# Appendix 6





### WITNESS STATEMENT

Statement of: DAVID BOWLES

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: FORMER INTERIM CHIEF EXECUTIVE OF ISLE OF ANGLESEY COUNTY COUNCIL

This statement (consisting of 10 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature:

Date: 27th October 2011

I am the former Interim Managing Director of Isle of Anglesey County Council ("the Council"). I was appointed as part of the Welsh Assembly Government's ("WAG") intervention direction in August 2009 following the issuing of the critical Corporate Governance Report. I have previously worked in local government and have extensive knowledge and experience in dealing with issues similar to those encountered by the Council at that time.

Although appointed from August 2009 I did not commenced my full time duties as Head of Paid Service until October 2009. However, in the intervening period between August and October 2009 I met with a number of senior officers and members of the Council. The meetings were part of a diagnostic exercise to determine for myself the true nature of the issues within the Council.

I spoke with Miss Ball as Monitoring Officer and head of legal services and Councillor Schofield amongst others as part of this "diagnostic phase".

Having met with the various members, I got the impression that they were of the view that the previous reports undertaken in relation to the Council, in particular the Farmer Report and the WAO report had not gone far enough in identifying the

persons responsible for the breakdown in relations and problems within the Council. The general view was that there needed to be external naming of members to bring the issues to the open.

During these initial meetings all persons were able to be very frank.

My recollection is that the overwhelming majority of persons I met with named Councillor Schofield as one of the members responsible for the issues highlighted in the WAO report. His name was one of two in particular which kept coming up. People were very open and some took the view that the Council could never change whilst Councillor Schofield was part of the Council.

I met with Councillor Schofield on 28 August 2009. I made handwritten notes during the meeting which were used to dictate a detailed note the same day. A copy of the handwritten notes are attached as exhibit 'DB1' and the typed noted is attached as exhibit "DB2". I did not send a copy of the handwritten or typed note to Councillor Schofield for approval. I did if I recall properly speak to officers including Robyn Jones about sending him a copy of the note; I recall that on at least one occasion I was advised that there would be no point in sending a document to him as he would not respond, as he had not done so previously. I cannot be certain if this advice was received only in relation to the note of this meeting but the general view was that Councillor Schofield rarely put anything in writing as he did not like matters to be traced back to him.

During the meeting Councillor Schofield proceeded to make a number of very serious allegations against officers and members of the Council, the majority of his allegations were made against the Monitoring Officer and Head of Legal Services, Miss Ball although there were also some about David Elis-Williams the Director of Finance. The allegations made by Councillor Schofield are set out in paragraph 3.12 of the complaint. I consider that almost any of the allegations made by Councillor Schofield against Miss Ball at this meeting would if proven to be true have given grounds for her summary dismissal for gross misconduct. In particular, if the allegation that the Monitoring Officer engineered, with the opposition, complaints against members of the controlling group that could give rise to immediate

dismissal. These are incredibly serious allegations of unprofessional behaviour, I was shocked at the very direct allegations that he made. The allegations were predominantly made against Miss Ball, the complaints against Mr. Elis-Williams were relatively minor. The complaints Councillor Schofield made against members could be put down to a clash of personalities, politics and member relations. However, the allegations about Miss Ball went much further in my view. Councillor Schofield also detailed a plan of splitting Miss Ball's role within the Council as a means of reducing her power and effectively getting rid of her. One of the telling comments he made that stuck with me was that Miss Ball "was not fit for purpose".

I recall that this phrase was used some months later by another member in criticism of Miss Ball and I did not consider that to be a co-incidence.

During the meeting he was charming, very articulate, and other than what he was saying came over as a very reasonable person. He gave me the impression that the problems of the Council could be overcome if I were to "get rid" of Miss Ball. He obviously felt strongly about the allegations, in particular information getting into the public domain about him. I would describe him as passionate and firm. He impressed on me to consider a number of documents which he felt would support his views.

As these were early days I needed to consider the truth of the allegations and agreed to consider further his complaints.

