

**INVESTIGATION REPORT
FOR OLDHAM COUNCIL
COMPLAINT AGAINST COUNCILLOR BATES**

DAC Beachcroft LLP

3 February 2015

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1. Executive summary

Summary of allegation

- 1.1 Complaints were received from Councillor Elaine Garry and Councillor David Dawson regarding the conduct of Councillor Warren Bates at the Failsworth and Hollinwood District Executive meeting of 31 July 2014. The complaints allege that the behaviour of Councillor Bates amounted to a breach of Oldham Council's ("the Council") Code of Conduct for Members and Guidance ("the Code"). A copy of the Code can be found at Appendix A.
- 1.2 These are the allegations investigated pursuant to paragraph 6 of the Council's 'Arrangements for dealing with complaints about the Code of Conduct for Members'. In accordance with paragraph 6, DAC Beachcroft LLP has been appointed as Investigating Officer. This investigation has been undertaken by Sophie Devlin of DAC Beachcroft LLP.

Summary of investigation outcome

- 1.3 Having considered the matters set out in this report, our finding is that Councillor Bates breached the Council's Members' Code of Conduct.

2. Councillor Bates' official details

- 2.1 Councillor Bates was elected to office in May 2014 for a term of 4 years.
- 2.2 Councillor Bates represents the Failsworth West Ward. His committee appointments are as follows:
- Clayton Playing Fields;
 - Council;
 - Failsworth & Hollinwood District Executive; and
 - Licensing Committee.
- 2.3 Councillor Bates was acting in his official capacity in attending the meeting of the Failsworth & Hollinwood District Executive meeting on 31 July 2014.

2.4 Councillor Bates received training on the Code on 1 July 2014.

3. The relevant legislation and procedures

3.1 The Council adopted the current Code of Conduct for Members in 2012 under the provisions of the Local Government Act 2000 as amended by the Localism Act 2011. The Code is required to be consistent with the Nolan Principles of Conduct in Public Life, pursuant to Section 27(2) of the Localism Act 2011, but its content is left to local discretion.

3.2 The Code of Conduct contains the following provisions, which Councillor Bates is alleged to have breached:

Paragraph 2.1 Members must comply with the Code whenever they are acting as a Member.

Paragraph 3.1 Members must treat others with respect.

Paragraph 3.2(b) Members must not bully any person.

Paragraph 5 Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

3.3 On 5 June 2014 Councillor Bates signed a declaration of acceptance of office, in which he agreed to observe the Code of Conduct of the Council adopted by resolution of the Council.

4. Background to investigation

4.1 On 31 July 2014, the complainants, Councillor Elaine Garry and Councillor David Dawson, attended a meeting of the Failsworth and Hollinwood District Executive meeting in their capacity as councillors. Councillor Elaine Garry chaired the meeting in question. Councillor Bates was also present in his official capacity as a councillor and as a member of the District Executive.

4.2 During public question time, a member of the public, Mr John Crompton, addressed the meeting to ask a number of questions on behalf of the Failsworth Historical Society ("the FHS"). Whilst Mr Crompton was reading his question, Councillor Bates allegedly interrupted him. It is this interruption which forms part of the complaint.

4.3 Following the interruption, Councillor Bates wrote a note regarding Mr Crompton on a piece of paper. It is this action which also forms part of the complaint.

4.4 There is also a complaint in respect of Councillor Bates' conduct towards the Council's Assistant Executive Director, Colette Kelly, during the meeting in question.

4.5 Following the meeting, the complainants submitted their complaints. Copies of the complaints can be found at Appendix B, along with the relevant minute of the meeting.

- 4.6 The matter was discussed at a Standards Assessment Hearing Sub-Committee on 29 August 2014. Two elected members were present; the Independent Person, Assistant Borough Solicitor and Christine Chester from Constitutional Services were in attendance. A copy of the minutes of the 29 August 2014 meeting can be found at Appendix C.
- 4.7 On 1 September 2014, Councillor Bates was informed via email that members of the standards sub-committee considered that his actions had been discourteous, but that it may be possible to deal with the matter through informal resolution by way of an apology to the complainants, District Executive, and to the member of the public concerned. A copy of the email can be found at Appendix D.
- 4.8 On 4 September 2014, Councillor Bates met with the Assistant Borough Solicitor and advised that he would not apologise as suggested. A file note of this conversation can be found at Appendix E.
- 4.9 Given that Councillor Bates did not wish to accept the recommendation of informal resolution, the matter was referred to investigation.

5. The evidence gathered

Complaint

- 5.1 We have taken into account the written evidence of the complainants as contained in paragraph 5 of the complaint form submitted by Councillor Garry and the document provided by Councillor Dawson. These can be found at Appendix B.

Minutes of the Meeting

- 5.2 We have considered the formal minutes of the meeting, which can be found at Appendix F. There are no handwritten notes of the meeting. The council officer responsible for taking minutes also produced a short note of her recollection of the meeting, which can be found at Appendix G.

Evidence of Councillor Bates

- 5.3 We have also considered the comments made by Councillor Bates during the meeting on 4 September 2014 in respect of the complaint. Councillor Bates was invited to discuss the complaints further and afforded the opportunity to provide his comments on the complaints. This invitation was refused. He was subsequently offered the opportunity to put forward his comments in writing, to which no response was received. Copies of the relevant correspondence can be found at Appendix H.

Evidence of Councillor Elaine Garry

- 5.4 A telephone conference was held with one of the complainants, Councillor Elaine Garry, who was also the member chairing the meeting when the alleged breach of the Code occurred. A note of this interview is at Appendix I.

Evidence of Councillor David Dawson

- 5.5 A telephone conference was held with Councillor David Dawson, one of the complainants, who was also in attendance at the meeting. A note of this interview is at Appendix J.

Evidence of Mr John Crompton

- 5.6 A telephone conference was held with Mr Crompton, the member of the public to whom Councillor Bates directed his conduct which allegedly breached the Code. A note of this interview is at Appendix K.

Evidence of Colette Kelly

- 5.7 A telephone conference was held with Colette Kelly, the council officer to whom Councillor Bates directed his conduct which allegedly breached the Code. A note of this interview is at Appendix L.

6. Summary of the agreed facts

- 6.1 It is noted that Councillor Bates has only provided comments as to his version of events during the meeting of 4 September 2014. As stated above, he has declined to provide any further representations. The summary of agreed facts is therefore based on the evidence gathered during this investigation, and in the absence of any contradictory evidence submitted by Councillor Bates or others.
- 6.2 On 31 July 2014, the complainants attended a meeting of the Failsworth and Hollinwood District Executive, which was chaired by Councillor Garry and at which Councillor Bates was present in his official capacity. Ms Colette Kelly, the Council's Assistant Executive Director, was also in attendance.
- 6.3 All those in attendance at the meeting had a clear view of one another.
- 6.4 During the public question time, Mr Crompton addressed the room to ask a number of questions. Whilst asking a question, he was interrupted by Councillor Bates who asked Mr Crompton "Who are you?"
- 6.5 During his interruption, Councillor Bates spoke in a loud and aggressive manner, leaning forward in his chair.
- 6.6 Following the interruption, the Chair, Councillor Garry, interjected due to Councillor Bates' behaviour.
- 6.7 Councillor Bates subsequently wrote a note about Mr Crompton during the meeting. The note was passed to a number of individuals within the public gallery. Mr Crompton also had sight of the note.
- 6.8 Councillor Bates glared at either Councillor Garry or Colette Kelly during the meeting.

7. Summary of issues in dispute

- 7.1 There is a dispute as to whether Councillor Bates knew Mr Crompton. The file note of the discussion on 4 September 2014 between the Assistant Borough Solicitor and Councillor

Bates states that Councillor Bates had seen *'the man concerned at the meetings on several occasions but had no idea who he was and what party he represented'*. It can be assumed that the 'man concerned' is a reference to Mr Crompton, and the 'meetings' is a reference to the Failsworth and Hollinwood District Executive ("FHDE") meetings. However, the evidence provided by those interviewed suggests that Councillor Bates knew who Mr Crompton was and in fact had done so for a number of years (Mr Crompton suggested they had met in approximately 2001).

- 7.2 There appears to be a dispute as to whether Councillor Bates gesticulated whilst interrupting Mr Crompton. Whilst some evidence suggests that Councillor Bates did not gesticulate whilst speaking, other evidence suggests he pointed his finger in the air or that he waved his hands around.
- 7.3 There is a dispute as to the precise words used by Councillor Bates at the meeting. Whilst it is agreed that Councillor Bates stated "*Who are you?*", there is disagreement as to whether he stated any further words, and if so, what they were. The complainants, Councillor Garry and Councillor Dawson respectively allege that Councillor Bates stated "*Who are you? I don't know you*" and "*Who are you? You've never done anything*". Mr Crompton suggests the words used were "*Who are you? What is your name?*", whilst Ms Kelly suggests Councillor Bates stated only "*Who are you?*"
- 7.4 There is a dispute as to whether Councillor Bates repeated the words referred to at paragraph 7.3 above.
- 7.5 Following the interjection of the individual referred to at paragraph 7.6 above, there is a dispute as to whether Councillor Bates then appeared to remember Mr Crompton's name, and his manner in doing so. However, one individual does not recall this at all. There is also a dispute regarding the words used by Councillor Bates when he allegedly appeared to remember Mr Crompton's name.
- 7.6 There is a dispute as to whether those in attendance at the meeting were shocked at the interruption.
- 7.7 There is a dispute with regards to the recollection of the wording of the note written by Councillor Bates, but since the note was kept by an officer, its content cannot be disputed.
- 7.8 There is a dispute as to what happened to the note after Mr Crompton had sight of it.
- 7.9 Whilst it is agreed that Councillor Bates glared at either Councillor Garry or Ms Kelly during the meeting, there is a dispute as to whom the glaring was directed towards. There is also a dispute as to his body language whilst glaring.

8. Findings of fact

- 8.1 The relevant standard of evidence is which version of events, on the balance of probabilities, is more likely to be true.
- 8.2 Whilst most of the facts are agreed, there are some slight conflicts of evidence. We have reached a conclusion on these conflicts so far as possible based on the evidence gathered. We do not consider that, in the circumstances, further enquiries would be

proportionate or cost effective. We have also had regard to the fact that Councillor Bates has declined to put forward his version of events.

8.3 With regards to the dispute at 7.1, we have had regard to the fact that Councillor Bates appears to suggest that he did not know Mr Crompton or which 'party' he represented. However, the evidence provided by both complainants, as well as Ms Kelly and Mr Crompton himself suggest otherwise, in most cases suggesting that they had known each other for over 10 years. In particular, evidence provided by Mr Crompton and Councillor Garry suggest that, prior to Councillor Bates' election as a councillor, both he and Mr Crompton travelled in the same car to meetings within the community and that they met around 2001. In any event, both Councillor Dawson and Councillor Garry confirmed that a copy of the letter written by Mr Crompton, which contained the questions he asked, was provided to all members prior to the meeting. This letter clearly states Mr Crompton's name and the name of the organisation on behalf of which it is written. For the reasons stated above, we find that, on the balance of probabilities, Councillor Bates knew Mr Crompton and the organisation or 'party' he represented.

8.4 With regards to whether Councillor Bates gesticulated whilst interrupting Mr Crompton, Councillor Dawson states that he does not recall Councillor Bates gesticulating in any way. However, Ms Kelly alleges that Councillor Bates waved his hands around. In addition, Councillor Garry alleges that Councillor Bates' hand 'prodded at the air', whilst Mr Crompton alleges that Councillor Bates pointed his finger aggressively at him.

It is noted that those interviewed, as well as the file note of the Council officer responsible for taking notes at the meeting, have described Councillor Bates as acting in an aggressive manner when interrupting Mr Crompton. For that reason, and given that the majority of those interviewed have stated that Councillor Bates gesticulated during the interruption, we find that on the balance of probabilities, Councillor Bates did in fact gesticulate. Further, we also find that, on the balance of probabilities, it is likely that this gesticulation was the pointing of a finger, given that both Mr Crompton and Councillor Garry have described it as such. We consider that the pointing of a finger could be construed as the 'waving of hands' and therefore is also in line with Ms Kelly's account.

8.5 With regards to the precise words used by Councillor Bates at the meeting, whilst it is agreed that Councillor Bates stated "*Who are you?*", there is a disagreement as to whether he stated any further words, and if so, what they were. The complainants, Councillor Garry and Councillor Dawson respectively allege that Councillor Bates stated "*Who are you? I don't know you*" and "*Who are you? You've never done anything*". Mr Crompton suggests the words used were "*Who are you? What is your name?*", whilst Ms Kelly alleges Councillor Bates stated only "*Who are you?*"

Whilst the words allegedly stated by Councillor Bates as set out above are broadly similar, on the balance of probabilities, we find that it is more likely than not that Councillor Bates stated "*Who are you? You've never done anything*". In reaching this conclusion we have had regard to the file note prepared by the council officer responsible for taking notes during the meeting, as well as the formal minutes of the meeting itself. The file note states that Councillor Bates questioned the involvement of Mr Crompton, and the formal minutes (which were subsequently approved by the FHDE) also state that Councillor Bates questioned the FHS' involvement in the matter which the question concerned. This would appear to suggest that the words stated were "*you've never done anything*".

