available to him. I appreciate that it is for him to determine what weight to give the notes and/or the recording, as necessary.
- 14.10. Dr Gibbons made a speech before the Assembly on 11th November 2009 in which he stated:

"It is a matter of considerable concern that, Anglesey's recovery will fail unless all members and officers of the council accept a shared responsibility for the current problems and contribute fully to the actions required in resolving them."

"At the same time, there is a tendency for some to ascribe the council's problems to the actions of a few named councillors..."

"Blaming individuals for what is undoubtedly a deep-rooted corporate failure is not only misguided, it is also no recipe for sustainable recovery. "It allows those not named or indeed those doing the naming to avoid responsibility..."

14.11. Following Mr Bowles' departure, the five commissioners appointed by the Welsh Assembly have encouraged a more inclusive approach to ironing out the council's internal difficulties and I feel that things have significantly improved.

15. See Below.

15 (a) I confirm that I made this statement.

15 (b) As explained above, I have never made a complaint about any officer or councillor and made the statement in response to suggestions from Councillors Thomas and Chorlton at the meeting in question that I should apologise for the "Paragraph 85" affair.

15 (c) I confirm that at the time I made the statement I believed it to be true and still do today. In my view, those who wrote and apologised for the letter, along with Mr Bowles, have refused to let this matter go and move forwards as I have done. I drew a line under the whole debacle a long time ago, but they have refused to put this matter behind them.

It seems to me that, as they have signed the resolution document, these same members and Mr Bowles feel that they are immune from further criticism and have carte blanche to harass me over my decision not to apologise for something in which I had no part.

16. See Below.

16 (a) I confirm that I recall the conversation to which Ms Ball has referred. However, I disagree with Ms Ball's recollection as to the purpose of my visit to the Legal Department. I had in fact gone there to seek clarification regarding the allocation of Scrutiny Committee seats to unaffiliated members of the council, and wanted Ms Ball's advice on interpreting the council's resolution on the matter.

16 (b) Ms Ball was not in her office when I arrived. I therefore discussed the matter with another of the council's solicitors, Meirion Jones. On my way out, Ms Ball and I met in the corridor. I explained why I was there and the nature of my discussion with her colleague, and we then proceeded to her office to discuss the matter further.

Towards the end of our discussion, which was at all times perfectly cordial, I referred to Mr Bowles' letter of 19th February 2010 in which he alluded to issues I had supposedly raised with him at our meeting in August 2009 concerning Ms Ball. I assured her that his account of our meeting as implied by the letter was entirely incorrect and, as she notes in her Witness Statement, I assured her that I was quite happy to work with her.

It therefore saddens me to read in her statement that she took this as some sort of complaint, when I had merely intended to reassure her that I was committed to developing a healthy working relationship with her for the betterment of the council.

16 (c) I did not make the comments as suggested by Ms Ball. I note that she says I made reference to allegations I had made against her to Mr Bowles. I am of course concerned that this may be interpreted as me acknowledging that I had made these allegations, when nothing could be further from

the truth. As mentioned above, I had simply sought to make clear to Ms Ball that I had not said these things about her.

I also deny suggesting that Mr Bowles had put words into my mouth and encouraged me to make complaints, as Ms Ball states. I did not use these words, and only mentioned that Mr Bowles had pressed me to discuss issues of the past.

I must also take issue with Ms Ball's statement where she says:

"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 Cllr Schofield as they were not in the public domain."

The issues were in the public domain and had been for some time. Even the "Paragraph 85" letter was most certainly an issue before Mr Bowles' arrival. Indeed, the very reason Mr Bowles was appointed was to tackle all of these issues which were widely publicised and well-known to all. Further, Mr Bowles had met with a number of other councillors prior to his meeting with me, and in his letter of 19th February 2010 states that he had received a number of complaints about the Monitoring Officer.

The most remarkable thing is, before I left Ms Ball's office that day, she actually shook my hand and said to me (about Mr Bowles): *"Don't worry - nobody likes him, you know"*.

17. For all of these reasons I have given in this document, I do not believe that my conduct as detailed in Mr Bowles' complaint since my election in 2008 amounts to a breach of the Code of Conduct for members as alleged.

