

Standards Hearing Sub-Committee

Notice of Decision

Case Reference	SC1
Subject Member	: Councillor Bates
Subject Member representative	: Mr Joe Fitzpatrick
Sub-Committee members	: Councillor Moores (Chair) : Councillor Sedgwick
Independent Person	: Mr David Parkin
Investigating Officer	: Ms Sophie Devlin
Witnesses	: Councillor Garry : Councillor Dawson : Ms. Colette Kelly : Mr. John Crompton
Monitoring Officer	: Paul Entwistle
Head of Constitutional Services	: Liz Drogan
Date of Hearing	: Tuesday, 17th March 2015

A Standards Hearing Sub-Committee was convened to consider whether Councillor Bates had failed to comply with the Council's Code of Conduct.

The Sub-Committee was convened under the Council's Arrangements for Dealing with Complaints about the Code of Conduct for Members in accordance with the Localism Act 2011 for the determination of complaints that a Member may have breached the Council's Code of Conduct.

The complaints concerned allegations from Councillors Garry and Dawson of a breach of the Members Code of Conduct against Councillor Bates stating he bullied and treated a member of the public and an officer and the Chair of the Failsworth and Hollinwood District Executive with a lack of respect.

The Sub-Committee heard oral and written representations from the Investigating Officer and witness evidence from Councillor Garry, Councillor Dawson, Ms. Colette Kelly and John Crompton.

Councillor Bates declined to make representations to the Sub-Committee. Councillor Bates was represented by Mr Joe Fitzpatrick.

Councillor Bates's Interruption of Mr. Crompton

1. The Standards Sub-Committee considered the Investigating Officer's report containing the summary of information provided by Councillors Garry and Dawson, Colette Kelly and Mr. Crompton as supplemented by oral evidence given by them. Councillor Bates did not give his account of the matter to either the Investigating Officer or the Standards Sub-Committee.
2. The Sub-Committee found that during the public question time at the meeting, Councillor Bates interrupted Mr. Crompton saying "who are you?" in a loud and aggressive manner, gesticulating at him in an aggressive way in an attempt to intimidate him. There is a reasonable expectation that members of the public are able to address their questions at the meeting without an interruption and particularly an interruption of this nature. There was clear evidence before the Sub-Committee that Councillor Bates had known Mr. Crompton for a number of years.
3. The Sub-Committee also found, on a balance of probabilities, that Councillor Bates also said "You've never done anything".

The Sub-Committee found that Mr. Crompton was "taken aback" by the interruption and other people at the committee were shocked at Councillor Bates's actions. The Sub-Committee also found that Councillor Bates then appeared to remember Mr. Crompton's name and said in a theatrical manner, "Oh yes, Mr. Crompton."

4. The Sub-Committee found that the interruption and the nature of the interruption with the apparent intention of intimidating Mr. Crompton, amounted to a breach of the Code of Conduct. The Sub-Committee found that Councillor Bates failed to treat Mr. Crompton with respect (paragraph 3.1 of the Members Code of Conduct) , bullied Mr. Crompton (paragraph 3.2(b)) and conducted himself in a manner bringing his office into disrepute (paragraph 5).

The Note

1. The Investigating Officer concluded that Councillor Bates had circulated a note to people in the public gallery of the meeting stating “CROMPTON NEVER LIFTED A FINGER TO DEFEND THE MEMORIAL LAND.”
2. There is some conflicting evidence regarding the note. Having regard to the written account of events contained in the Investigating Officer’s report and verbal evidence given by Councillors Garry and Dawson, Mr Crompton and Colette Kelly, without any contradictory account being given by Councillor Bates , the Sub-Committee found, on a balance of probabilities, that the note originated from Councillor Bates . The note is disrespectful and an inference has been drawn that this was with the intention of publically undermining Mr. Crompton. Councillor Bates did not put his version of events to the Sub-Committee and therefore the Sub-Committee could not be informed of his motive. In reaching this conclusion, the Sub-Committee took into consideration the verbal evidence of Mr. Crompton and his earlier submission recorded in the Investigating Officer’s Report where he stated he felt aggrieved that the note appeared to question his involvement with the Memorial Park. The Sub-Committee also considered the totality of evidence on this issue contained within the Investigating Officer’s report and the verbal evidence provided.
3. The Sub-Committee found that Councillor Bates in circulating the note breached the Code of Conduct in that he failed to treat Mr. Crompton with respect (paragraph 3.1) and bullied Mr. Crompton (paragraph 3.2.(b)).

Behaviour directed at Councillor Garry/Colette Kelly

1. The Sub-Committee considered the information provided in the Investigating Officer's report and the verbal accounts given by Councillors Garry and Dawson, Colette Kelly and Mr. Crompton.
2. The Sub-Committee found that Councillor Bates glared at Councillor Garry and Colette Kelly during the meeting and cupped his head in his hands whilst doing so. This was intended to intimidate Councillor Garry and Colette Kelly. Colette Kelly gave evidence that she felt intimidated by his behaviour.
3. The Sub-Committee found, on a balance of probabilities, that Councillor Bates in this behaviour, breached the Code of Conduct in that he failed to treat people with respect (paragraph 3.1) , bullied Councillor Garry and Colette Kelly (paragraph 3.2(b)) and conducted himself in a manner bringing his office into disrepute (paragraph 5).

The Sub-Committee imposed the following sanctions:

1. These findings (including the Investigating Officer's report to be redacted by the Monitoring Officer to remove personal data) to be published on the website by the Council
2. These findings (and the Investigating Officer's report) to be reported to full council for information.
3. A recommendation to Council that Councillor Bates be censured.
4. Councillor Bates be excluded, for a period of 3 months, commencing on the 18th March, from the offices of the Failsworth Town Hall where activity of the Failsworth Historical Society is taking place in the Failsworth Town Hall.