- 8.6 Councillor Garry has stated that Councillor Bates repeated the words referred to above. However, this has not been alleged by any other individual. We therefore find that, on the balance of probabilities it is likely that Councillor Bates stated the words above only once.
- 8.7 We also note that the majority of those who stated that Councillor Bates appeared to remember Mr Crompton's name also stated that he did so in a theatrical manner. There has been no evidence provided to contradict this and therefore we find that, on the balance of probabilities, Councillor Bates appeared to recall Mr Crompton's name in a theatrical manner.
- 8.8 It is alleged by those interviewed that, following the interjection of the Chair, Councillor Bates then appeared to remember Mr Crompton's name, although Mr Crompton does not recall this taking place at all. However, it is noted that Mr Crompton has stated that this may be because he was shocked at being interrupted by Councillor Bates. In any event this is not an express contradiction that this took place. Therefore, on the balance of probabilities, we find that Councillor Bates did in fact appear to remember Mr Crompton's name.
- 8.9 There is also a dispute regarding the words used by Councillor Bates when he allegedly appeared to remember Mr Crompton's name. Only Councillor Garry appeared to recall the exact words used by Councillor Bates, alleging that he stated "*Oh yes, Mr Crompton*". There has been no evidence provided to contradict this and therefore we find that, on the balance of probabilities, Councillor Bates stated these words.
- 8.10 There is some doubt whether those in attendance at the meeting were shocked at the interruption. This is not strictly a dispute, but rather arises from the fact that one of the interviewees, Mr Crompton, cannot recall the reaction of the room during the interruption. However, he has stated that the reason for this was that he had his back to the public gallery during the interruption. Mr Crompton himself used the word "surprised" rather than shocked. In any event, the other interviewees have stated that those in attendance were in shock at the interruption and therefore we consider this to be true, on the balance of probabilities.
- 8.11 There is a dispute with regards to the wording of the note written by Councillor Bates. However, we have been provided with a copy of the note which can be found at Appendix M, and therefore find the wording of the note to be "*CROMPTON NEVER LIFTED A FINGER TO DEFEND THE MEMORIAL LAND*".
- 8.12 There is a dispute as to what happened to the note after Mr Crompton had sight of the note. The evidence provided suggests that the note was passed to Mr Crompton to prevent it from being circulated around the public gallery any further. Mr Crompton states that, having received the note, he passed it to Councillor Jim McMahon. This is in line with Councillor Dawson's statement that he believed the note was eventually passed to a Councillor. There has been no evidence provided to contradict Mr Crompton's version of events and therefore we find that, on the balance of probabilities, we find that Mr Crompton's version of events in relation to his actions following receipt of the note are more likely than not true.
- 8.13 Whilst it is agreed that Councillor Bates glared at either Councillor Garry or Colette Kelly during the meeting, there is a dispute as to whom the glaring was directed towards. Councillor Garry could not be sure as to whether Councillor Bates' glaring was directed at her or Colette Kelly; however the majority of interviewees recalled Councillor Bates

glaring at Ms Kelly. We therefore find that, on the balance of probabilities, Councillor Bates' glaring was most likely directed at Ms Kelly, but it could have also been towards the Chair as she interrupted Councillor Bates and they were sitting next to each other.

- 8.14 We also note that the majority of those interviewed stated that Councillor Bates held his head, or cupped his head in his hands whilst glaring. There has been no evidence provided to contradict this and therefore we find that, on the balance of probabilities, Councillor Bates held his head, or cupped his head in his hands whilst glaring, which was perceived as aggressive and intimidatory.
- 8.15 On the above basis we therefore find the following:
- 8.15.1 Councillor Bates more likely than not knew who Mr Crompton was;
- 8.15.2 On balance, it is more likely than not that Councillor Bates pointed with his finger whilst interrupting Mr Crompton;
- 8.15.3 It is more likely than not that Councillor Bates stated "*Who are you? You've never done anything*" whilst interrupting Mr Crompton, and stated these words once;
- 8.15.4 That, following the interruption, Councillor Bates then appeared to remember Mr Crompton's name and did so in a theatrical manner, stating "*Oh yes, Mr Crompton*";
- 8.15.5 Those in attendance were shocked at the interruption;
- 8.15.6 The note written by Councillor Bates states "*CROMPTON NEVER LIFTED A FINGER TO DEFEND THE MEMORIAL LAND*";
- 8.15.7 It is more likely than not that, following receipt of the note, Mr Crompton passed it to Councillor Jim McMahon and asked to make a formal complaint against Councillor Bates; and
- 8.15.8 That Councillor Bates glared at Colette Kelly, holding or cupping his head in his hands as he did so (and/or the Chair).
- 9. Reasoning as to whether there have been failures to comply with the Code of Conduct**

- 9.1 The relevant paragraphs of the Code we have considered are set out below.
- 9.2 The test in deciding whether or not there has been a breach of the Code is objective. The issue to consider is whether a reasonable person aware of all the material facts and ignoring all immaterial factors considers that there has been a breach of the Code; not necessarily the member himself.

Paragraph 2.1

- 9.3 Paragraph 2.1 of the Code states:

"Subject to paragraphs (2) and (3), you [a member] must comply with this Code whenever you:

- a. *Conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or*
- b. *act, claim to act or give the impression you are acting as a representative of the Council,*
- c. *and references to your official capacity are construed accordingly.*

9.4 The exceptions referred to above under paragraph (2) and (3) are not relevant in these circumstances.

9.5 It is clear that Councillor Bates attended the meeting of 31 July 2014 in his official capacity. Councillor Bates is appointed to Failsworth & Hollinwood District Executive and the minutes of the meeting clearly identify him as being present in his capacity as a councillor member of the District Executive. Councillor Bates was therefore obliged to act in accordance with provisions of the Code.

Paragraph 3.1

9.6 Paragraph 3.1 of the Code of Conduct states that members must treat others with respect.

9.7 It is necessary to consider each aspect of the allegations made against Councillor Bates in order to determine whether there has been a breach of paragraph 3.1.

The alleged interruption

9.7.1 We have considered whether Councillor Bates failed to treat Mr Crompton with respect when interrupting him during the meeting.

9.7.2 For the reasons set out above, we consider that Councillor Bates acted in an aggressive manner during the interruption, leaning forward in his chair as he did so. We also find that Councillor Bates spoke loudly whilst interrupting and pointed his finger in the air whilst speaking. We also find that those in attendance were shocked by the interruption.

9.7.3 We have had regard to the fact there has been no evidence to suggest that Councillor Bates did not act in the manner alleged. In fact, a number of those interviewed, as well as the file note of the council officer responsible for taking minutes, stated that Mr Crompton appeared shocked, distressed and visibly shaken. We also note that Mr Crompton himself was surprised and viewed the interruption as being disrespectful. We have also had regard to the fact that those in attendance were shocked at the interruption.

9.7.4 We note that Councillor Bates' interrupted Mr Crompton and stated the above words whilst he was in the process of reading out one of his questions. We note that Councillor Bates' interruption was made during a point in the meeting in which members of the public are invited to address the meeting, namely, public question time. We therefore consider that members of the public would have a reasonable expectation that they would be able to address their questions to the meeting, free from interruption. We have also had regard to the fact that the

interruption itself took place during an official council meeting, at which a number of members of the public were in attendance and who would have witnessed the interruption.

- 9.7.5 As stated, the test in deciding whether or not there has been a breach of the Code is objective, and it is necessary to consider is whether a reasonable person aware of all the material facts and ignoring all immaterial factors considers that there has been a breach of the Code.
- 9.7.6 As such, in determining whether a breach has occurred it is necessary to take into account all material facts. To this end, it is necessary to consider the context behind the comments made by Councillor Bates.
- 9.7.7 The file note of 4 September 2014 in which Councillor Bates comments on the allegations suggests that he interrupted Mr Crompton as he did not know who he was. The words stated by Councillor Bates would also suggest that this was the case. However, for the reasons set out above, we consider it more likely than not that Councillor Bates did in fact know who Mr Crompton was and had done so for some considerable time. In addition, the elected members present at the meeting stated in their interview that all members were provided with a copy of Mr Crompton's letter, which set out his questions and the organisation he represented. It therefore appears that no valid reason has been advanced as to why Councillor Bates considered it necessary to interrupt Mr Crompton, nor act in such an aggressive manner.
- 9.7.8 Councillor Bates has declined to put forward his version of events and so it has not been possible to ask him what he meant specifically by "you've not done anything". However, from the evidence gathered, it appears that Councillor Bates may have been alleging that Mr Crompton did not take any steps to prevent the proposed development of part of the Failsworth Park and WWI memorial land by Oldham Athletic Football Club.
- 9.7.9 We have considered the evidence gathered regarding Mr Crompton's involvement with the memorial land within Failsworth. All those interviewed provided details of Mr Crompton's involvement with the memorial parks through the FHS. Some interviewees explained that he had been involved in the production of a brochure regarding its history, as well as the arrangement of a commemorative display. In addition, we note the comments made by Mr Crompton himself regarding the actions the FHS took in objecting to the proposed development of the memorial land. No evidence has been put forward to contradict these assertions.
- 9.7.10 In addition, we have also undertaken independent research and had sight of newspaper articles from 2009 concerning the proposed development. The articles in question contain quotes from Mr Crompton on behalf of the FHS. From these articles it is clear that the FHS had objections to the proposed development. Copies of the newspaper articles can be found at Appendix N.
- 9.7.11 In light of the above, we consider that Mr Crompton has been involved with the memorial land and objected to its proposed development. Whilst Councillor Bates' note suggests otherwise, it is noted that no evidence has been put

forward to support this position. We therefore consider that the note appears to undermine the work carried out by Mr Crompton to date in respect of the land.

- 9.7.12 We have also had regard to the fact that a number of members of the public had sight of the note during the public meeting. We consider that, even if those members of the public were not aware of the context in which the comments were made, the note nonetheless appears to belittle Mr Crompton.
- 9.7.13 We have also considered the fact that Councillor Bates then appeared to remember Mr Crompton's name, which was carried out in a theatrical manner, despite the fact that Councillor Bates knew who Mr Crompton was.
- 9.7.14 We consider that the details set out above are material facts for the purposes of considering whether a breach of the Code has occurred. We conclude that Councillor Bates loudly interrupted Mr Crompton, questioning Mr Crompton's identity and doing so in an aggressive manner. In addition, we are of the view that Councillor Bates knew Mr Crompton and in any event had been provided with a copy of Mr Crompton's letter which stated his name and the organisation he represented. We consider that no valid reason has been advanced by Councillor Bates as to why it was necessary to interrupt Mr Crompton. We have also had regard to the fact that the interruption itself took place during a District Executive meeting intended to foster collaborative working with the community, at which a number of members of the public were in attendance and who would have witnessed the interruption. We also note the evidence put forward by Councillor Garry that more of those in attendance were aware that Councillor Bates and Mr Crompton knew each other. We have also had regard to the theatrical manner in which Councillor Bates then appeared to remember Mr Crompton's name. No evidence has been put forward to contradict these conclusions.
- 9.7.15 In light of the above, we are of the view that, having considered Councillor Bates' interruption, as well as the context behind the interruption, a reasonable person would conclude that there has been a breach of paragraph 3.1 of the Code by Councillor Bates.

The note

- 9.7.16 We have also considered whether Councillor Bates failed to treat Mr Crompton with respect by writing the note. As stated above, the note itself states "CROMPTON NEVER LIFTED A FINGER TO DEFEND THE MEMORIAL LAND".
- 9.7.17 Again, in determining whether a breach has occurred it is necessary to take into account all material facts. To this end, it is necessary to consider the context behind this note.
- 9.7.18 Councillor Bates has declined to put forward his version of events and so it has not been possible to ask him his motive for writing the note. However, from the evidence gathered, it appears that Councillor Bates may have been alleging that Mr Crompton did not take any steps to prevent the development of part of the WWI memorial land within Failsworth by Oldham Athletic Football Club.

- 9.7.19 We have considered the evidence gathered regarding Mr Crompton's involvement with the memorial land within Failsworth. All those interviewed provided details of Mr Crompton's involvement with the memorial parks through the FHS. Some interviewees explained that he had been involved in the production of a brochure regarding its history, as well as the arrangement of a commemorative display. In addition, we note the comments made by Mr Crompton himself regarding the actions the FHS took in objecting to the proposed development of the memorial land. No evidence has been put forward to contradict these assertions.
- 9.7.20 In addition, we have also undertaken independent research and had sight of newspaper articles from 2009 concerning the proposed development. The articles in question contain quotes from Mr Crompton on behalf of the FHS. From these articles it is clear that the FHS had objections to the proposed development. Copies of the newspaper articles can be found at Appendix N.
- 9.7.21 In light of the above, we consider that Mr Crompton has been involved with the memorial land and objected to its proposed development. Whilst Councillor Bates' note suggests otherwise, no evidence has been put forward to support this position. We therefore consider that the note appears to undermine the work carried out by Mr Crompton to date in respect of the land.
- 9.7.22 We have also had regard to the fact that a number of members of the public had sight of the note during the public meeting. We consider that, even if those members of the public were not aware of the context in which the comments were made, the note nonetheless appears to undermine Mr Crompton and is disrespectful in its content.
- 9.7.23 We consider that the details set out above are material facts for the purposes of considering whether a breach of the Code has occurred. In light of the above, we are of the view that having considered the note written by Councillor Bates in respect of Mr Crompton, as well as the context behind the note, a reasonable person would conclude that there has been a breach of paragraph 3.1 of the Code by Councillor Bates.

Behaviour directed at Colette Kelly/the Chair

- 9.7.24 It is also necessary to consider whether Councillor Bates' behaviour towards Ms Kelly and/or the Chair of the meeting Councillor Garry could amount to a breach of paragraph 3.1 of the Code.
- 9.7.25 For the reasons set out above, it is considered more likely than not that Councillor Bates glared at Ms Kelly/Councillor Garry during the meeting and cupped his head in his hands whilst doing so.
- 9.7.26 As stated, the test in deciding whether or not there has been a breach of the Code is objective, and it is necessary to consider whether a reasonable person aware of all the material facts and ignoring all immaterial factors consider that there has been a breach of the Code.
- 9.7.27 As such, it is necessary to consider the context behind Councillor Bates' behaviour towards Ms Kelly/Councillor Garry.

9.7.28 Councillor Garry has stated that Councillor Bates had a number of grievances with the council prior to being elected and used to send disrespectful emails to officers. In addition, Ms Kelly advised that there had been a previous incident between her and Mr Bates.

9.7.29 In addition, we note the comments made by Councillor Garry that Councillor Bates' usual stance during meetings is to "slouch and lean back in his chair". The behaviour displayed by Councillor Bates by glaring and holding or cupping his head in his hands is therefore a departure from the norm. We have also had regard to the fact that Ms Kelly holds a senior post within the Council and that, given that the minutes of the meeting do not mention Ms Kelly other than to note her attendance at the meeting, it appears she played no active role in the meeting and there appears to be no reason as to why Councillor Bates would have reason to glare at Ms Kelly, hence he could have been glaring at Councillor Garry who interrupted him following his outburst. In any event, we note a number of the interviewees, as well as Ms Kelly herself, consider this behaviour to be disrespectful.