18. See below.

18.1 I do not believe my conduct towards Ms Ball is capable of amounting to a breach of paragraph 4(c) of the Code of Conduct for members.

18.2 As mentioned above, I have not made a complaint about Ms Ball to Mr Bowles or anyone. I do not agree the contents of Mr Bowles' note of our meeting in August 2009. I do not accept that there is sufficient evidence to support his allegation that I have breached the Code in this respect.

18.3 I have always strived to observe the Code and conduct myself in a proper manner. My record of serving my community for over 40 years reflects that. I have endeavoured to raise any issues of concern in the interests of the people of Anglesey and have sought to express any criticism of officers and members in the proper forum of council meetings. As Cllr McGregor notes in his statement (and I'm sure anyone whom the Ombudsman may ask will confirm), I never raise my voice at such meetings and never behave in a way which could be described as bullying. Cllr Parry notes in his statement that I have always conducted myself properly.

18.4 What is more, Mr Bowles notes in his complaint that I do not respond to letters. I do not see, therefore, that there is any evidence that I have pursued any sort of a course of conduct against Ms Ball which can be regarded as bullying or harassment.

18.5 The Ombudsman's Guidance on bullying and harassment states:

"Very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully."

18.6 I would certainly say that I have been involved in robust exchanges with Ms Ball and others in council over matters on which we may have held different views. However, I have never engaged in behaviour which may have been capable of amounting to bullying or harassment of Ms Ball. She is a very senior officer who is indeed well-placed to put her own view across forcefully, and has done so on many occasions.

19. See below.

19.1 As mentioned above, I strenuously deny engaging in any improper behaviour towards Ms Ball or anyone else, and I reject Mr Bowles' account of our meeting in August 2008 and refute making a complaint about Ms Ball, as alleged.

19.2 Further, I have never done anything to further my own family's interests and am at a loss as to why this is mentioned at paragraph 5.7 of Mr Bowles' complaint. There is no evidence to support any allegation to the contrary. If there was, I certainly would not have survived in the council for as long as I have done.

19.3 As such, considering all of the explanations I have given above (and below) of the events in question, I do not consider that my conduct as set out in the complaint is capable of amounting to a breach of paragraph 6(1)(a) of the Code.

20. See below.

20.1 I have never acted in a malicious or vexatious manner towards an officer or anyone else, and have never sought to do anyone harm. Any criticism I have levelled at Ms Ball or others has been borne out of legitimate concern for the

people of Anglesey, in that I have sought to ensure that proper procedures are followed and we all behave in a way which stands up to scrutiny. I have only challenged decisions which I felt were made on unsafe grounds. I felt it was in the best interests of the council to look at these matters more closely.

- 20.2 The Audit Commission had indicated that we as a council could either pursue the Craigwen matter by way of an inquiry, at great expense, or we could draw a line under the matter and move on. We resolved, of course, that the interests of the public would be best served by putting the matter to bed, and I was completely on board with that decision.
- 20.3 However, as I recall, at some point following the 2008 election, in which 14 new councillors took office, the administration chose to disseminate a dossier on the Craigwen affair (essentially all of the documents in Appendix K) which only served to reignite the issue. I wish to make it absolutely clear that it was therefore not me who persisted in pursuing this matter.
- 20.4 In respect of the Peer Review which Neil Pringle carried out, which I had not seen before receiving this complaint, I note that Ms Ball herself states on page 11 of her statement that other solicitors/Monitoring Officers may have been entitled to reach different conclusions on her actions. Mr Pringle says this himself in his report. This, surely, indicates that anyone would have been quite right to want to debate the issues in question.
- 20.5 It could also be argued that the Peer Review itself was not a full Peer Review, when compared to other, more comprehensive reviews. In my experience, Peer Reviews have normally been much more thorough in their examination of the subject's activities. Mr Pringle acknowledges in his introduction that, according to Mr

Bowles' instructions, he was asked to restrict his report to 8 specific issues. However, I would stress that I never requested the Peer Review and was not asked to provide any comments or documents to Mr Pringle, and as mentioned above had not seen it until I was sent Mr Bowles' complaint. Again, I have not made any formal complaints about this matter to Mr Bowles or anyone else.