The meeting with Councillor Schofield presented me with a huge problem. My view was that if Councillor Schofield's claims were right, I had a major problem with the Monitoring Officer. However, in contrast if what he had told me was not right, I had a huge problem with him. If he was wrong given that he is a very experience Councillor the number of allegations and their nature the only conclusion I could draw was that the allegations were made for malicious reasons. To make claims of this nature against an officer to someone with the power to suspend them and wreck their career is very serious in my view. Miss Ball was the Councils Monitoring Officer and subject to statutory employment protection which would require the appointment of a Designated Independent Person to carry out the investigation. I

given me sufficient grounds to suspend her there and then, whilst the investigation was ongoing. However, I did not consider that this was the best course of action to take at that particular time as it would not have been in the interests of member/officer relations. The most serious allegations made by Councillor Schofield to me were those which focused on political partiality towards the opposition and collusion with the various members. The majority of the allegations were also directed at Miss Ball's motivation in taking various actions as opposed to her advice and/or competence on matters. He had suggested to me during our meeting that her motivation in almost all instances was her attempt to support the opposition and due to the animosity she felt towards him. This took the allegations into a different league in my view and I required independent review to facilitate recovery of the Council.

Whilst, I was satisfied with the outcome of the Peer Review, I was somewhat concerned with Mr. Pringle's observations in the conclusion. The conclusion of the Peer Review refers to Miss Ball's employment rights and the effect that these allegations could have upon them. I had come to the same conclusion myself, as a consequence I wrote to Miss Ball to offer her employment related support. I also discussed the prospect of referring complaints about Councillor Schofield to the Ombudsman with her.

At this time I was also conscious that the allegations had been made by Councillor Schofield beyond the confines of the meeting to other members. One such example was the 'not fit for purpose' comment referred to above. I was advised by others that Miss Ball was first on the hit list and that Councillor Schofield was leading a "charge against her". I was advised that comments expressed by Councillor Schofield had been made during what I would describe as "tea room chats" as opposed a formal setting and in the absence of witnesses. Whilst I do not have any documentary evidence in support, I believe that a number of the members will be able to verify the sort of comments made by Councillor Schofield against Miss Ball. I was told by a number of people that Councillor Schofield would not 'leave his finger prints' on deeds that he was behind and would say things when there were no witnesses about or get others to do his bidding for him. Whilst I have no proof of this it was told to me by large numbers of officers and members alike.

have arisen by way of "corridor chats" are that if you cross him in any way there is a genuine fear of retribution, but I am unable to evidence these claims. His implied form of criticism has not just been directed at Miss Ball and the legal department; I have also observed it in respect of the estates department and small holdings. In public he tends to criticise within bounds of officer/member challenge or scrutiny, often making it very difficult to pinpoint the hidden intent.

I was at the meeting of 8 December 09 and heard Councillor Schofield comment that he had never made complaints about officers. I recall thinking that he made a "spectacular own goal". In my view if a person says something with apparent conviction, people will believe what is being said. Within Councillor Schofield's statement in December there were things that were true but there were also things which were untrue. In my view what he said and the way that he said it was designed to have the effect that the whole statement was true. I was personally aware that it was not true as he had presented his complaints to me in August 2009.

I do not think the other members were terribly impressed by Councillor Schofield's statement, or that they were surprised by his comments. Councillor Schofield is powerful and influential; he gets other members to do his bidding for him. When you speak to the members there are all sorts of allegations being made about his involvement with other members and influences that he may have. Councillor Schofield is in my view very astute, articulate and has very good powers of persuasion which he often uses in the wrong way. He has influence over a number members.