9.7.30 In light of the above, we are of the view that, having considered the behaviour directed towards Ms Kelly/Councillor Garry, a reasonable person would conclude that there had been a breach of paragraph 3.1 of the Code by Councillor Bates.

Paragraph 3.2(b)

9.8 Paragraph 3.2(b) of the Code of Conduct states that members should not bully any person.

9.9 It is necessary to consider each aspect of the allegations made against Councillor Bates in order to determine whether there has been a breach of paragraph 3.2(b).

The alleged interruption

9.9.1 It is alleged that Councillor Bates acted in a bullying manner towards Mr Crompton when interrupting him during public question time.

9.9.2 For the reasons set out above, we consider that Councillor Bates acted in an aggressive manner during the interruption, leaning forward in his chair as he did so. We also find that Councillor Bates spoke loudly whilst interrupting and pointed his finger in the air whilst speaking. We also find that those in attendance were shocked by the interruption.

9.9.3 We have had regard to the fact there has been no evidence to suggest that Councillor Bates did not act in the manner alleged. In fact, a number of those interviewed, as well as the file note of the council officer responsible for taking minutes, stated that Mr Crompton appeared shocked, distressed and visibly shaken. We have had regard to the fact that those in attendance were shocked at the interruption. We also note that Mr Crompton himself, as well as a number of interviewees, viewed the interruption as behaviour amounting to bullying.

9.9.4 We note that Councillor Bates' interrupted Mr Crompton and stated the above words whilst he was in the process of reading out one of his questions. We note

that Councillor Bates' interruption was made during a point in the meeting in which members of the public are invited to address the meeting, namely, public question time. We therefore consider that members of the public would have a reasonable expectation that they would be able to address their questions to the meeting, free from interruption. We have also had regard to the fact that the interruption itself took place during an official council meeting, at which a number of members of the public were in attendance and who would have witnessed the interruption.

- 9.9.5 As stated, the test in deciding whether or not there has been a breach of the Code is objective, and it is necessary to consider whether a reasonable person aware of all the material facts and ignoring all immaterial factors considers that there has been a breach of the Code.
- 9.9.6 As such, in determining whether a breach has occurred it is necessary to take into account all material facts. To this end, it is necessary to consider the context behind Councillor Bates' behaviour.
- 9.9.7 The file note of 4 September 2014 in which Councillor Bates comments on the allegations suggests that he interrupted Mr Crompton as he did not know who he was. The words stated by Councillor Bates would also suggest that this was the case. However, for the reasons set out above, we consider it more likely than not that Councillor Bates did in fact know who Mr Crompton was and had done so for some time. In addition, the elected members present at the meeting stated in their interview that all members were provided with a copy of Mr Crompton's letter, which set out his questions and the organisation he represented. It therefore appears that no valid reason has been advanced as to why Councillor Bates considered it necessary to interrupt Mr Crompton.
- 9.9.8 Councillor Bates has declined to put forward his version of events and so it has not been possible to ask him what he meant specifically by "you've not done anything". However, from the evidence gathered, it appears that Councillor Bates may have been alleging that Mr Crompton did not take any steps to prevent the proposed development of part of the Failsworth Park and WWI memorial land by Oldham Athletic Football Club.
- 9.9.9 We have considered the evidence gathered regarding Mr Crompton's involvement with the memorial land within Failsworth. All those interviewed provided details of Mr Crompton's involvement with the memorial parks through the FHS. Some interviewees explained that he had been involved in the production of a brochure regarding its history, as well as the arrangement of a commemorative display. In addition, we note the comments made by Mr Crompton himself regarding the actions the FHS took in objecting to the proposed development of the memorial land. No evidence has been put forward to contradict these assertions.
- 9.9.10 In addition, we have also undertaken independent research and had sight of newspaper articles from 2009 concerning the proposed development. The articles in question contain quotes from Mr Crompton on behalf of the FHS. From these articles it is clear that the FHS had objections to the proposed development. Copies of the newspaper articles can be found at Appendix N.

- 9.9.11 In light of the above, we consider that Mr Crompton has been involved with the memorial land and objected to its proposed development. Whilst Councillor Bates' note suggests otherwise, it is noted that no evidence has been put forward to support this position. We therefore consider that the note appears to undermine the work carried out by Mr Crompton to date in respect of the land.
- 9.9.12 We have also had regard to the fact that a number of members of the public had sight of the note during the public meeting. We consider that, even if those members of the public were not aware of the context in which the comments were made, the note nonetheless appears to undermine Mr Crompton.
- 9.9.13 We have also considered the fact that Councillor Bates then appeared to remember Mr Crompton's name, and most likely said "*Oh yes, Mr Crompton*"; in a theatrical manner, despite the fact that Councillor Bates knew who Mr Crompton was.
- 9.9.14 We consider that the details set out above are material facts for the purposes of considering whether a breach of the Code has occurred. We conclude that Councillor Bates loudly interrupted Mr Crompton, questioning Mr Crompton's identity and doing so in an aggressive manner. In addition, we are of the view that Councillor Bates knew Mr Crompton and in any event had been provided with a copy of Mr Crompton's letter which stated his name and the organisation he represented. We consider that no valid reason has been advanced by Councillor Bates as to why it was necessary to interrupt Mr Crompton. We have also had regard to the fact that the interruption itself took place during a District Executive meeting intended to foster collaborative working with the community, at which a number of members of the public were in attendance and who would have witnessed the interruption. We also note the evidence put forward by Councillor Garry that more of those in attendance were aware that Councillor Bates and Mr Crompton knew each other. We have also had regard to the theatrical manner in which Councillor Bates then appeared to remember Mr Crompton's name. No evidence has been put forward to contradict these conclusions.
- 9.9.15 In light of the above, we are of the view that, having considered Councillor Bates' interruption, as well as the context behind the interruption, a reasonable person would conclude that there has been a breach of paragraph 3.2(b) of the Code by Councillor Bates.

The note

- 9.9.16 It is alleged that Councillor Bates acted in a bullying manner towards Mr Crompton by writing the note. As stated above, the note states "CROMPTON NEVER LIFTED A FINGER TO DEFEND THE MEMORIAL LAND".
- 9.9.17 Again, in determining whether a breach has occurred it is necessary to take into account all material facts. To this end, it is necessary to consider the context behind this note.
- 9.9.18 Councillor Bates has declined to put forward his version of events and so it has not been possible to ask him his motive for writing the note. However, from the evidence gathered, it appears that Councillor Bates may have been alleging that

Mr Crompton did not take any steps to prevent the development of part of the Failsworth Park and WWI memorial land within Failsworth by Oldham Athletic Football Club.

- 9.9.19 We have considered the evidence gathered regarding Mr Crompton's involvement with the memorial land within Failsworth. All those interviewed provided details of Mr Crompton's involvement with the memorial parks through the FHS. Some interviewees explained that he had been involved in the production of a brochure regarding its history, as well as the arrangement of a commemorative display. In addition, we note the comments made by Mr Crompton himself regarding the actions the FHS took in objecting to the proposed development of the memorial land. No evidence has been put forward to contradict these assertions.
- 9.9.20 In addition, we have also undertaken independent research and had sight of newspaper articles from 2009 concerning the proposed development. The articles in question contain quotes from Mr Crompton on behalf of the FHS. From these articles it is clear that the FHS had objections to the proposed development. Copies of the newspaper articles can be found at Appendix N.
- 9.9.21 In light of the above, we consider that Mr Crompton has been involved with the memorial land and objected to its proposed development. Whilst Councillor Bates' note suggests otherwise, no evidence has been put forward to support this position. We therefore consider that the note appears to undermine the work carried out by Mr Crompton to date in respect of the land.
- 9.9.22 We have also had regard to the fact that a number of members of the public had sight of the note during the public meeting. We consider that, even if those members of the public were not aware of the context in which the comments were made, the note nonetheless appears to undermine Mr Crompton. We have also had regard to the evidence provided that Mr Crompton and other interviews deemed the writing of the note to be behaviour amounting to bullying.
- 9.9.23 We consider that the details set out above are material facts for the purposes of considering whether a breach of the Code has occurred. In light of the above, we are of the view that having considered the note written by Councillor Bates in respect of Mr Crompton, as well as the context behind the note, a reasonable person would conclude that there was bullying behaviour and therefore a breach of paragraph 3.2(b) of the Code by Councillor Bates.

Behaviour directed at Colette Kelly/Councillor Garry

- 9.9.24 It is also necessary to consider whether Councillor Bates' behaviour towards Ms Kelly/Councillor Garry could amount to a breach of paragraph 3.2(b) of the Code.
- 9.9.25 For the reasons set out above, it is considered more likely than not that Councillor Bates glared at Ms Kelly/Councillor Garry during the meeting and cupped his head in his hands whilst doing so.
- 9.9.26 As stated, the test in deciding whether or not there has been a breach of the Code is objective, and it is necessary to consider whether a reasonable person

aware of all the material facts and ignoring all immaterial factors consider that there has been a breach of the Code.

- 9.9.27 As such, it is necessary to consider the context behind Councillor Bates' behaviour.
- 9.9.28 Councillor Garry has stated that Councillor Bates had a number of grievances with the council prior to being elected and used to send disrespectful emails to officers. In addition, Ms Kelly advised that there had been a previous incident between her and Mr Bates.
- 9.9.29 In addition, we note the comments made by Councillor Garry that Councillor Bates' usual stance during meetings is to "slouch and lean back in his chair". The behaviour displayed by Councillor Bates by holding or cupping his head in his hands is therefore a departure from the norm. We have also had regard to the fact that Ms Kelly holds a senior post within the Council and that, given that the minutes of the meeting do not mention Ms Kelly other than to note her attendance at the meeting, it appears she played no active role in the meeting and there appears to be no reason as to why Councillor Bates would have reason to glare at Ms Kelly, hence he could have been glaring at Councillor Garry who interrupted him following his outburst. In any event, we note a number of the interviewees, as well as Ms Kelly herself, considered this behaviour to be intimidatory.
- 9.9.30 In light of the above, we are of the view that, having considered the behaviour directed towards Ms Kelly/Councillor Garry, a reasonable person would conclude that there has been a breach of paragraph 3.2(b) of the Code by Councillor Bates.

Paragraph 5

- 9.10 Paragraph 5 of the Code provides that Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.
- 9.11 For the reasons explained above, we consider that Councillor Bates has breached paragraphs 3.1 and 3.2(b) of the Code. We have had regard to the fact that these breaches took place during a public meeting, at which a number of members of the public were in attendance, including a police officer. In light of this, and the nature of District Executive meetings that are intended to foster close working with the local community, we consider that a reasonable person would conclude that Councillor Bates conducted himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute, and therefor breached paragraph 5 of the Code.

10. The complainants' additional submissions

- 10.1 Councillor Garry was provided with a copy of the draft report on 19 December 2014. See Appendix P for Councillors Garry's comments. In summary, whilst Councillor Garry was happy with the content of the draft report, she considered that Councillor Bates had lied during a meeting on 4 September 2014 with the Council's Assistant Borough Solicitor and queried whether this also amounted to a breach of the Council's Code of Conduct.

- 10.2 Councillor Dawson was provided with a copy of the draft report on 19 December 2014. See Appendix Q for Councillor Dawson's comments. In summary, Councillor Dawson considered the report addressed the events of the meeting and noted the conclusion that Councillor Bates had not treated Mr Crompton with respect during the meeting. Councillor Dawson also stated that Councillor Bates did know Mr Crompton and had intimidated and bullied Mr Crompton previously.

11. Councillor Bates' additional submissions

- 11.1 Councillor Bates was provided with a copy of the draft report on 19 December 2014. Councillor Bates declined to provide his comments on the draft report or provide his version of events. See Appendix R for a copy of the email exchange with Councillor Bates regarding the draft report. Councillor Bates wishes to provide his comments to the 'Standards Board', by which we believe he means the Standards Hearing by Committee.

12. Consideration of comments provided by the complainants and Councillor Bates

- 12.1 We have considered Councillor Garry's suggestion that Councillor Bates had lied to the Assistant Borough Solicitor during the meeting on 4 September 2014.
- 12.2 It appears from the file note of the meeting of 4 September 2014 (see Appendix E) that Councillor Bates sought to justify his words and actions during the public meeting by stating that he *"had seen the man concerned at the meetings on several occasions but had no idea who he was and what party he represented and he wanted him to clarify this."*
- 12.3 We would make the following observations:
- 12.3.1 Firstly, for the reasons set out within the body of the report, we find that Councillor Bates knew who Mr Crompton was and in any event had been provided with a copy of Mr Crompton's letter which stated his name and the organisation he represented. For those reasons it is therefore difficult to believe Councillor Bates' assertion that he had no idea who Mr Crompton was or who he represented; and
- 12.3.2 Even if it were the case that Councillor Bates did not know who Mr Crompton was, the manner in which he sought to ascertain Mr Crompton's identity was not appropriate. If Councillor Bates had any doubt as to Mr Crompton's identity it would have been more appropriate to make discreet enquires with the Chair or a colleague. The manner in which Councillor Bates addressed Mr Crompton was, for the reasons set out in the report, disrespectful, rude and intimidating.
- 12.4 In light of the above, we consider that the initial response Councillor Bates' provided on 4 September 2014 to the Council's Assistant Borough Solicitor in respect of the complaints was, at best, disingenuous.

13. Finding

- 13.1 Having considered the evidence gathered, on balance, we consider that there has been a breach of the following paragraphs of the Code by Councillor Bates:

Paragraph 2.1 Members must comply with the Code whenever they are acting as a Member.

Paragraph 3.1 Members must treat others with respect.

Paragraph 3.2(b) Members must not bully any person.

Paragraph 5 Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

14. Next Steps

- 14.1 Where the investigating officer finds that there has been a failure to comply with the Code, then usually under the Council's arrangements for dealing with Member Complaints, the Monitoring Officer will review the report, consult the Independent Person, and either refer the matter for a local hearing before the Council's hearing panel or seek local resolution.
- 14.2 Such resolution may include the subject member accepting that their conduct was unacceptable and offering an apology and/or other remedial action. If the suggested resolution is accepted, the Monitoring Officer will report the matter to the Standards Committee but will take no further action. If the Complainant or subject member refuses local resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a local hearing without further reference to the Complainant or Subject Member.

