
Appendix 1

STANDARDS HEARING SUB-COMMITTEE

Notice of Decision

Case Reference: SC2

Subject Member: Councillor Bates
Subject Member Representative: Mr. Joe Fitzpatrick
Sub-Committee Members: Councillor Chadderton
Councillor Williamson

Independent Person: Mr. Peter Bamber
Investigating Officer: Mr. Simon Goacher
Witnesses: Mr. John Crompton
Monitoring Officer: Paul Entwistle
Constitutional Services
Representative: Sian Walter-Browne

Date of Hearing: Friday, 30th October 2015

1. A Standards Hearing Sub-Committee was convened to consider whether Councillor Bates had failed to comply with the Council's Code of Conduct as an Investigating Officer report had concluded that there had been a breach of the Code.
2. The Sub-Committee was convened under the Council's "Arrangements for Dealing with Complaints about the Code of Conduct for Members" in accordance with the Localism Act 2011 for the determination of complaints that a Member may have breached the Council's Code of Conduct.
3. The complaint concerned allegations from Mr. Crompton of a breach of the Members Code of Conduct against Councillor Bates stating that he did not treat Mr. Crompton with respect and bullied him.
4. The Sub-Committee heard oral and written representations from the Investigating Officer and witness evidence from Mr. Crompton.
5. Councillor Bates declined to make representation to the Sub-Committee as he considered he had no case to answer. Councillor Bates was represented by Mr. Fitzpatrick.

6. The Standards Sub-Committee considered the Investigating Officer's report containing the record of interviews with Councillor Bates and Mr. Crompton as supplemented by oral evidence given by Mr. Crompton. The Sub-Committee noted that the Investigating Officer found a breach of the Code with regard to one of the allegations and not a breach with regard to two of the allegations. Consequently, the Sub-Committee focused on this allegation. This allegation was that in May 2015 when Mr. Crompton was walking home in Failsworth he was approached by Councillor Bates. Councillor Bates had been walking in the same direction as Mr. Crompton but on the other side of the road. Councillor Bates then walked ahead of Mr. Crompton and "double backed " glaring at Mr Crompton as he walked past him very closely.
7. The Sub-Committee came to the conclusion that the version of events given by Mr. Crompton was accurate. The Sub-Committee noted that Councillor Bates' behaviour towards Mr. Crompton occurred shortly after the reporting to Council of a previous complaint and was intended to intimidate Mr. Crompton.
8. In approaching Mr. Crompton in the manner he did, the Sub-Committee found that Councillor Bates had breached the Code of Conduct in that he failed to treat Mr. Crompton with respect (paragraph 3.1 of the Code), bullied him (paragraph 3.2.(b) of the Code) and sought to intimidate him as previously involved as a witness in proceedings that there has been a breach of the Code (paragraph 3.2 (c) of the Code.)
9. The Sub-Committee imposed the following sanctions:-
 - 9.1 These findings and the Investigating Officer's report to be published by the Council.
 - 9.2 These findings (and the Investigating Officer's report) to be reported to full Council for information.
 - 9.3 A recommendation to Council that Councillor Bates be censured (Councillor Williamson dissenting on this sanction).
 - 9.4 The Monitoring Officer to arrange training for Councillor Bates on the requirements and responsibilities under the Code of Conduct.