

## Re-Convened Standards Hearing (Ad Hoc) Sub Committee

### Notice of Decision

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Case reference:	Z38/59/67/68/84/85/99
Subject Member:	Councillor R. Brierley
Sub Committee Members:	Councillor C. Rigby (Chairman) Councillor S. Dewhurst Councillor L. Holland
Monitoring Officer:	Mr J. Mitchell
Deputy Monitoring Officer:	Mr P. Hassett
Independent Person:	Mr K. Roberts
Corporate Governance Manager	Mrs J. Horrocks
Clerk to the Panel:	Mr M. Williamson
Date of Hearing:	Thursday 18 <sup>th</sup> December 2014

This hearing was called as a consequence of Councillor Brierley's failure and unwillingness to abide by the sanctions placed on him at the earlier hearing held 4<sup>th</sup> November 2014.

Sanction 11 from the hearing of 4<sup>th</sup> November stated:

*"Failure by the subject Member to abide by the sanctions will trigger a re-convened Sub Committee before the New Year so that further actions may be considered should the Member fail to comply with the above requirements. The potential sanctions may include, but will not be not limited to, for example, recommending to Council that Councillor Brierley be withdrawn from the Confident Place Scrutiny Committee and that any Council resources such as IT be removed."*

Councillor Brierley had indicated that he was unwilling to abide by the sanctions and has not submitted any unconditional written apologies to Monitoring Officer by the required deadline and as a consequence the Monitoring Officer re-convened the hearing.

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 Monitoring Officer informed the Sub Committee that Councillor Brierley had requested the names and addresses of the complainants and witnesses so that he could write directly to them. However, despite explaining to him that it was a requirement of the sub Committee that the apologies were submitted to the Monitoring officer who would then pass them to the relevant parties, no written apologies have been received.

The sub Committee was informed that following Mr Mitchell's correspondence with Councillor Brierley further contact was made between Councillor Brierley and Mrs J. Horrocks, Corporate Governance Manager. Following the telephone conversation with Councillor Brierley, Mrs J. Horrocks wrote back to him explaining that it is standard practice in such circumstances for the Monitoring Officer to pass on to the complainant any apology from the subject Member. She also stated in the letter that the Monitoring Officer also felt that given the nature of the complaints and his continued contempt shown towards the proceedings, that it is not appropriate to pass out complainants' personal addresses to him.

Mrs Horrocks informed the sub Committee that one of the complainants had written to her expressing his disappointment having not received an apology from Councillor Brierley and his concern that the Council wasn't taking his complaint seriously.

The sub Committee felt that such reaction from the complainant by the refusal of Councillor Brierley to show any remorse for his behaviour, has led to a decline in trust and confidence in the Standards proceedings leading to an increasing and unfair frustration in the failure of the Council to bring Councillors to account.

The sub Committee considered that Councillor Brierley had been given ample opportunity to provide the written apologies to the Monitoring Officer and his subsequent reaction showed yet a further example of his continued and deliberate efforts to avoid taking any responsibility for his actions.

The sub Committee viewed his responses to the outcome of the hearings as further examples of his deliberate efforts to get around the Members Code of Conduct and other Council policies. The sub Committee considered his reaction as yet a further attempt to find excuses as to why he is above having to abide by the repercussions of his poor behaviour.

The Sub Committee then took into account the remaining sanctions available to them. Given that the Councillor R. Brierley had shown contempt to the Standards Hearing (Ad Hoc) Sub Committee they also considered that any sanction needed to be appropriate and in line with the severity of the breach of the Code and his refusal to adhere to the sanctions set. Having consulted with the Independent Person, who endorsed the panel's views that Councillor Brierley's behaviour fell well short of that

acceptable for a Member and that he showed contempt for the process, the Sub-Committee resolved the following further actions to be taken:

Resolved: The re-convened Standards Hearing (Ad Hoc) Sub Committee agrees that the following additional sanctions are to be imposed:-

- That Council be recommended to remove Councillor Brierley from the Confident Places Scrutiny Committee;
- That Council takes into consideration Councillor Brierley's conduct and his unwillingness and refusal to abide by the sanctions imposed by the Standards (Ad Hoc) Sub committee when making future appointments to Committee places;
- That the Council and Standards Committee be notified of the outcome of the hearing;
- That details of the outcome to be published in the press and also in a newspaper circulating in the Hindley Green area;
- The formal Decision Notice of the outcome of the reconvened Sub-Committee and the details of the decisions of the Council Meeting are to be published on the Council's website; and
- That the Monitoring Officer, on behalf of the Sub committee, notifies all complainants that the sub committee has met again and of the additional sanctions that are to be imposed.

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### **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.