In October 2010 I met with Councillor McGregor (Leader) and Councillor Parry (deputy leader) to seek confirmation that they had either firsthand experience or were aware of Councillor Schofield's behaviour. I chose these two members due to their positions within the Council and also because they were particularly committed to good governance and recovery of the Council. Robyn Jones of the Legal Department assisted me with the meeting and prepared a draft table of complaints/combined allegations which I reviewed with him. We put each item in this table to the two members during the meeting and details of comments received from members about them recorded by Mr Jones. This table is attached as exhibit

"DB4". As far as I recall both Councillors were aware of the majority of the allegations made by Councillor Schofield and had firsthand knowledge of them also.

In paragraph 3.27 of the complaint provides details of Councillor Schofield's recent behaviour. Whilst, the behaviour in itself perhaps cannot be regarded as breach of the code, I consider that his behaviour may have the effect of damaging political relations and halting the recovery of the Council; I have made reference to these in the complaint for context of the underlying pattern of disruptive behaviour on Councillor Schofield's part.

On occasions when Councillor Schofield does not agree with advice or proposal given by an officer his manner is incredibly tenacious, in public he is always pleasant and articulate when presenting his arguments. However, Councillor Schofield adopts a very different manner to that of other members and he can be relentless in making his point. I observed a number of incidents when I consider that the Chairman in any other authority may have closed the meeting down or asked him to stop. To my knowledge this has never occurred. I consider that he has been allowed far too much licence to pursue his arguments at meetings. I believe that Councillor Schofield's formidable skills are damaging when misused. The meeting I had with him in August 2009 was shocking, the way he used his skills during this meeting in pursuit of Miss Ball could have resulted in her suspension and done significant damage to her career even if they were, as was the case, unfounded.

The thrust of his allegations against Miss Ball are often directed at her motives and purpose as opposed to her advice or professional actions and are designed to damage her and her career. This combined with claims that she "is not fit for purpose" and his scheme for getting her out of the Council, goes well beyond questioning an officer's competence and is malicious and vexatious.

In my opinion Councillor Schofield's behaviour towards Miss Ball has gone well beyond that of criticism of an officer's advice and/or policies which is part of the cut and thrust of everyday politics. I am in no doubt that the allegations made against Miss Ball are personally motivated. I consider that it is important that members are

involved in giving qualitative, systematic measured feedback but I do not consider that Councillor Schofield's allegations could in any way be considered as such.

The nature of the allegations was far beyond the bounds of reasonable concerns about the performance of an officer in my view. The allegations are to be taken even more seriously when made against the Monitoring Officer in a Council with a history of member conduct problems and have to be viewed in that context. I consider that Councillors should value an independent Monitoring Officer with backbone and not attack them. I believe that Councillor Schofield's allegations are a scurrilous and reprehensible attack against Miss Ball for doing her job professionally and even worse they were directed towards me who had the power to commence action against her; action which could ultimately have led seriously damaged her career regardless of the validity of those allegations. The potential consequence of these allegations against the Miss Ball was very serious indeed; I am in no doubt that they were not made with good intent or designed to improve her performance. His aim was to get rid of a statutory officer who had earned a reputation for independence and taking a principled stand within a Council not renowned for elected member commitment to good governance. I believe that I was a new audience for Councillor Schofield with the power to trigger action which would lead to Miss Ball being dismissed; his aim was to get me to use my powers. I believe that Councillor Schofield made an unprincipled attack on the Monitoring Officer, which could have had a devastating effect on her. In my 30 years of working within local government I can honestly say that I have never come across such a vindictive and focused individual as Councillor Schofield.

Signature:

GARY WALKER, & CANNICK HALL MEWS

Signature witnessed by:

## Exhibit DB 1

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# Exhibit DB 2

#### Note of meeting with Cllr Schofield 28th August 2009

Cllr Schofield stated that upon winning the last election the majority group had difficulties with the MD. He contrasted Derek Jones negatively with some of the people who had held the post before.

He said this was a difficult matter for members to deal with and they had to look outside for help including meetings and discussions between the Leader and Jeremy Coleman at the WAO, the WLGA and other councils.