**Sophie Devlin
DAC Beachcroft LLP
3 February 2015**

OLDHAM COUNCIL

CODE OF CONDUCT FOR MEMBERS AND GUIDANCE

1. Introduction

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

2. General Principles of Conduct for Members and Co-opted Members

The Code and the Guidance are based on the following General Principles.

2.1 General Principles

Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

2.2 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.3 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.4 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.5 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

2.6 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

2.7 Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

2.8 Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

2.9 Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

2.10 Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

2.11 Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3. Training

3.1 Each Member must attend training on the Code of Conduct/ethical standards, in addition to any current requirements to receive other training.

3.2 Records of attendance will be maintained by the Constitutional Services team and any apparent failure to attend annual training will be notified in the first place to the Member concerned and if not rectified at the next available session, will be referred to the Standards Committee for further action.

THE CODE OF CONDUCT

Part 1 General provisions

1. Introduction and interpretation

- 1.1 This Code applies to you as a member of the Council.
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years. In this Code - "meeting" means any meeting of:
- (a) the Council;
 - (b) any of the Council's committees or sub-committees, joint committees or joint sub-committees;
 - (c) the Executive or any committee of the Executive.

2. Scope

- 2.1 Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you:
- a. conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - b. act, claim to act or give the impression you are acting as a representative of the Council,
 - c. and references to your official capacity are construed accordingly.
- 2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 Where you act as a representative of the Council—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must treat others with respect.

3.2 You must not:

- (a) Do anything which may knowingly cause your authority to breach the Equality Act 2010;
- (b) Bully any person;
- (c) Intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

4. You must not:

- (a) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) You have the consent of a person authorised to give it;
 - (ii) You are required by law to do so;
 - (iii) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) The disclosure is:
 - (a) Reasonable and in the public interest; and
 - (b) Made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) Prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6. You:

- (a) Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) Must, when using or authorising the use by others of the resources of your authority:
 - (i) Act in accordance with the Council's reasonable requirements; and

- (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) Must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. Decisions

- 7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by
- (a) The Council's Chief Finance Officer; or
 - (b) The Council's Monitoring Officer,

Where that officer is acting pursuant to his or her personal statutory duties.

- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Disclosable pecuniary interests

8. Notification of disclosable pecuniary interests

- 8.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

[Note: Existing members and co-opted members of the Council to notify the Monitoring Officer of disclosable pecuniary interests within 28 days of the adoption of the Code]

- 8.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.
- 8.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has

	a beneficial interest) and the Council - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Oldham Metropolitan Borough Council
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Oldham Metropolitan Borough Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the Council; and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where - (a) that body (to your knowledge) has a place of business or land in the area of the Oldham Metropolitan Borough Council; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

8.4 For the purposes of the above

- (a) "a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.
- (b) "director" includes a member of the committee of management of an industrial and provident society.
- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (d) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2. Non participation in case of disclosable pecuniary interest

- 9.1 If you are present at a meeting [of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, or the executive or committee of the executive] and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
- a. You must not participate in any discussion of the matter at the meeting.
 - b. You must not participate in any vote taken on the matter at the meeting.
 - c. If the interest is not registered, you must disclose the interest to the meeting.
 - d. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

10. Offences

10.1 It is a criminal offence to:

- a. Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- b. Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- c. Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- d. Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- e. As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- f. As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.
- g. Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

10.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3 - Other interests

11. Notification of personal interests

11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

- a. this Code being adopted by or applied to your authority; or
 - b. your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.
- 11.2 You have a personal interest in any business of your authority where it relates to or is likely to affect:
- a. any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
 - b. any body -
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are in a position of general control or management;
 - c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25, or

12. Disclosure of interests

- 12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 12.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision;
- 12.3 Paragraph 12.2, a *relevant person* is -
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower); or

- (d) any body of a type described in paragraph 11.2(a) or (b).
- 12.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 12.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 12.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 12.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 13. Non participation in case of prejudicial interest**
- 13.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business -
- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.
- 13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of your authority—
- (a) You must not participate in any discussion of the matter at the meeting.
 - (b) You must not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- 13.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- 13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of—
- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
 - (c) any ceremonial honour given to members.
- 13.5 Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

14. Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where —

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may attend the meeting of the overview and scrutiny committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3

15. Register of interests

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

16. Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

17. Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.



COMPLAINT FORM

1. Your details

Please provide us with your name and contact details

Title:	COUNCILLOR
First name:	ELAINE
Last name:	GARRY
Address:	18 WOODFORD ROAD FALSWORTH MANCHESTER M35 9JU
Daytime telephone:	07866 575375
Evening telephone:	0161 682 8755
Mobile telephone:	AS ABOVE
Email address:	elaine.garry@oldham.gov.uk

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

Please note the Member will not normally have been informed of the complaint until the Council has decided whether it should be investigated.

Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

2. Making your complaint

A complaint is clearly a serious matter both for you and the member concerned. It is a complicated process and council staff can explain how it works in detail.

A simple summary of what will happen is:

1. Your complaint will be considered by a small committee (called the Assessment Sub-Committee) made up of councillors and independent people trained to deal with these complaints. They will decide whether the complaint should be investigated. This is a private meeting and neither you nor the member may attend.
2. If the committee decides there should not be an investigation, you can appeal within 30 days of receiving notification.
3. If there is an investigation the council will appoint an officer to do this and s/he will interview you, the member and other witnesses. The investigation may take several months.
4. When the investigation is finished, you'll be sent a draft report for comment.
5. A consideration meeting will then be set up, which will discuss the report and decide if a formal hearing is needed. A hearing is unlikely to happen if the report says there has been no breach of the Code.
6. If there is a hearing you will be told of the date and may need to attend as a witness. If you're not at the meeting, you'll be contacted soon after with the decision.
7. A more detailed version of this summary is available from the council.

Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
CLIP	WARREN	BATES	OLDHAM

Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should explain clearly what

each individual person has done that you believe breaches the Code of Conduct.

It is important you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general time frame.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

PLEASE SEE ATTACHED

3. Confidentiality – only complete this section if you are want your identity to be kept confidential

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you:

- Strongly believe you are at risk of some form of reprisal, intimidation or physical harm if your identity is disclosed;
- Are an officer who works closely with the Member and is concerned about the possible consequences to your employment if your identity is disclosed;
- Suffer from a serious health condition and there are medical risks associated with your identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not be granted automatically. The Assessment Sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

Please understand in certain exceptional circumstances where the matter

complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

4. Additional Help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

5. Contact

You should address your complaint to the council's Monitoring Officer, Paul Entwistle, marking it CONFIDENTIAL. His contact details are:

Acting Borough Solicitor
Oldham Council
Level 4
West Street
Oldham OL1 1UJ
Tel: 0161 770 4822
paul.entwistle@oldham.gov.uk

Mr John Crompton, Chair of Failsworth Historical Society submitted a written question to the Failsworth and Hollinwood DP for the meeting being held on 31 July. Mr Crompton has been attending these meeting in this capacity since its formation many years ago, as has Mr Warren Bates, now Councillor since May 14. I have attached a copy of the letter for your perusal.

When Mr Crompton took the mic to read the letter out, Councillor Bates started to shout several times, 'who are you, I don't know you' in an aggressive and agitated manner and demanded to know in what capacity he had to speak. After this outburst he finally remembered his name and said in a dramatic, mocking tone, 'Oh yes, Mr er, er Crompton'. Mr Crompton was visibly shaken at this point.

Given the amount of time Councillor Bates has known Mr Crompton, there was absolutely no need for this verbal attack, other than I imagine, to satisfy his own perverse personal gratification. This attention seeking behaviour in a public forum discredits his role of Councillor and the good work that the Failsworth and Hollinwood partnership and Oldham Council are trying to achieve.

I, as Chair of the DP, all Councillors present and Officers found this outrageous, bullying behaviour to a highly respected, elderly resident who is also our constituent, beyond distasteful. Furthermore, not content in trying to humiliate Mr Crompton verbally, Councillor Bates wrote a note to a member of the public, discrediting Mr Crompton personally by trying to undermine his work ethic. This letter was passed around the room for all to read. I understand you have a copy of this letter.

There is previous history of Warren Bates bullying Mr Crompton which gives this matter some gravitas. I would, therefore, urge you to facilitate disciplinary action as matter of urgency to avoid repetition of this outlandish behaviour.

Kind regards

Elaine Garry

Councillor Elaine Garry

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Failsworth Historical Society

**From:
The Honorary
Chairman.**

**Administration Address:
Failsworth Historical Society
Town Hall
Oldham Road
Failsworth
Manchester
Lancashire
M35 0JF**

**Meeting Venues:
Broadbent Luncheon Club
Lord Lane
Failsworth
Manchester
Lancashire
M35 0SL**

29th July 2014

The Failsworth & Hollinwood District Executive

Two Public Questions from Failsworth Historical Society.

Dear Members

I have two questions to ask and would be grateful for a verbal response and a written response to our Society Committee to these if you would respond please.

My first question refers to following an exploratory meeting that I and my Deputy had with a Senior Council Officer, relating to a discussion regarding the programme of events for the 100 year Anniversary Commemoration of World War I in relation to the Failsworth Higher and Lower Memorial Parks and their commitment following the ending of the conflict. We were informed, quite incorrectly, as to the matter of our having been involved in meetings and discussions of this nature with the District Executive some time ago and there was nothing that allowed him to continue a dialogue with us. Following our pursuit to find any information of this with the District Executive we have been unable to find any reference to decisions that were made referring to this event and would wish to be informed of when and where we had been invited to attend any meeting of relevance to this? Also to learn of whether any event has been planned for the 4th of August to show Failsworth's participation of this Anniversary?

My second question is to seek information relating to the recent notice of inclusion of the Sale of Failsworth Lodge, (A.K.A. as the Lancaster Club). This is an historic building of Grade two Listing and remains in sound condition and open to some public use. It is also in part of the area of land that was recently seeking planning permission for residential purposes and also some recreational use. Has any condition been placed on its future use when sold in order that Failsworth could see this property remaining in keeping its place in History for the future benefit of the residents?

We thank you and appreciate your response.

J Crompton

**J. Crompton
Honorary Chairman
Failsworth Historical Society**

**Honorary Chairman:
Mr J. Crompton**

**Deputy Chairman:
Mr I Garner**

General Secretary:

**Treasurer:
Mr. R. Crompton**

Membership Secretary:

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COMPLAINT FORM

Title: Mr

First name: David

Last name: Dawson

Address: 65 Clifton Street, Failsworth, Manchester, M35 9EF

Daytime telephone: 0161 681 5877

Evening telephone: 0161 681 5877

Mobile telephone: 07703175869

Details of who the complaint is about

Title: Cllr

First name: Warren

Last name: Bates

Council or authority name: Oldham – Failsworth West

Details of complaint

At the July meeting of the Failsworth and Hollinwood District Executive Cllr Bates' behaviour was so poor that I believe it has the potential to bring the council in to disrepute.

There were a number of incidents during the night, which, had there been a larger public presence, or the press been minded to report them, would have caused embarrassment for the council. It is worth explaining at this point that Cllr Bates had invited Joe Fitzpatrick, a UKIP candidate from Derker with no connection to the area, to attend the meeting, I believe, with a view to putting on a 'show' of heckling and disruption.

The first such incident was during public question time. An elderly gentleman from Failsworth Historical Society, who Cllr Bates sadly has a record of bullying and intimidating prior to election to council, asked a question regarding memorial boulders. A verbal response was given by another elected member and Cllr Bates raised his hand to contribute further to the response. His contribution was to lean over his desk, glare at the member of the public and ask in the most condescending and threatening manner 'Who are you?'. The member of the public felt so intimidated that he asked that the chair of the meeting request Cllr Bates to control his behaviour.

Following this, Cllr Bates wrote a note in his trademark block capitals that read 'CROMPTON HAS NEVER LIFTED A FINGER ON THAT PARK' referring to the member of the public (John Crompton) and the content of his question. He then passed this to Joe Fitzpatrick in the public gallery, who passed it to other members of the public. Eventually, this note had circled the room and landed in the lap of

Mr Crompton himself. Not by any stretch of the imagination would it be considered acceptable for an elected member to intimidate a member of the public in a public meeting, and later go on to write insulting notes about them to be distributed amongst the meeting's other attendees.

Finally, Neighbourhoods AED Colette Kelly attended our meeting as the SLT link. Cllr Bates also has a history of questionable behaviour towards Ms Kelly and at one point during the meeting was resting his head on his hands and glaring at Ms Kelly, I can only assume in an attempt to intimidate her also.

It was notable that the prior to the election of Cllr Bates, the press had not attended a meeting in over 18 months and yet they have attended both meetings since he became a Cllr. To me it is clear that, if they are not here at the invitation of Cllr Bates, they are certainly here because of him with the aim of witnessing the kind of outrageous behaviour previously reported about Cllr Bates when he attended the meetings as a member of the public. Given that Mr Bates is now an elected member, if stories were indeed to be reported about his disgraceful behaviour, this would be much different than when they were reported when he was a member of the public. It would bring the council in to disrepute and deter members of the public from attending in the future if they felt they were going to face what can only be described as bullying, at the hands of a member of the committee.

I hope you will take appropriate action against Cllr Bates

Yours

David Dawson

STANDARDS ASSESSMENT HEARING
29/08/2014 at 9.30 am

**Present:**

Councillors Moores and Sedgwick
 Peter Bamber – Independent Member
 Also in Attendance:
 Colin Brittain Assistant Borough Solicitor
 Christine Chester Constitutional Services

1 **ELECTION OF CHAIR**

RESOLVED that Peter Bamber, Independent Member, be appointed Chair for the duration of the meeting.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

4 **CONSIDERATION OF COMPLAINTS RECEIVED**

Consideration was given to a report of the Borough Solicitor relating to complaints that had been received by Council in respect of a Councillor.

Colin Brittain, Assistant Borough Solicitor, set out the complaint, as detailed in the report, and outlined the criteria to be used by the sub committee for deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected.

It was agreed that the Councillor's actions had been discourteous and that an apology should be sought from the Councillor in question. Members were of the opinion that the apology should be in writing to the member of the public concerned, together with a letter of apology to the District Executive; copies also to be sent to the complainants.