20.6 I note that Cllr Parry has stated that, although I may have been persistent in meetings in pursuing legitimate issues of concern with Ms Ball, I was exactly the same with other officers and in any case I always remained within acceptable limits of appropriate behaviour.

20.7 Ms Ball herself notes that I was never aggressive or unpleasant and would never shout or bully when I visited her at her office.

21. For the reasons I have given above, I do not consider that my conduct towards Ms Ball is capable of amounting to a breach of paragraph 7(a) of the Code of Conduct. I have never sought to attack her personally, I have not tried to use my position improperly to create a disadvantage for her.

22. See below.

22.1 I believe this complaint against me is totally without merit and is unsupported by the "evidence", or rather the lack of it. Mr Bowles appears to rely heavily on the word of Cllr McGregor and hearsay. In my view, it is clear that Cllr McGregor has sought to blame me for his own mistakes and therefore has something to gain by supporting Mr Bowles in making this complaint. I have become an easy target, a scapegoat to blame for all of the council's problems, just because I refused to be forced into accepting responsibility

for something I did not do (signing the resolution document).

22.2 Above, I have pointed out where Cllr McGregor's statement contains incorrect information. It is noteworthy that Cllr Parry's statement differs markedly from Cllr McGregor's, in that Cllr Parry is of the view that I have never acted inappropriately. It therefore seems that Cllr Parry's Witness Statement has not borne the fruit which Mr Bowles had expected. The author of the statement clearly agrees that I have always conducted myself properly.

22.3 I note that at para 3.7.8 of Mr Bowles' complaint, he alleges I was behind the problems arising out of the council's purchase of Craigwen, but his allegations are all based on rumour and gossip. At 3.7.9 he says PwC have never denied stating I was the "poison" behind it all. I think it is more important to note that they have never confirmed it, and it is of course Mr Bowles' burden to adduce proof of the allegation, which he has not done. Most importantly, however, I have spoken to Mr Ian Howse, the person alleged to have made the comment in question, and he has authorised me to relay his comments on the matter as follows:

"I do not recollect ever making such a statement and you should ask for evidence to prove it."

22.4 I made it very clear to PwC's Mr Howse at the time that I only wanted to provide the dossier of documents I had in relation to this issue (Appendix K) to enable him make a proper assessment of the situation. Moreover, I am at pains to point out again that I had drawn a line under this issue in 2007, and it was others who revived the issue thereafter, not me.

22.5 Further, it seems to me that Mr Bowles has acted contrary to the council's stated aim of moving towards full recovery in making this complaint. In fact, Mr Bowles himself, in his letter of 19th February 2009, purported to draw a line under everything so that we could all work together from that point on, and I fully endorsed that decision, just as I had done previously in 2007 before the elections the following year.

22.6 The Ombudsman also discontinued the two complaints relating to me, and thereafter I had looked forward to developing good working relationships with officers and councillors alike.

22.7 However, it now seems all the while Mr Bowles was plotting to make this complaint against me, and it was him who refused to let matters rest. I refer again to his letter to Aled Morris Jones at Appendix B (a similar letter I believe was sent to other councillors) asking for support for his complaints to the Ombudsman against me and another councillor. I regard this as appalling behaviour, and could have had the potential to interfere in political decisions in which he should not have been involved.

22.8 I understand that Mr Bowles, without any approval from the council's members, ring-fenced tens of thousands of pounds in order to pursue his complaints against me (see Appendix T). I am sure the people of Anglesey would find this deeply troubling, to say the least.

22.9 Furthermore, as mentioned above, there is generally no evidence which Mr Bowles has adduced that supports his

allegations. He accepts this himself at numerous points in both his complaint and Witness Statement. On page 6 of his statement, where he says that my modus operandi in carrying out the alleged campaign of bullying and harassment etc was talking to other officers in "tea room chats", he acknowledges that he does not have "any documentary evidence in support" and argues that I was so cunning as to not let any witnesses overhear these discussions. Indeed, he goes on to say "I have **no proof** of this," also on page 6 of his statement.

22.10 On page 7 of the statement, he continues (in relation to me demonstrating opposition to Ms Ball in council meetings):

"...it is difficult to prove motive on each of these occasions as the comments could be perceived simply as member challenge."