He said there had been problems in the Council going back many years from 1996. There was a public interest report and he thought the council had been going wrong since then and is it not addressing the problems properly and that there should have been more member oversight of the problems. The way this was expressed to me gave me the clear impression that he saw the problems being on the officer's side of the organisation rather than the member side.

He complained about not getting a final report on something and that I should get a copy of the final Farmer report.

He also said Anglesey had been good eg setting up one of the 1st voluntary standards committees and comprehensives.

Cllr Schofield was then very critical of Cllr Chorlton in particular stating that Cllr Chorlton had bullied staff as PH for Social Services and told them what to do and said that this was less than acceptable standards of corporate governance - not what the original independents were doing.

He described it is 'inexcusable' that members had not seen a draft of the audit letter and he said the officers appeared to be in the sense of denial. He said the 'yellow file' which contains all of the officer rebuttal of the paragraph 85 letter was nothing other than fabrications. He was highly critical of both Lynn Ball and to a lesser extent David Elis-Williams for producing such a file and indicated quite clearly that he did not believe much of what was in the file......

He was particularly critical of DEW in connection with travel costs for members relating to Derek Jones.

Cllr Schofield also indicated that the 'opposition had been told about it' and kept well briefed on the para 85 letter and the yellow file; they had been better briefed than the controlling group. When pushed he said that this was down to Lynn Ball.

Cllr Schofield was firm that this was not any form of 'clash' between officers and members which I took to mean in terms of personality etc. He homed in that this was particularly about the incompetence of senior officers and a 'series of unresolved issues'. He indicated that this was predominantly around the legal officer and to a lesser extent finance officer but that it was not always evident.

He stated that he was keen to draw a line but that he could not do so as far as the legal officer was concerned - she had even made a complaint to the police,

He indicated that any documents that went from the controlling group were immediately leaked to the opposition and accused the monitoring officer of supplying the documents to Chorlton.

He did say that he was prepared to draw a line under Craigwen though!!

He was also critical of issues around FOI and the implications were that the officers were more likely to be helpful on FOI requests for the opposition than they were when he was in opposition.

Cllr Schofield proceeded to say how he had got involved in Craigwen and that he was unaware of the fact that the council was bidding. He said that he was open in his actions and if he was intending to be devious than he could have used an agent. He stated that he considered that the council's procedures for purchase had been in breach of the law. He also stated that he also believes that PwC had been lent on. He referred to Lynn Ball 'threatening' PWC with legal action with the so called tanks on the lawn letter, and that PWC had backed off as a result of that. This was said in such a way suggesting that Lynn Ball had been acting improperly. I pushed him on this as I could not see how PWC could be leant on to do something improper ie drop a valid issue under threat. He was adamant and again urged to me to look at it challenging how the Council could run with a Monitoring Officer who got away with threatening PWC.

There was a complaint to do with John Arthur Jones and the BBC. He indicated that somehow John Arthur Jones was trying to hold the Council to ransom.

Cllr Schofield accused Lynn Ball of doing things on Craigwen which 'amounts to lying' and that there were areas where because her conflicts she should keep out of matters. He said that there was 'no legal right' for the Council to be at the auction and that this was a very serious matter. I told him I'd read some files and as far as I could see this was no more than a procedural/admin problem and that I did not regard it as a serious matter; however he clearly did and I said if it was a procedural flaw and that there was a degree of unity and the same decision would be taken again then you may respond the way the council had. It was not actually a matter of being illegal and difference between that and unlawful.

Clir Schofield did not agree with this was quite adamant that it was illegal – (he did not seem to understand the difference). He was particularly critical of her use or misuse of S5 reports. He said that Lynn Ball used S5 to protect the opposition but uses S5 to threaten the controlling Group. He said again you have to look at it carefully and look at Aled Morris Jones and compare it with Winston Thomas.

I said this was a serious allegation. He said that Craigwen was illegal.

