

Standards Hearing (Ad Hoc) Sub Committee

Notice of Decision

Case reference:	Z38/105
Subject Member:	Councillor R. Bleakley
Subject Member Representative:	None
Complainant:	Mr A. Taylor
Witnesses:	Mr A. Taylor
Sub Committee Members:	Councillor C. Rigby (Chairman) Councillor M. Crosby Councillor J. Ellis
Monitoring Officer representative:	Mr P. Hassett (Deputy Monitoring Officer)
Investigating Officer:	Ms. N. Welch
Independent Person:	Mr. K. Roberts
Clerk to the Panel:	Ms D. Adshead
Date of Hearing:	Friday 5 th September 2014

This was a hearing to consider whether Councillor Robert Bleakley had failed to comply with the Council's Code of Conduct.

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

The Sub Committee heard oral and written representations from the Investigating Officer Ms. Nicola Welch and witness Mr Andrew Taylor which set out details of the complaint against Councillor Bleakley.

Councillor Bleakley did not attend the hearing. At his request the Sub-Committee considered written observations submitted by Councillor Bleakley.

Having heard all the facts and responses the Sub Committee agreed the following facts:-

- i. Councillor Bleakley used his Council issued mobile phone to make premium rate calls and sent inappropriate text messages in direct contravention of the Council's Acceptable Use of IT Policy;
- ii. Despite the Council's policy in this respect having been communicated to Councillor Bleakley on at least two occasions, he continued to make premium number calls at a substantial cost to the Council;
- iii. It wasn't until challenged directly by the Chief Executive about the high cost of his bills that Councillor Bleakley arranged to reimburse the Council for the costs incurred.

The Sub Committee invited Ms. Welch to make further representations as to whether the facts revealed a failure to comply with the Council's Code of Conduct for Members.

Having heard the evidence put forward by the Investigating Officer, Ms. Welch and the witness and written observations submitted by Councillor Bleakley and having also taken into account the views of the Independent Person, Mr Roberts, the Sub-committee concluded that Councillor Bleakley had breached the following paragraphs of the Councils Code of Conduct:

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

Paragraph 6 (b). You 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.

The Sub Committee then invited Ms. Welch to make further representations on the actions to be taken in respect of the breach.

Following consideration of the evidence the Sub Committee was mindful of the fact that this was not the first time that Councillor Bleakley had breached the Code in similar circumstances. In March 2014 he was found in breach of the Code for having accessed pornographic material on his Wigan ICT equipment. The Sub Committee was concerned that Councillor Bleakley has shown no remorse following that decision. To the contrary, even though he knew that he was under investigation for accessing pornography and misuse of IT resources on his Council supplied computer he continued to use his phone in an inappropriate manner clearly demonstrating his contempt for the Council's policies.

Councillor Bleakley's reference to the Sub Committee as a "toothless Neo Nazi style labour kangaroo court" shows his further contempt for the committee and its role.

The Sub Committee also expresses its frustration and disappointment with Councillor Bleakley's attack on the investigating officer who the Sub Committee considered to be a well qualified and dedicated officer of the Council, undeserving of such vindictive and bullying behaviour.

The Sub Committee considered the limited action available to it and taking into account the seriousness of the complaint and the requirement that any action should be relevant and proportionate to the complaint resolved the following actions to be taken:

1. Councillor Bleakley's access to the internet via the Council's ICT facilities be withdrawn from his ICT permissions until the end of his term of office
2. Councillor Bleakley be directed to return any ICT equipment supplied to him by the Council that allows access to the internet and in the meantime any such access be disabled. The equipment be not returned to him before the end of his current term of office.
3. All emails Councillor Bleakley sends to officers should be intercepted before delivery to the officer and should only be forwarded on to the relevant officer to respond to if they are respectful and courteous and do not contain abuse, rudeness or ridicule and are not considered to be harassing either in the content of the email or volume of emails he sends to the officer.
4. Having particular regard to the discriminatory and sexist nature of the text messages he has sent on his Council supplied mobile telephone any contact by Councillor Bleakley with Council officers should be restricted to emails, except for urgent matters requiring an immediate response which may be made by telephone but only to a named officer or officers supplied to him by the Council, from time to time.
5. Having particular regard to the discriminatory and sexist nature of the text messages he has sent on his Council supplied mobile telephone female officers should be made aware that if they receive a telephone call from Councillor Bleakley they should transfer the call to the said named officer(s) of the Council if urgent or, if not urgent, inform Councillor Bleakley that he should make his request by email.
6. Councillor Bleakley's Council supplied landline be restricted such that his ability to call premium rate numbers be disabled. If this is not possible his use of such landline should be monitored.

7. Because of the discriminatory and sexist nature of the text messages he has sent on his Council supplied mobile telephone Councillor Bleakley be directed to attend equal opportunities training
8. Councillor Bleakley's group leader be informed of this decision and the Sub Committee's concern over Councillor Bleakley's behaviour.
9. A press release of the outcome of the hearing is to be published
10. Details of the outcome of the hearing are to be published in a newspaper circulating in the Tyldesley area
11. The formal decision notice of the outcome of the hearing and the investigator's report (excluding the appendices), redacted as considered necessary by the Monitoring Officer, is to be published on the Council's website
12. The formal decision notice of the outcome of the hearing and the investigator's report (excluding the appendices), redacted as considered necessary by the Council's Monitoring Officer, to be submitted to the next meeting of the Standards Committee and Full Council and that Full Council be recommended to censure Councillor Bleakley for his misconduct and breach of the Members' Code of Conduct
13. All sanctions will be monitored and the Sub-Committee should be re-convened, so that further sanctions may be considered, should the Member fail to comply with the above requirements

Right of Appeal:

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against the decision of the Standards Hearings (Ad Hoc) Sub Committee.