RESOLVED that the Assistant Borough Solicitor have discussions with the Councillor; with a view to him apologising to the complainant and Members of the District Executive. The outcome of these discussions to be reported back to Members of the sub committee and, dependent on the outcome of these discussions the apology be accepted or, if no apology is provided, the matter to be formally investigated.

ACTIONS

1. CB to speak to the Councillor in question suggesting that written apologies be given to the member of the public and members of the District Executive.
2. Sub Committee Members to be informed of the outcome of these discussions and, dependent on the outcome, the apology be accepted or, if no apology is provided, the matter to be formally investigated.



The meeting started at 9.30 am and ended at 9.55 am

Colin Brittain

From: Colin Brittain
Sent: 01 September 2014 09:09
To: Cllr W Bates
Subject: Standards Assessment Hearing- Private and Confidential

Dear Cllr Bates,

I am writing to confirm that a Standards Assessment Hearing took place on 29th August for a preliminary consideration of the two complaints received against you in relation to the incident at the Failsworth and Hollinwood DP on 31st July.

Following that initial consideration of the complaints Members of the Committee were of the opinion that your actions had been discourteous but that an informal resolution to the complaints might be possible on the basis that that an apology should be sought from you.

Members were of the opinion that the apology should be in writing to the member of the public concerned, together with a letter of apology to the District Executive and copies should also to be sent to the complainants.

Would it be possible for me to meet with you, when convenient, to discuss the above proposal please?

Regards,

Colin Brittain
Assistant Borough Solicitor
Oldham Council
Legal and Democratic Services
Level 4
Civic Centre
West Street
Oldham
OL1 1UL
0161 770 3013
colin.brittain@oldham.gov.uk

File Note 4 9 14- CB Meeting with Cllr W Bates and adviser Joe Fitzpatrick

Meeting with Cllr Bates (WB) and his adviser Joe Fitzpatrick (JF). JF introduced himself and asked if CB had been warned about him as he was the one who prepared Phil Woolass' leaflets and recent controversial UKIP leaflets as a result of which he was accused of stirring up racial tension etc.

I said that I had not been warned about him.

WB queried the procedure and said he felt it was different from the one he had been involved in with Cllr Martin previously. I explained that this was a new procedure under the Localism Act provisions and that the intention of the meeting was to seek an informal resolution to the complaint rather than going through a full investigation, which may be disproportionate, in terms of resource, to the acts complained of. I showed him the relevant procedure and read it to him.

WB asked why Paul Entwistle was not dealing with the matter. I said the complaints came in whilst he was on leave.

WB asked why there had already been a standards hearing and asked why that had taken place. I explained that was effectively a preliminary sift of the complaints to see whether they should be accepted or rejected and whether an informal resolution could be achieved; it was not a proper consideration of the evidence and no investigation had taken place. It was simply to see if a mediated outcome could be achieved. I explained that if this could not be achieved then there would be a full investigation and hearing before Members for a decision.

WB said he understood.

JF then said that they had submitted a complaint to the Ombudsman about standards at Oldham and wanted the case adjourned until after the LGO complaint. He gave me a copy of the complaint and a reference number- 14009058. He said the LGO had indicated that it would be dealt with in 20 days.

JF said as WB's adviser that the UKIP team think the complaints by Labour are a vilification of WB since his election in May and this is an inappropriate use of officer time. (He was sure that I, as "Deputy" Solicitor, have better things to do). JF and WB wanted me to pass this on to the Chief Executive as part of this complaint.

WB gave me a copy of the August Issue of "Failsworth West Labour Rose" which is critical of WB and brands him "the invisible Councillor" as evidence of the Labour campaign against him.

I told him that the response to the request for an apology would go to the Sub Committee which Carolyn would not be involved in but if they wanted me to send an email to her highlighting their concerns than I would. WB asked me to do that.

WB said he had done nothing wrong- he had seen the man concerned at the meetings on several occasions but had no idea who he was and what party he represented and he wanted him to clarify this. He said payments have been made to the Failsworth DE that he was concerned about and he wanted to get to the bottom of this.

WB said he was not prepared to apologise and that he wanted a full investigation. I said that I would report that back to the Sub-committee and an investigation will take place but that it would not be myself undertaking that investigation.

CB

EXTRACT FROM MINUTES

FAILSWORTH & HOLLINWOOD DISTRICT EXECUTIVE
31/07/2014 at 7.00 pm

Present: Councillor Garry (Chair)
Councillors Ames (Vice-Chair), Bates, Dawson, Fielding, McMahon, Stretton and Williams

Also in Attendance:
Penny Kenworthy Acting District Co-ordinator,
Colette Kelly Assistant Executive Director Neighbourhoods,
Caroline Walmsley Constitutional Services

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Briggs, Emma Alexander and Carol Brown.

2 URGENT BUSINESS

There were no items of urgent business received. However Councillor Fielding reported that Get Oldham Working had successfully lobbied Transport for Greater Manchester, resulting in a service re-route at no extra cost to the tax payer.

3 DECLARATIONS OF INTEREST

Councillor Garry declared a personal interest in Item 8 – District Updates from regeneration, Greater Manchester Police and Highways, by virtue of her husband's employment at GMP.

4 PUBLIC QUESTION TIME

There were three public questions received.

1. Mr. John Crompton

"My first question refers to following an exploratory meeting that I and my Deputy had with a Senior Council Officer, relating to a discussion regarding the programme of events for the 100 year Anniversary Commemoration of World War 1 in relation to the Failsworth Higher and Lower Memorial Parks and their commitment following the ending of the conflict. We were informed, quite incorrectly, as to the matter of our having been involved in meetings and discussions of this nature with the District Executive some time ago and there was nothing that allowed him to continue a dialogue with us. Following our pursuit to find any information of this with the District Executive we have been unable to find any reference to decisions that were made referring to this event and would wish to be informed of when and where we had been invited to attend any meeting of relevance to this? Also to learn of whether any event has been planned for the 4th of August to show Failsworth's participation of this Anniversary?"

Since submitting this question Mr Crompton had downloaded details for the events for the anniversary of WW1

In the early stages of planning Failsworth Historical Society (FHS) was approached by members to suggest possible wording for a plaque for both Higher and Lower Memorial Park. With the level of detail provided by FHS, a meeting was arranged with members and officers to suggest a way forward. It was agreed at this meeting that the Greenspace Manager would devise some plans and suggested wording, which has now been agreed. It was also agreed that the work FHS had done around the memorials be incorporated into each plaque.

Councillor Bates questioned the involvement of the FHS and congratulated the ruling administration on the work that had been done. The work that the FHS had been involved in was clarified and the District Executive also acknowledged the involvement of Mr Crompton and the Historical Society in terms of the cenotaph and refurbishment of gardens.

2. Mr John Crompton

"My second question is to seek information relating to the recent notice of inclusion of the Sale of Failsworth Lodge, (A.K.A. as the Lancaster Club). This is an historic building of Grade two Listing and remains in sound condition and open to some public use. It is also in part of the area of land that was recently seeking planning permission for residential purposes and also some recreational use. Has any condition been placed on its future use when sold in order that Failsworth could see this property remaining in keeping its place in History for the future benefit of the residents?"

The Chair thanked Mr Crompton for his questions. Oldham Council acquired the Lancaster Club site as part of a transaction that enabled Oldham Athletic to be retained within the Borough and stimulate development of a new North Stand at their existing Boundary Park stadium. Part of the strategy behind the move was that once the allotments and other playing fields were relocated, the council would sell the site for residential development in order to recoup its costs as well as provide land for quality new homes within the borough.

In order to establish residential use for the site, the council submitted an outline planning application in 2012 which established a mixed use, residential led development, comprising some 144 homes, a new soccer centre, relocated allotments, 500 sq. m. of commercial/retail space and the retention and refurbishment of the grade 2 listed building for social use on the ground floor and residential on the upper floors.

With works to construct the soccer centre and relocate the allotments and sports pitches due to commence, the council is now in a position to market the site to developers, this is being done in accordance with EU regulations because the council wishes to impose conditions on the sale that it would be illegal to enforce if it were to sell the land on the open market. Protection for listed buildings already exists within the planning process as there is a presumption against demolition and any plans for works must be considered by both the local authority and English Heritage before they can be determined. However, by using the EU approved process the council will achieve greater control over the development plans which will have to be agreed and approved by the council before a planning application is submitted. The council believes that the listed building is an asset to the area that should be given a new lease of life through making full use of the whole building that will ensure the necessary investment in its fabric is undertaken now and its ongoing maintenance, thereby preserving this significant landmark for future generations.

Once a suitable developer is selected, as the detailed proposals are developed, an integral part of that process will be the engagement of and consultation with local people and other interest groups to ensure their views inform the final outcome.

3. Mrs Pat Lindop

"This is a question for First Choice Homes Oldham. Could you please tell me why the age restriction for flats on Greystoke Lane has been lifted without anyone being informed?"

The Chair thanked Mrs Lindop for her question and informed her that as this was a question for First Choice Homes Oldham, it would be forwarded on for them to respond directly.

Failsworth and Hollinwood District Executive, 31st July 2014

File note regarding Mr John Crompton and Councillor Warren Bates.

Under Item 4, 'Public Question Time', Mr John Crompton of Failsworth Historical Society asked a question relating to the 100 year anniversary of World War 1. Upon receiving a response from Cllr Fielding, Councillor Bates addressed Mr Crompton in an aggressive manner asking who he was, what he was asking and questioning his involvement. Cllr Bates was very confrontational clearly causing distress to Mr Crompton and the Chair interjected to restore order.

Cllr Bates then proceeded to congratulate the Labour Group for the work undertaken and progress made. Cllr McMahon then spoke to acknowledge the involvement of Mr Crompton and the Historical Society in terms of the cenotaph and refurbishment of gardens.

A short time later, Cllr Bates handed a note to a member of the public in the gallery; the note was passed around the members of the public and eventually came to the attention of Mr Crompton.

From: Devlin, Sophie
Sent: 04 November 2014 17:20
To: 'warren.bates@oldham.gov.uk'
Subject: RE: Standards Complaint - Private and Confidential

Dear Councillor Bates

Thank you for your email.

I note that you do not wish to meet in order to discuss the allegations made against you. However, in order to help assist the investigation it would be helpful if we could meet in person to discuss matters.

I have attached copies of the complaints made against you for your review. If, once you have considered the documents, you would like to meet to discuss the allegations, please let me know. I am also happy to schedule a call if you would prefer to speak via telephone. If you would like to meet, or discuss the matter via telephone, I would be grateful if you could provide me with details of your availability over the coming weeks by 12pm on 10 November 2014.

Alternatively, if you still do not wish to attend a meeting, I am happy for you to provide any comments that you may have on the complaints to me in writing. Again, I would be grateful if you could provide me with any comments you may have by 12pm on 10 November 2014.

I look forward to hearing from you.

Kind regards

Sophie Devlin

Solicitor - Healthcare Regulatory and Public Law
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From: Cllr W Bates [<mailto:Warren.Bates@oldham.gov.uk>]
Sent: 30 October 2014 18:54
To: Devlin, Sophie; Paul Entwistle
Subject: RE: Standards Complaint - Private and Confidential

Hi Ms Devlin.

I acknowledge receipt of your email, I shall not be making myself available for any interview to discuss the false and malicious accusation against me.

Cllr Warren Bates.

From: Devlin, Sophie
Sent: 24 October 2014 13:25

To: Cllr W Bates

Subject: Standards Complaint - Private and Confidential

Dear Councillor Bates

DAC Beachcroft LLP has been appointed to investigate a complaint that you allegedly breached the Members' Code of Conduct for Oldham Council. The alleged breach took place during the public meeting of the Failsworth and Hollinwood District Executive meeting on 31 July 2014 and concerns your alleged conduct during that meeting. We have been asked to investigate because attempts to deal with the matter through informal resolution have not proved successful.

In order to progress our investigation we would like to interview you in order to ask you some questions about what happened at the meeting and other related issues (for example, the background to the complaint and your dealings with the complainant), as well as to explore your responses to attempts by the Monitoring Officer to deal with matters through local resolution.

I would be grateful if we could arrange a time and date to discuss the complaint and your answers to the questions we have. We would be happy to meet with you at Oldham Council Offices or alternatively we could meet at DAC Beachcroft LLP offices in central Manchester if that would be more convenient (our office is located at 3 Hardman Street, Manchester, M3 3HF). You are welcome to be accompanied at the interview by a friend or representative

In order to arrange a meeting, I would be grateful if you could provide me with details of your availability over the next 3 weeks (24 October – 14 November 2014 inclusive). It would be helpful if you could provide me with your availability by 31 October 2014.

Following the interview we will prepare a report that we will send to you, the Monitoring Officer and the complainant in draft for comment and will invite you to provide a written response before it is finalised, should you so wish. Should there be a finding in the report that you have breached the Members' Code of Conduct, then the Monitoring Officer will, having consulted the Independent Person, either seek to resolve the matter locally or send the matter to a hearing in accordance with the Council's procedures.

I look forward to hearing from you with your availability to be interviewed.

Kind regards

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP

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Summary of discussion with Councillor Garry

2 October 2014

Councillor Garry stated that she had been a Councillor since November 2012 and had acted as Chair of the Failsworth and Hollinwood District Executive ("FHDE") since May 2014. She stated that she had been attending the FHDE since election in November 2012. She advised that the purpose of the FHDE is to bring together various bodies together to make decisions which concern local people. In attendance are usually elected members, representatives from the Council's constitution services, and an executive officer who provides executive support. Members of the public and press also attend from time to time.

Councillor Garry explained that, for the purposes of the FHDE, a top table is set up in the room with tables placed either side. Members of the public sit facing the top table. A small table is placed in front of the top table on which a microphone is set up in order to allow individuals to address the room if necessary. For example, if an individual has a question to ask they can either speak using the microphone or address the room from where they are sat. She confirmed that everyone in the room has a clear view of each other.

Councillor Garry explained that Mr Crompton regularly attends the FHDE and asks questions quite regularly. She stated that to the best of her knowledge, Mr Crompton had been attending the FHDE for over of 10 years.