I said as far as I was aware I didn't believe that PwC had agreed with that opinion. He indicated that that was not his view and that was a lot more information to come out yet with an implication that it was to come from him. I asked him about how the information would be released which he side stepped saying it would be politically damaging and he then criticised Lynn Ball for releasing information to opposition groups and said to Lynn Ball was 'not fit for purpose'. I made it clear that this was a serious allegation and he said he had a number of 'serious allegations about Lynn Ball'.

He thought whilst there were good structures in some parts of the Council she had 'personal weaknesses'. He believes that the monitoring officer role and the legal officer role should be split perhaps through joint working. He did not believe the monitoring officer role was full-time and could be secured through joint working perhaps sharing a full-time officer across various councils - he said such appointment could be overseen by some kind of properly constituted panel.

He was then very critical of Lynn Ball and Gareth Winston Roberts implying that they were too close to each other and that there was something improper in their (working) relationship. He did not believe that in many of the recent issues in the Council, Lynn Ball should have been part of the decision making process as she had a conflict of interest.

He said Lynn Ball's relationship with the opposition groups went back 4/5 years or more. She got them off the hook that as monitoring officer - she should not have done and that there was a conflict in her role. He repeated the allegation of partial use of S5. The role should have been split. Cllr Schofield said that he in fact was a whistleblower and he had blown the whistle on Lynn Ball's appointment as monitoring officer; he believed there had been improper interference in the process and said something about internal audits and some kind of complaint and good luck to get off. He was highly critical of the process and personally I thought it contradicted himself something to do with advertising or not (seemed to think that something was wrong). There was no independent investigation into her appointment. Eversheds had been appointed and they clearly were not independent as Lynn Ball had worked for them in the past....

As a result of all of this, ie his involvement in her appointment process, Lynn Ball was 'biased against Cllr Schofield'.

Cllr Schofield was critical of aspects of the Council's constitution and that Chairs of scrutiny change if the chairman leave particular parties.

He was further very critical of Lynn Ball about using Alan Carr and spending £130K on him as a solicitor he also stated that a note of a meeting had been taken to try and catch Cllr Schofield out but did not get the right people there.

He complained about John Arthur Jones in relation to Craigwen (Cllr Schofield bidding against the Council) and that this was another effort to catch him out which shows how he was treated when it was others like John Arthur Jones and Chorlton who were the problem,

Cllr Schofield stated that Lynn Ball had 'prepared documents for John Chorlton' and referred specifically to the ombudsman complaint and that her motives were to get at him. He said that you 'simply have to read the letter' to realise who had actually written it. I said that this would be a very serious matter and one that could result in serious disciplinary action if true. He urged me to look at it properly.

He said the ombudsman threw out the complaint in relation to the Para 85 letter and was to take no further action but was challenged by Lynn Ball. Cllr Schofield said that this challenge by her was wrong and was due to her relationship with the opposition. Lynn Ball should never have done that it was wrong and this and other acts were designed to do him down.

Lynn Ball had even challenged Clir Schofield earlier when he had been ill over previous ombudsman's complaints. He accused Lynn Ball of making it public that Schofiled had 'deliberately gone ill' and made sure that document became public with the implication that it was improper. He said that this was retaliation by Lynn Ball after 'the appointments fiasco'.

Indicated he only had to look at John Arthur Jones document to see who had written it.

Then Schofield indicated that Lynn Ball had gone to the police but that nobody had ever been interviewed.

It was clear that Cllr Schofleld had no time for John Arthur Jones and again accused him of making accusations in a paper which 'only the monitoring officer would have known' making it clear that Lynn Ball had given the information to John Arthur Jones who had published it. I asked if he meant had deliberately given to John Arthur Jones in the knowledge that he would publish it and he said that was the case.

I said that this was a serious allegation and when pressed Cllr Schofield said it was 'general knowledge' that Lynn Ball did things to help the opposition. Even when pressured he insisted that Lynn Ball had leaked information to John Arthur Jones with deliberate intent. He said there were other examples something about standards and also about MD and severance.