22.11 Member challenge is exactly what such opposition was, and Ms Ball was not alone in facing such challenges from me. As mentioned above (and confirmed by Cllr Parry's statement), I would challenge anyone in council meetings if I disagreed with them on any given matter.

22.12 Further on page 7 Mr Bowles goes on to note:

"I do not recall attending any meetings when Cllr Schofield has blatantly and explicitly criticised Miss Ball and/or the legal department, rather I have observed him in meetings where he has implied criticism of officers or systems and procedures."

22.13 This is extremely weak at best. It seems to me that Mr Bowles is alleging that I have breached the Code in some way for what he has vaguely described as general implied criticism of which he again has no proof.

22.14 He goes on to say that "the power of my arguments are often sound" and "he chooses his words carefully to stay on the right side of the line." It therefore appears that Mr Bowles is claiming that I have breached the Code for quite frankly doing my job well and adhering to the relevant rules on member conduct.

22.15 On page 8 of his statement, he again says "I am unable to evidence these claims" with regard to other members' supposed fear of retribution if you cross me. He even acknowledges that the behaviour he describes in paragraph 3.27 of his complaint (which I generally deny, of course) is not itself capable of breaching the Code.

22.16 I am also concerned about the integrity of Mr Bowles. It is surely not right when a person who stands in a position of authority in relation to another presses that person for information on the express understanding that the discussion was to remain private, confidential and off-the-record, then uses that information to launch an all-out attack on the person by way of a very serious complaint to the Ombudsman.

22.17 More importantly, Mr Bowles wildly inaccurate note of our meeting, among other things, causes me great concern. It must be asked what he knew about individual members and officers and the history of the council generally and from what sources he obtained such information prior to his arrival. I note that he first chose to stay at JAJ's accommodation when he came to Anglesey, until he was forced to relocate due to wide condemnation of this decision in the media. I attach a copy of a relevant article published

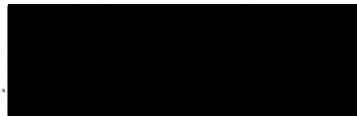
online at Appendix U, which was drawn to my attention by my solicitors.

22.18 Finally, I would say that I may have, quite naturally, formed negative opinions about officers and members when they have not followed due process or have otherwise conducted themselves in a manner which has troubled me. I consider it my duty as an elected representative of the council to raise legitimate concerns about such matters. I believe that much of what is happening in the council today suggests that at least some of the actions about which I may have been critical in the past did indeed require scrutiny.

However, as has been mentioned many times hereinbefore, I and the rest of the council had committed to moving beyond Craigwen and other contentious issues back in 2007. It was only after the 2008 elections that the issues started to re-emerge.

Mr Bowles was determined to resolve the Craigwen affair in his own way and was not prepared to let the matter go without forcing me into signing the retraction of the "paragraph 85" letter, which I did not write. It seems that due to my refusal to sign the retraction, rather than put the matter to bed move forwards with me and the other members, working towards the recovery of the council, Mr Bowles has instead focussed his activities on undermining me, causing divisions in the council, and generally seeking to render me politically impotent. He has spent an extraordinary amount of time gathering little-to-no evidence of wrongdoing on my part and trying to get others to speak out against me. His considerable efforts have culminated in this complaint, which is not supported by the relevant documents, and is not supported by the council. On the other hand, the support which I have received from the council has sustained me and my family during this very trying time.

Signed:



Councillor Elwyn Schofield

Date:

5. Jan 2012.

Hutton's

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Ref: SMCH/IJM/SCH5/1

**REPLIES ON BEHALF OF COUNCILLOR ELWYN SCHOFIELD
TO THE 22 QUESTIONS ASKED BY
THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

Corrections

<u>Paragraph</u>	<u>Correction</u>
10.9	"above" should read "below at 12.3/Appendix L".
10.19	The reference to paragraph 10.16 should read "10.20".
11.4/11.5	Suggests the documents offered to PwC were only the letters attached at Appendix I; the documents offered were in fact those attached at Appendix K, as is later confirmed in paragraph 11.10.
12.9	For "Appendix L" substitute "Appendix M ".
13.1	For "Appendix L" substitute "Appendix M ".

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