With regards to the meeting in question on 31 July 2014, Councillor Garry explained that there were a number of members of the public in attendance, including a Police Inspector and a member of the press. Mr Crompton had submitted a question prior to the meeting in his capacity as Chair of the Failsworth Historical Society. Councillor Garry stated that all Councillors were made aware prior to the meeting that Mr Crompton would be asking a question during public question time. She explained that all members had had been provided with a copy of a letter written by Mr Crompton at the meeting venue, but before the meeting had formally began.

Councillor Garry explained that Mr Crompton addressed the room from the table with the microphone. Whilst reading the question, Councillor Bates loudly stated "*Who are you? I don't know you*" and repeated this a few times. This was directed at Mr Crompton. At this point Councillor Bates had risen out of his chair and was leaning forward. One of his hands was placed on the table, whilst the other hand prodded at the air. She stated that those present in the room were shocked at the outburst.

Councillor Garry explained that Councillor Bates repeated "Who are you?" at least three times. At this point, Councillor Garry interrupted in her capacity as Chair of the meeting and asked Councillor Bates to control his behaviour. Councillor Bates then sat down, placed the fingers of one hand together in a point and raised his hand to his forehead. He then stated words to the effect of "Oh yes, Mr Crompton", appearing to remember who Mr Crompton was. He said this in a very dramatic and mocking way, and his manner was very theatrical. Councillor Garry explained that Mr Crompton appeared shaken at that point and she personally was very shocked at Councillor Bates' behaviour.

Councillor Garry explained that Councillor Bates' behaviour was unwarranted as Mr Crompton and Councillor Bates knew each other well. She explained they both used to attend Home Watch meetings and both Mr Crompton and Councillor Bates, as well as Councillor Jim McMahon, used to travel in a car together to attend these meetings. She also confirmed that most people at the meeting would know that Mr Crompton and Councillor Bates knew each other. She was of the view that, in light of this, Councillor Bates' behaviour was intimidatory and amounted to bullying. She also believed that his conduct was disrespectful, particularly given that most people in attendance were aware that Councillor Bates knew who Mr Crompton was, and the exchange took place during a public meeting.

Following this outburst, the meeting continued as normal and Councillor Garry responded to Mr Crompton's question with the response that had been prepared.

Around this point Councillor Bates began to write a note on a piece of paper. Councillor Garry explained that this note was circulated around the room, including members of the public. She stated that she was Chairing the meeting and so was unaware as to whom Councillor Bates had first passed the note. However, she believed that once the note had been passed to the Police Inspector, he had then passed it to Mr Crompton to stop it from being circulated any further. Councillor Garry did not see a copy of the note during the meeting but had sight of it afterwards. The note appeared to dispute the work that Mr Crompton had undertaken in respect of the memorial park. I advised Councillor Garry that the note states "*Crompton never lifted a finger to defend the memorial land!*" and asked for her comments.

Councillor Garry stated that, looking at the letter written by Mr Crompton which was provided to the members in prior to the meeting, the issue raised appears to be that Mr Crompton and the FHS had not been kept in the loop regarding the memorial land and wanted to be an active part of it.

Councillor Garry stated that she is not sure what Councillor Bates meant by the note, but she was aware that Mr Crompton had been involved in the memorial land for some time. She had a brochure in her possession for some time which was written by Mr Crompton and the FHS which detailed the history of the memorial parks. She also explained that Mr Crompton had arranged a commemorative display in Failsworth library of the community's involvement in WWI, as well as a community fun day in Failsworth Park. She commented that Mr Crompton's defence of the park is demonstrated by the material he had produced and work undertaken. She imagined Councillor Bates would have seen the commemorative displays.

Councillor Garry stated that it was not acceptable for Councillor Bates to make such allegations about members of the public during a public meeting. She explained that Mr Crompton is a well-respected member of the public and is also a constituent of both herself and Councillor Bates. She stated that Councillor Bates' behaviour was disrespectful and amounted to bullying.

I advised Councillor Garry that Councillor David Dawson had also made a complaint regarding the meeting in question. I explained that Councillor Dawson alleged that Councillor Bates had glared at the Assistant Executive Director, Ms Colette Kelly, during the meeting. I asked whether Ms Kelly attended the meeting in question. Councillor Garry explained that she had sat beside Ms Kelly who had been offering executive support during the meeting. Councillor Garry stated that Councillor Bates had glared at either herself or Ms Kelly during the meeting in question but she could not be sure as to whom the stare had been directed. She stated that whilst glaring on this occasion, he cupped his face in his hand. To put it into context, she stated that his normal seating position in a meeting is to slouch and lean back

in his chair. Therefore for him to be in the stance that he was, cupping his head in his hands, was out of the ordinary.

I explained that Councillor Dawson had alleged that Councillor Bates had a history of questionable behaviour towards Ms Kelly. I asked if she had any comments on this. Councillor Garry stated that prior to becoming a Councillor, Councillor Bates had a number of grievances with the Council and used to send quite disrespectful e-mails to officers. She stated that Councillor Bates needed to understand there is a difference between his conduct as a member of the public and what is required of him as an elected member.

I asked Councillor Garry about her relationship with Mr Crompton. She stated that she had only met him since she had been elected as a Councillor and knew him in his capacity as Chair of the Failsworth Historical Society. She stated that Mr Crompton attends Full Council often and she has given him a lift home from time to time. She reiterated that Mr Crompton is her constituent and is also the constituent of Councillor Bates.

In terms of her relationship with Councillor Bates, Councillor Garry stated that she had been a member of the Labour Party for over 30 years. She stated that Councillor Bates had also been a member of the Labour Party previously and that they did have a civil relationship. However, because of his behaviour, that relationship has broken down.

Councillor Garry stated that Councillor Bates is by nature a loud person. However, she believed that this was no excuse for his conduct during the meeting in question which was not acceptable nor what is to be expected from an elected member.

Summary of discussion with Councillor Dawson

3 October 2014

Councillor Dawson advised that he was in the third year of his term as Councillor. He stated that the purpose of the Failsworth and Hollinwood District Executive Meeting ("FHDE") is to enable locals to discuss local problems. He explained that individuals and organisations can put in bids for funds for projects and the meeting allocates money from the Council budget. He stated that he has been attending these meetings for the last three years.

Councillor Dawson explained that nine councillors attend the FHDE. Council officers also attend the meeting and it is open to the general public, including press.

In terms of set up, Councillors and the panel sit in a u-shape table configuration with one open end. The public sit in chairs facing the top table. Everyone has a clear view of one another. There is also a table in the middle of the u-shape, on which a microphone is placed in case anybody wishes to address the room.

Councillor Dawson stated that Mr Crompton has been attending meetings for at least ten years and certainly since he himself had been attending the meetings. He stated that Mr Crompton is more or less at every meeting and asks questions from time to time. He believed that Mr Crompton and Councillor Bates knew each other personally, as well as professionally, but could not say how long they had known each other for. However, they certainly knew who each other were.

During the 31 July 2014 FHDE meeting, Mr Crompton asked a question. He stated that all members had had been provided with a copy of a letter written by Mr Crompton at the meeting venue, but before the meeting had formally began. He was invited to address the room as part of public question time and did so using the microphone on the table. Whilst Mr Crompton was asking his question, Councillor Bates loudly stated "Who are you?" and "You've never done anything". Councillor Dawson explained that Councillor Bates said these words in a loud, aggressive manner. Whilst speaking, Councillor Bates had partly risen out of his chair and was leaning forward. He stated that the response in the room was one of shock. At this point, Councillor Garry interjected and informed Councillor Bates that his conduct was not acceptable. He recalled that Councillor Bates then appeared to remember Mr Crompton's name and the meeting proceeded. However, he could not recall the exact words used by Councillor Bates or his body language. In his opinion, Councillor Bates' behaviour was disrespectful and amounted to bullying.

Following the incident, Councillor Bates wrote a note which he then passed to an individual named Joe Fitzpatrick, gesturing to Mr Fitzpatrick that the note should be passed around the room. He stated that Joe Fitzpatrick subsequently passed this note to members of the public and believes that the note was eventually passed to a councillor present. Councillor Dawson had sight of the note following the meeting and recalled that the note said words to the effect of, "John Crompton has never done anything for Failsworth". He confirmed that Mr Crompton had seen the note.

I advised that the note stated 'Crompton never lifted a finger to defend the memorial land!' and asked Councillor Dawson for his comments. Councillor Dawson stated that he did not really understand what this referred to at the time. He now believed that it was a reference to the proposed purchase of a large piece of land in Failsworth on which Oldham Athletic Club wanted to build a new stadium. He stated that a lot of residents, as well as Councillor Bates, objected to these plans. However, the plans did not

go through in the end. He stated that he could not recall Mr Crompton carrying out any specific activities in objection to this proposal; however, he could not recall any activities carried out in objection to the proposal in general. However, Councillor Dawson explained that he was aware that Mr Crompton carried out work in relation to the memorial park and had arranged commemorative activities in relation to the park. Councillor Dawson believed that Councillor Bates' conduct was disrespectful and it was not acceptable for councillors to make such allegations about members the public.

I asked Councillor Dawson to elaborate on the allegation in his complaint that Councillor Bates had a history of questionable behaviour towards the Assistant Executive Director, Ms Kelly. However, he stated that he could not recall any questionable behaviour which was directed specifically at her. Councillor Dawson stated that Councillor Bates had glared at Miss Kelly during the meeting, holding his head in his hands as he did so. He believed this behaviour to be intimidatory and disrespectful.

I asked Councillor Dawson to describe his relationship with Mr Crompton. He stated that he has known Mr Crompton for a number of years. He stated that Mr Crompton was a respected man within the community and very dedicated to the Failsworth Historical Society. With regards to Councillor Bates, he stated that he did not have a relationship with him as such.

Councillor Dawson stated that Councillor Bates is a loud person by nature. However, this is clearly a case of bullying and Councillor Bates acted disrespectfully towards Mr Crompton. As stated in his complaint, he believed Councillor Bates' conduct during the meeting could be regarded as bringing the Council into disrepute.

Summary of discussion with Mr John Crompton

9 October 2014

I informed Mr Crompton that two complaints had been made against Councillor Bates regarding his conduct at the Failsworth & Hollinwood District Executive meeting ("FHDE") on 31 July 2014.

I asked Mr Crompton whether he was aware of those complaints. Mr Crompton stated that he had been advised by Councillor Stretton that a complaint had been made against Councillor Bates regarding the meeting in question.

Mr Crompton explained that the purpose of the FHDE is for councillors to discuss issues within the District Executive area. Mr Crompton stated that the meetings take place approximately bi-monthly and he attends most meetings. Mr Crompton explained that he is the chairman of the Failsworth Historical Society ("FHS") and has had a particular interest in attending recent FHDE meetings because of his involvement in the memorial park within the locality and the planned memorial buildings and plaques to be placed within it.

With regards to the set-up of the room, Mr Crompton stated that tables were set up in a u-shape for elected members and officers to sit at. Nine elected members attend: 6 Failsworth councillors and 3 Hollinwood councillors. Chairs are placed facing the top table for members of the public. A small table is placed at the open end of the u-shape on which a microphone is placed for members of the public to address the room if required. Also in attendance during the 31 July 2014 meeting was a council officer named Colette Kelly. Those sitting in the public gallery included a UKIP member named Joe Fitzpatrick, a number of members of the public, a police inspector and a reporter from the Oldham Chronicle. Mr Crompton confirmed that all the individuals in attendance had a clear view of each other.

He stated that residents can submit questions prior to the FHDE meeting. Mr Crompton explained that he had submitted a question in writing on behalf of the FHS prior to the meeting of 31 July 2014. Mr Crompton explained one of the questions was related to discussions surrounding the memorial features to be placed within the memorial park. Mr Crompton stated that he had been involved with the memorial park since 2013 when he took part in discussions regarding funding for the memorial features. He stated that he then became aware of separate meetings taking place between officers and elected members to which the FHS had not been invited. He made enquiries with Penny Kenworthy, a council officer, to advise that the FHS wished to be involved in discussions going forward.

Following the meeting, he received an email advising that a meeting of the Executive had taken place and that the matter would now be dealt with by the Council. Mr Crompton subsequently discovered that a meeting had taken place earlier in the year regarding the memorial features to which the FHS had not been invited. He also was aware that there had been a suggestion the FHS had been invited to attend a recent discussion regarding the wording on the memorial plaque and did not attend, whereas the FHS had not received any such invitation. He explained he had asked a question at the 31 July 2014 meeting as he wanted to understand why the FHS had been excluded from discussions; particularly given their previous involvement with the matter (Mr Crompton in particular stated that he calculated the costs for the memorial features).

With regards to the meeting in question, Mr Crompton stated that the FHDE Chair, Councillor Gary, invited him to ask a question during public question time. He was asked whether he wished to read the

questions himself or for them to be read by the Chair. He opted to read them himself and addressed the room using the microphone placed on the table in front of the u-shaped tables. He read his letter of 29 July 2014 addressed to the FHDE, which contained the questions to be asked. Mr Crompton confirmed that each member had been given a hard copy of the letter prior to the start of the meeting and that the letter itself clearly stated his name.

As he began to address the room, he was interrupted by Councillor Bates. Councillor Bates pointed his finger aggressively at Mr Crompton, glaring at him, and leant forward in his chair and forcibly into the table. Councillor Bates stated words to the effect of "Who are you? What is your name?" Mr Crompton had his back to the audience and could not tell how the public had reacted to the outburst. Mr Crompton was surprised at the outburst and looked from Councillor Bates to the Chair. The Chair subsequently raised a point of order regarding Councillor Bates' behaviour. Mr Crompton then continued with his questions and received a verbal response from the Chair.

Mr Crompton could not recall Councillor Bates subsequently appearing to remember his name following the Chair's interjection but stated this may have been due to his surprise and confusion at being interrupted by Councillor Bates. He stated that he believed the behaviour of Councillor Bates to be disrespectful and amounted to bullying and intimidation. He stated that he would not expect to receive such treatment by an elected member and was surprised at Councillor Bates' behaviour. Putting it in context, he stated that, generally speaking, there is not interaction between members of the public and elected members or council officers during the FHDE meeting unless elected members or officers are addressing comments from the floor during public question time. He therefore found Councillor Bates' interruption particularly disrespectful. He stated that he had known Councillor Bates for over 10 years and in any event Councillor Bates had been provided with a letter with his name on the bottom of it, from which he was reading his question - there was no doubt as to his identity. Councillor Bates' behaviour was therefore not what he would have expected to receive from an elected member.