He then questioned why documents had been 'released publicly' by Lynn Ball and indicated that he believed that was done publicly to embarrass him and 'designed to do harm' to him. He further stated that information had been released to the public through the Standards Committee by Lynn Ball to embarrass him about his illness and that others had no right to know anything about it.

I said that these were very serious allegations and if true could have serious consequences.

Derek Jones did a report to standards committee that Schofield believes that the way that it was handled was that officers were again judge and jury.

Cllr Schofield then said that he was prepared to move ahead. I questioned him on that on the basis that I could not see how given his previous comments he was prepared to move ahead. I said that everybody wanted people named and asked who he would have on his list. He said he was prepared to move ahead on Craigwen but had serious concerns about John Arthur Jones, John Chorlton and Lynn Ball. I said it was difficult for the Council to move forward whilst he still held those views. He homed in particularly on the Lynn Ball repeating yet again that she was not fit for purpose.

I indicated that given the serious nature of the allegations against her I really had no choice other than to investigate. I asked him whether he wished me to do that. Cllr Schofield indicated that he would and referred again to splitting of the posts between legal officer/monitoring officer as a way of removing Lynn Ball from the Council. I stated that normally I would regard conversations in my office as confidential but that I would not be able to regard his comments as confidential as I would need to discuss them with other people if I was to look at these matters seriously. He indicated that these matters were serious and should be looked at.

He was very critical of the Welsh audit office about Craigwen then about Jeremy Colman which I didn't fully understand, something to do with 'real problems' with the land (floods?) and something to do with valuation of land which I didn't understand??

He then complained about the state of smallholdings and the level of backlog work of £2.9m that needed to be done.

Finally I spoke to Cllr Schofield about strengthen corporate governance generally and told him that this was the area which I would be focusing on asked him for views or observations. His focus again was on Lynn Ball and he made it clear that he did not believe the Council could move forward whilst Lynn Ball was still an employee and I told him I would investigate his complaints. He said that there had never been a proper investigation and that I needed to look at things carefully. I told him that I would investigate them carefully.

29/2/09

Dictated 28th August 2009

## Exhibit DB 4

Allegation	000	!!!!
Members had not seen draft of auditor's letter	CIVI	BP
Officers' rebuttal of paragraph 85 letter contained fabrications – critical of DEW and LB for	>	>
Critical of DEW to trained and the control of DEW to trained and the contr		
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Opposition better briefed about paragraph 85 letter and rebuttal than were ruling group – LB doing this	,	2/
Competence of legal officer (LB) and finance officer (DEW)	>	>
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I B leaks ruling group documents to proceed was concerned - complaint she made to police		
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B threatening Dw with London opposition on FOI requests than to pre 2008 opposition		2
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No legal right for Council to be at auction	</td <td>k .</td>	k .
LB misuse of section 5 - used to protect opposition and threaten rilling graup	7	>
Craigwen purchase illegal		
LB not fit for purpose and has personal weakeassas	>	7
LB releases information to opposition — —	7	7
LB and GWR top close in working relationship	>	7
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issues		
LB got ruling group 'off the hook' prior to 2008 - Caras	,	
NO	7	>
Eversheds not independent investinators of I B's appointment	7	7
LB biased against ES following his which a housing	7	>
Critical of use of Alan Carr tried to cate Fig. 1:	7	>
ES poorly treated when JA.I and IC were the problems	7	7
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LB prepared documents for JC - Ombudsman complaint - LB's motive was to get at ES	7
Lb challenged Ombudsman's view of paragraph 85 letter because of her relationship with opposition	~
LB challenged ES over his illness and Ombudsman complaint and made it public that he was deliberately ill $\{a \mid due \text{ to appointment complaint } - \}$	7
LD liad written JAJ S document - JAJ & complaint organic Com July 69	7
LD leaked Illiormation to JAJ so that he could make allegations in the press	2
Lb doing things to help opposition – general knowledge – Es prede it	7
Documents made public to Standards Committee by LB to embafrass ES and do him harm	2
Council Cannot move forward whilst LB an employee - need an investigation	7