After having received the verbal response, Mr Crompton returned to his seat in the public gallery. At this point Councillor Bates wrote a note, ripped it from a piece of paper, and rose from where he was seated with the elected members to approach the public gallery. He approached a female member of the public sat next to an individual named Joe Fitzpatrick, and passed her the note. Councillor Bates appeared to speak to the woman in question, pointing at the piece of paper and Mr Crompton and gesticulating for the member of the public to pass the note on. He stated the note was passed to the police representative in attendance sat next to Mr Compton, who then passed the note to him. He stated he believed the note stated wording such as "*Crompton is a liar*".

Having received the note, Mr Crompton immediately rose out of his seat and took the note to Councillor Jim McMahon, leader of the labour group. He handed the note to Councillor McMahon and stated that he was making a formal complaint regarding Councillor Bates. Mr Crompton did not submit any written complaint to the Council regarding Councillor Bates' behaviour. Councillor McMahon confirmed that the complaint would be progressed. He stated that he had subsequently heard from Councillor Stretton at the recent meeting that the complaint had been passed to the Council and was being dealt with.

With regards to the note, he felt aggrieved that it appeared to question his involvement with the memorial park, which he found disrespectful, given his efforts to date. He found the passing of the note especially disrespectful given that it had been passed to members of the public whom he didn't know, as well as a policeman. This was further aggravated by the fact that Councillor Bates sat down once he had passed on the note and proceeded to carry on as though he had done nothing wrong. I advised Mr

Crompton that the note stated "*Crompton never lifted a finger to defend the memorial land!*" and asked for his comments.

Mr Crompton stated that he had been involved with the memorial park for a number of years. Recently, the FHS had arranged for an exhibition commemorating World War I to take place within the memorial park, and the FHS had also recently prepared and published a booklet on how the parks in the area, including the memorial park, had evolved due to funding contributions received from residents. He therefore found the content of the note to be disrespectful.

Mr Crompton stated that the memorial park is the same as the memorial land. He stated that Oldham Athletic Football Club wished to purchase the memorial land to build a stadium and advised that some aspects of the memorial park were to be enclosed within the purchase and planning application.

He stated that when this was proposed there was an outcry about the possibility of losing the memorial land in order to build a stadium. He stated the FHS had discussed the matter at one of their committee meetings. At that particular time, Oldham Athletic Football Club was only getting home game attendances of approximately 3-5000 attendees. FHS felt that that building a new stadium which could potentially accommodate approximately 25,000 people was over the top. FHS therefore made their views known to the local authority, opposing the purchase of the land and the building of the stadium.

Mr Crompton stated that around that time, a voluntary organisation was set up of which Councillor Bates was a member, although at that time he was not a councillor. FHS were provided with leaflets regarding this group and egged on to join. However, FHS chose not to get involved and make their own representations to the council and relevant bodies. In light of his and FHS' involvement in this matter, he found the content of Councillor Bates' note to be slanderous and disrespectful.

Mr Crompton explained that he had known Councillor Bates since approximately 2001 and had first been introduced to him when Councillor Bates was Chair of the Failsworth West Labour group. He explained he had travelled in a car with Councillor Bates on a number of occasions, attending police meetings around Oldham. There was no doubt that Councillor Bates knew who Mr Crompton was.

I advised Mr Crompton that allegations have been raised regarding Councillor Bates' behaviour during the meeting towards council officer Collette Kelly. He stated that he could recall Councillor Bates glaring at Ms Kelly during the meeting. However, he could not recall any other incidents between Councillor Bates and Colette Kelly during the meeting in question.

I asked Mr Crompton if he had any further comments. He stated that the aggressive and abusive behaviour demonstrated by Councillor Bates is part of his demeanour. However, he stated that this does not give him an excuse to behave in this way. Mr Crompton stated that he is not prepared to accept such behaviour from committee members and that Councillor Bates should be expected to act like a Councillor. Mr Crompton stated that he is of the view you should always treat others with respect in order to gain respect of others. Mr Crompton stated that he will not be bullied into not attending meetings which provide him with an opportunity to help improve the local area.

Summary of discussion with Colette Kelly

3 October 2014

Colette explained that she is one of three Assistant Executive Directors ("AED") at the Council who has responsibility for District working. Each AED takes on responsibility for different districts within the Borough. She advised that the Failsworth and Hollinwood District Executive ("FHDE") meetings take place at least 5 times per municipal year. She stated that she did not usually attend these meetings as she is responsible for the Oldham District comprising 7 Wards. However, on 31 July 2014 she was covering for a colleague and therefore attended the meeting on that date.

She stated that the meeting takes place on the Community Hall Floor of the District Town Hall. Tables are set up in a u-shape at which elected members and council officers sit. Members of the public sit on chairs facing the tables. There is a small table in the u-shape on which a microphone is placed to allow people to address the meeting if required. She stated that during the meeting in question there were approximately 20 members of the public in attendance, including a police officer. She confirmed that everybody in attendance would have had a clear view of each other and that there was no overcrowding.

Colette stated that she had worked for the Council for approximately 5 years. She explained that Mr Crompton was the chair of the Failsworth Historical Society ("FHS") and was well known in the Failsworth area. She stated that the FHS sometimes exhibited in the District Town Hall and works with the local library service, the District Team and wider community and voluntary sector within Failsworth and wider with the range of Historical Societies across the Borough. She suspected he attended meetings very regularly and was aware of his attendance at previous meetings.

She confirmed that Mr Crompton and Councillor Bates did know each other. She stated they knew each other through public meetings and forums as well as at a district level as they were both active in the community. She stated that they have both been regular attendees at the FHDE meetings as well as other community groups and associations.

Colette stated that during the meeting in question Councillor Bates had loudly stated "*Who are you?*" directing his question at Mr Crompton. He spoke in an aggressive manner and was leaning into the table and waving his hands around whilst speaking. She stated that Councillor Bates had interrupted Mr Crompton while he was asking his questions using the microphone. She stated that most if not all of those present at the meeting would know who Mr Crompton was. She advised it was also likely the elected members had been provided with a copy of Mr Crompton's name and questions prior to the meeting.

She stated that the reaction in the room after the interruption was one of shock. Someone interjected to advise that Councillor Bates' behaviour was out of order. She could not recall who had interjected she believed it may have been the Chair. Once that person had interrupted, Mr Crompton continued with his question. She stated that Councillor Bates then appeared to remember Mr Crompton's name. She stated that this was in a somewhat theatrical manner.

Colette stated that Mr Crompton is a very dignified man who holds himself well. She stated that he appeared shocked at the outburst but carried on. She explained that Councillor Bates and Mr Crompton have known each other for a long time. Mr Crompton has known Councillor Bates since before he was

elected and since being elected likely expected him to behave in a manner befitting a councillor. She stated that whilst Councillor Bates and Mr Crompton do not socialise with each other, they are both active residents in the community.

Following the interruption by Councillor Bates, Councillor Bates wrote a note about Mr Crompton. She stated that the wording was similar to "*Mr Crompton has never lifted a finger on the memorial park*". She stated that this had been a public issue for the area but could not recall the full facts. She did however state that the issue had taken place several years ago and involved the memorial park. She was aware Mr Crompton was active with the memorial park given his position as Chair of the FHS.

Colette did not know the person to whom Councillor Bates had initially passed the note. The note was circulated, passed to residents sat beside Councillor Bates and was also passed to the police officer in attendance. She was unsure as to who had passed the note to Mr Crompton but believed it would have been one of the residents or the police officer. She believed that Mr Crompton was hurt by the contents of the note. She could not recall who had subsequently been passed a copy of the note but explained she had later been provided with the note, which she had kept.

Colette stated that she believed both Councillor Bates' outburst and the note itself to be disrespectful and bullying. She commented that Councillor Bates has an unfortunate way of speaking to people.

In terms of the relationship between Councillor Bates and Mr Crompton, she was aware that they were not the 'best of friends', but could not recall any specific incidents between them.

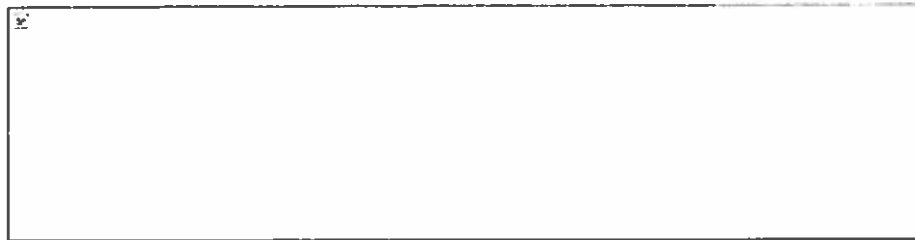
Colette stated that Councillor Bates had been glaring at her during the meeting. However, she explained that this is his normal behaviour. She stated that Councillor Bates has a somewhat aggressive demeanour. She was of the view that the glaring was likely directed at her and stated Councillor Bates had his head in his hands whilst glaring. She considered this repeated behaviour to be aggressive and found it disrespectful, intimidating and very unprofessional.

I asked Colette whether there had been any 'questionable behaviour' directed at her by Councillor Bates, as alleged. She stated that, approximately 18 months to 2 years ago, she was in Failsworth covering a meeting and, after the meeting, Councillor Bates ran up the corridor towards her, waving his finger. She could not recall the exact facts but believed Councillor Bates had thought she had said something during the meeting that he did not agree with, and he was shouting in her face. She had explained to him that she was due to catch a flight, and a member of the environmental team asked Councillor Bates to leave. She stated that Councillor Bates was not a Councillor at that point in time.

Colette commented that Councillor Bates comes across as an aggressive person. She stated that he is hyperactive, gesticulates often and can have an angry disposition. She was of the view that the average person may see this as bluster but in a public meeting it was not appropriate. She stated that he is a challenging person to work with and if his behaviour continues in this way it could impact on the Council's reputation.

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Reporter: RICHARD HOOTON and JANICE BARKER
Date online: 27 August 2014

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OLDHAM Athletic's £20 million stadium plans have been bombarded with more criticism from the community.

Falsworth Dynamos Football Club has declared it wants to use part of the land itself, while Falsworth Historical Society doesn't want the land developed at all.

Athletic teamed up with Oldham Council to unveil plans to sell Boundary Park for housing and use the proceeds to build a 12,000-seater stadium with community sports facilities on a 30-acre site off Broadway.

The council has agreed to transfer allotment land and Lower Memorial Park for the club to build on, while Athletic has a deal in place to buy the neighbouring Lancaster Sports Club.

However, Dynamos FC is upset the land was offered to Latics after it had spent 18 months securing an agreement to transform the memorial park for thousands of children to play football on and build their own modest stadium.

The League One club has been in talks to offer Dynamos the use of its new community facilities, but these appear to have failed.

In a letter to Oldham Council and Oldham Athletic, which has been passed to the Chronicle, chairman Leo Turner said: "We believe that the best interests of the children of Falsworth Dynamos and the wider community are best served by our organisation continuing with our plans to develop the land promised to us by the council in order to provide better facilities for hundreds of local children and young adults of the area.

"We would like now to continue to make progress against the original commitment to us and begin discussions on how we would like to develop the land over a period of time in order to clarify for prospective backers the funds we will need to complete our project."

He said the Dynamos don't wish to fall out with Latics but challenged the council's rights to renege on a commitment made after a long formal process and use a public open space for a profit-seeking venture that does not meet the intended use for the land.

He adds: "We intend to drive on and achieve our objectives with the help of the community and the hundreds of people that have pledged support to our cause."

Latics have organised a question and answer session at The Raddyffe School, Hunt Lane, Chadderton on Monday - but Labour MP David Hayes and Falsworth councillor Jim McMahon have criticised the location and £2 charge.

John Crompton, honorary chairman of Falsworth Historical Society, said: "To expect the people of Falsworth to believe that this farce of meetings called under the heading of consultation, held in Chadderton, at a fund-raising cost to cover attendance and away from Falsworth is nothing short of an abomination."

He says Falsworth Lower Memorial Park was provided by subscription from local people to commemorate First World War deaths.

He added: "To consider losing something as sacred to the memory of these gallant serving men in such an offhand manner is nothing short of undignified and lack of consideration."

Latics says the charge will ensure tickets go to people who will definitely attend. There is capacity for 300 people, with tickets available from the Boundary Park Club shop.

Chief executive Alan Hardy urged Falsworth residents, as well as fans, to attend.

Avon Football Club, whose 11 football teams play at Lancaster Sports Club, has been reassured in meetings with Latics that it can use the new facilities.

But protesters at Broadway Allotments have vowed a David and Goliath style battle to save their allotments from development.

They were furious at a lack of consultation but council chiefs have pledged to meet them and discuss compensation for the protesters' loss of green space. Contact us | Terms & Conditions | Our use of cookies

© Chronicle Online - all rights reserved. Athletic director Simon Conway declined to comment on the Dynamos' decision.

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Contact

Oldham Council is preparing a response to the letter and said it would be inappropriate to comment until it has first corresponded with Dynamos.

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Park memorial to WW1 heroes safe

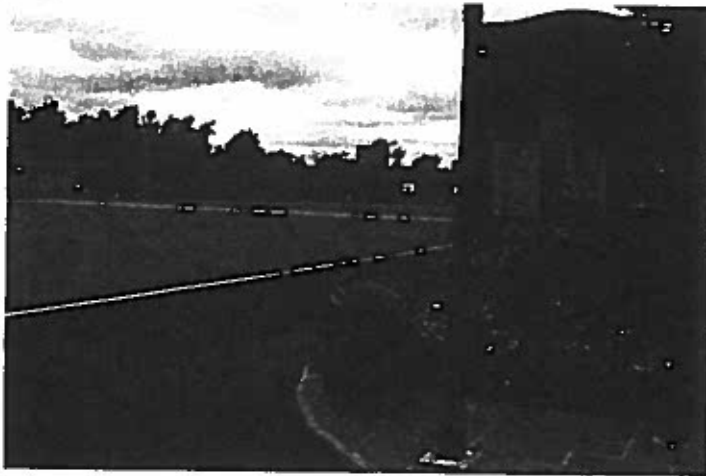
Aug 05, 2009 17:01 By Stuart Greer

OLDHAM Council and Oldham Athletic have dispelled fears that a park created in memory of local men who gave their lives in the Great War is to be bulldozed. The Failsworth Lower Memorial Park was cultivated 80 years ago using donations from the families and friends of 240 men from Failsworth who made the supreme sacrifice in the First World War.

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OLDHAM Council and Oldham Athletic have dispelled fears that a park created in memory of local men who gave their lives in the Great War is to be bulldozed.

The Failsworth Lower Memorial Park was cultivated 80 years ago using donations from the families and friends of 240 men from Failsworth who made the supreme sacrifice in the First World War.

There were fears that the park was included in Oldham Athletic's proposals to create a 30-acre stadium complex with community sports facilities off Broadway in Failsworth.

However, the club and council have this week told the Advertiser that the proposed site includes council-owned land south of the park, land currently owned by British Aerospace and Broadway Allotments – not the Memorial Park itself.



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The news has been welcomed by members of Failsworth Historical Society.

Chairman John Crompton said: "This comes as a great relief to us, but we will be keeping a close eye that the promise is fulfilled.

"Almost a century ago hundreds of people across the town contributed their hard earned cash to pay for a war memorial and two parks to honour the war dead. It is an important part of Failsworth's heritage and must remain."

The Latics announced plans to leave Boundary Park, their home of more than 100 years, and relocate to a £20m futuristic stadium, last month.

Boundary Park itself will be sold to a developer to build family houses.

A council spokesperson said: "Oldham Council has resolved to sell an option on land north of the Lancaster Club – an area of open land situated to the south of Lower Memorial Park – to Oldham Athletic. That is subject to a detailed design and planning approval being obtained."

The council also confirmed the Grade II listed Lancaster Club will be retained and improved, but Cllr Jim McMahon, leader of Oldham Labour group and Failsworth councillors, fears the historic building will still be harmed.

"The historic Failsworth Lodge, built by Captain John Birch in 1770, will be affected, even if it is not earmarked for demolition," he said.

- See related links for more on Latic's stadium plans

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Personal Finance

From: Cllr E Garry [mailto:Elaine.Garry@oldham.gov.uk]
Sent: 02 January 2015 13:49
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Hello Sophie

I refer to page 7 section 7.1 which details a conversation with Cllr Bates and the Borough Assistance Solicitor.

Cllr Bates actually lied to the Solicitor by denying who John Crompton was. Surely, this too is a breach of the code of conduct?

Kind regards

Elaine

From: Cllr E Garry
Sent: 29 December 2014 09:06
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Hello Sophie

I have now had the opportunity to read the report and am happy with the content.

Kind regards

Elaine

From: Devlin, Sophie
Sent: 19 December 2014 14:06
To: Cllr E Garry
Subject: Private and Confidential - Investigation Report

Dear Councillor Garry

I write with reference to your complaint regarding the conduct of Councillor Bates at the Failsworth and Hollinwood District Executive meeting of 31 July 2014. I attach a copy of the draft investigation report regarding the complaint for your attention.

Please review the report and provide me with any comments you may have before the report is finalised. I would be grateful if you could provide your comments by close of business Monday 5 January 2015. I am happy to receive your comments in writing or by phone at your convenience.

Kind regards

Sophie

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP

From: Cllr D Dawson [<mailto:David.Dawson@oldham.gov.uk>]
Sent: 07 January 2015 21:19
To: Devlin, Sophie
Subject: Re: Private and Confidential - Investigation Report

Sophie your report seems to have reported the events of the meeting and makes it clear that Councillor Bates did not treat Mr Crompton with respect. Councillor Bates did know Mr Crompton and has intimidated and bullied him in the past. Regards Cllr Dawson

From: Devlin, Sophie
Sent: Wednesday, January 07, 2015 03:46 PM GMT Standard Time
To: Cllr D Dawson
Subject: FW: Private and Confidential - Investigation Report

Dear Councillor Dawson

I do not appear to have received any comments from you on the draft report. I would be grateful if you could let me know by 12 January 2015 whether you have any comments on the report, a copy of which is attached for ease of reference. If I do not hear from you by 12 January 2015 I will assume you have no comments to make and will arrange for the report to be finalised.

Kind regards

Sophie

Sophie Devlin
Solicitor - Healthcare Regulatory and Public Law
DFO Bedford LLP

From: Devlin, Sophie
Sent: 19 December 2014 14:07
To: 'David.Dawson@oldham.gov.uk'
Subject: Private and Confidential - Investigation Report

Dear Councillor Dawson

I write with reference to your complaint regarding the conduct of Councillor Bates at the Failsworth and Hollinwood District Executive meeting of 31 July 2014. I attach a copy of the draft investigation report regarding the complaint for your attention.

Please review the report and provide me with any comments you may have before the report is finalised. I would be grateful if you could provide your comments by close of business Monday 5 January 2015. I am happy to receive your comments in writing or by phone at your convenience.

Kind regards

Sophie

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP

From: Cllr W Bates [mailto:Warren.Bates@oldham.gov.uk]
Sent: 31 January 2015 08:43
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Standards Boards, Standards Committee, always two sides to allegations thank you.

Regards.

Cllr Warren Bates, U K I P.

From: Devlin, Sophie
Sent: 29 January 2015 10:11
To: Cllr W Bates
Subject: RE: Private and Confidential - Investigation Report

Dear Councillor Bates

Thank you for your email.

Standards Committee

I note your reference to the 'Standards Board' within your email. Please note that the Standard Board, which regulated the treatment of councillors' conduct and pecuniary interests, was abolished via the introduction of the Localism Act 2011. I would refer you to Oldham Council's '*Arrangements for dealing with complaints about the Code of Conduct for Members*' ("**the Arrangements**") which sets out the current process. A link to this document was included within my email of 13 January 2015, however, I set out the link again below, for completeness. This document sets out the next steps with regards to the allegations made against you.

<http://committees.oldham.gov.uk/documents/s26507/Updated%20Copy%20-%20Report%20to%20Council%20re%20Localism%20Act.pdf>.

As you will see, in accordance with paragraph 8 of the Arrangements, where the investigating officer finds that there has been a failure to comply with the Code, the Monitoring Officer will review the report and consult the Independent Person. The matter will then either be referred to a local hearing before the Council's hearing panel or local resolution may be sought. Local resolution may include the subject member accepting that their conduct was unacceptable and offering an apology and/or other remedial action. If the suggested resolution is accepted, the Monitoring Officer will report the matter to the Standards Committee but will take no further action.

If the Complainant or subject member refuses local resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a local hearing without further reference to the Complainant or Subject Member. The hearing panel is a sub-committee of the Council's Standards Committee.

Code of Conduct for Members

You are also aware that you are required to act in accordance with the Council's '*Code of Conduct for Members and Guidance*' ("**the Code of Conduct**"). A copy of this document can be found at the link above. You will be aware that, in accordance with the Code of Conduct, you must observe the following principles:

"2.5 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

2.6 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions."

We consider that, in accordance with your obligation to observe the above principles, your version of events in respect of the allegations made against you should be provided to us in our capacity as investigating officer.

We have also previously explained that your version of events in relation to the allegations made against you should be provided to us to help ensure an effective investigation can be undertaken by us in our capacity as investigating officer. In addition, we have pointed out that members have an obligation to co-operate with an investigation and if you do not provide your comments to us, potentially members could take this as you accepting the conclusions made in the report (see *Broadlands District Council v Lashley*).

Summary

We would suggest that you review the Arrangements and Code of Conduct at the link above so that you are fully aware of the process for dealing with the allegations made against you, as well as your obligations under the Code of Conduct.

Having reviewed the documents in question, should you wish to provide your version of events in respect of the allegations made against you, we would invite you to do so by 2 February 2015. If we do not hear from you by that date the report will be finalised.

Kind regards

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DPO Beachcroft LLP

From: Cllr W Bates [mailto:Warren.Bates@oldham.gov.uk]
Sent: 16 January 2015 16:49
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Thank you Ms Devlin the Standards Board for me, I will certainly be only to pleased to give my side of the Allegations.

Cllr Warren Bates

U K I P.

From: Devlin, Sophie
Sent: 14 January 2015 09:14
To: Cllr W Bates
Subject: RE: Private and Confidential - Investigation Report

Dear Councillor Bates

Paul Entwistle is the Council's Monitoring Officer.

I look forward to receiving your comments by 16 January 2014. If I do not hear from you I will finalise the report.

Kind regards

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP

From: Cllr W Bates [<mailto:Warren.Bates@oldham.gov.uk>]
Sent: 14 January 2015 08:20
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Good Morning.

In the interest of due process procedure I would be grateful if I could catch sight of the name of the council monitoring officer.

Cllr Warren Bates u k l p.

From: Devlin, Sophie
Sent: 13 January 2015 09:11
To: Cllr W Bates
Subject: RE: Private and Confidential - Investigation Report

Dear Councillor Bates

As set out in my emails of 24 October 2014 and 19 December 2014, DAC Beachcroft LLP has been appointed to investigate a complaint that you allegedly breached the Members' Code of Conduct for Oldham Council. DAC Beachcroft LLP has been appointed to carry out the investigation in accordance with the Council's 'Arrangements for dealing with complaints about the Code of Conduct for Members.' A copy of that document can be found on the Council website, a link to which is below:

<http://committees.oldham.gov.uk/documents/s26507/Updated%20Copy%20-%20Report%20to%20Council%20re%20Localism%20Act.pdf>.

I would refer you to Appendix 2 of the document, particularly section 6, which sets out the circumstances in which the Monitoring Officer may appoint an investigating officer in connection with a complaint.

As I have explained previously, your email of 2 January 2015 suggests that you refute the allegations made against you. In order to assist with this investigation and ensure that any findings are reached with reference to all relevant evidence, I would be grateful to receive your comments by 16 January 2015. If I do not hear from you by that date I will finalise the draft report.

Again, I would point out that on the basis of the case *Broadlands District Council v Lashley*, members have an obligation to co-operate with an investigation. If you do not provide your comments to me regarding the allegations made against you then potentially members could take this as you accepting the conclusions made in the report.

Kind regards

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP

From: Cllr W Bates [<mailto:Warren.Bates@oldham.gov.uk>]
Sent: 12 January 2015 18:05
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Dear Ms Devlin.

Thank you, I have been advised to explain "Who Are You" to the Standards Board.

Cllr Warren Bates u k l p.

From: Devlin, Sophie
Sent: 08 January 2015 09:57
To: Cllr W Bates
Subject: RE: Private and Confidential - Investigation Report

Dear Councillor Bates

Thank you for your email.

As stated in my previous email, your email of 2 January 2015 suggests that you refute the allegations made against you. If this is correct, it is important that, as part of this investigation, we are able to consider your version of events in relation to the allegations made against you. This will help ensure that an effective investigation is undertaken and that any conclusions are reached with reference to all relevant evidence. It would therefore be appropriate for any comments you may have to be provided to me before the investigation is concluded.

I should point out that on the basis of the case *Broadlands District Council v Lashley*, members have an obligation to co-operate with an investigation. If you do not provide your comments to me regarding the allegations made against you then potentially members could take this as you accepting the conclusions made in the report.

I would be grateful if you could confirm whether you have any comments to make on the draft report by 12 January 2015. I have attached another copy of the report in case it assists. If you do not wish to comment, or I do not hear from you by then, I will arrange for the report to be finalised.

Kind regards

Sophie Devlin
Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP

From: Cllr W Bates [<mailto:Warren.Bates@oldham.gov.uk>]
Sent: 07 January 2015 20:27
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Dear Ms Devlin.

I refer to your e-mail dated 7th January 2015 the contents again are noted.

Having considered the matter fully I should be grateful if you could provide me with information as to what authority you have that permits you to request any information from a democratically elected Councillor.

For the avoidance of doubt I must inform you that Oldham Borough Council have a Standards Committee and this is the only platform that I would be prepared to go before should there be any legitimate reason.

I hope this makes my position clear.

Councillor Warren Bates u k l p Failsworth West Ward.

From: Devlin, Sophie
Sent: 07 January 2015 16:13
To: Cllr W Bates
Subject: RE: Private and Confidential - Investigation Report

Dear Councillor Bates

Thank you for your email.

Your email suggests that you intend to put forward your version of events regarding the allegations made against you at a later date. The purpose of this investigation is to consider the complaints made against you and whether you breached the Members' Code of Conduct. As such, your version of events, or any comments you may have regarding the allegations made against you, should be provided to me in order to assist with the investigation. You will appreciate that it is imperative all relevant evidence is considered to ensure an effective investigation is undertaken.

In light of the above, I would therefore be grateful to receive your comments by 12 January 2015. A copy of the draft report is attached for ease of reference. I am happy to receive your comments in writing or by phone at your convenience. If you foresee any difficulties in providing your comments by this deadline, please let me know.

Kind regards

Sophie Devlin

Solicitor - Health Care Regulation and Public Law
OAC Research LLP

From: Cllr W Bates [<mailto:Warren.Bates@oldham.gov.uk>]
Sent: 02 January 2015 20:44
To: Devlin, Sophie
Subject: RE: Private and Confidential - Investigation Report

Dear Ms Devlin.

Having read your report I will now look forward to giving the other side of the accusations to the Council Standards Board.

Cllr Warren Bates u k l p.

From: Cllr W Bates
Sent: 20 December 2014 08:14
To: 'Devlin, Sophie'
Subject: RE: Private and Confidential - Investigation Report

Thank you.

Cllr Warren Bates.

From: Devlin, Sophie
Sent: 19 December 2014 14:11
To: Cllr W Bates
Subject: Private and Confidential - Investigation Report

Dear Councillor Bates

As you are aware, DAC Beachcroft LLP has been appointed to investigate a complaint that you allegedly breached the Members' Code of Conduct for Oldham Council. Please find attached a copy of the draft investigation report relating to the complaint.

Please review the report and provide me with any comments you may have before the report is finalised. I would be grateful if you could provide your comments by close of business Monday 5 January 2015. I am happy to receive your comments in writing or by phone at your convenience.

Kind regards

Sophie Devlin

Solicitor – Healthcare Regulatory and Public Law
DAC Beachcroft LLP