

## Standards Hearing (Ad Hoc) Sub Committee

### Notice of Decision

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Case reference:	Z38/83
Subject Member:	Councillor R. Bleakley
Complainant:	Officer of the Council
Witnesses:	Mr P. McKeivitt
Sub Committee Members:	Councillor C. Rigby (Chairman) Councillor P. L. Holland Councillor S. Dewhurst
Monitoring Officer:	Mr J. Mitchell
Investigating Officer:	Ms. N. Welch
Independent Person:	Mr. K. Roberts
Clerk to the Panel:	Mr M. Williamson
Date of Hearing:	Monday 10 <sup>th</sup> February 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 was notified by Councillor Bleakley that he did not intend to participate in the hearing and gave a number of reasons for his decision. The Sub Committee considered those reasons but decided it was able to proceed with the hearing in his absence.

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

The Sub Committee agreed the following facts:-

- i. Councillor Bleakley was acting in an official capacity at the time of the incident;
- ii. Councillor Bleakley altered an email he received from a Council Officer;
- iii. The email included a false allegation stating the Director of Economy and Skills had briefed staff not to meet with opposition Councillors to discuss major projects;
- iv. Councillor Bleakley had passed the altered email to other Members and Officers of the Council;
- iii. The allegation could have led to disciplinary action against two Council Officers.

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

Having heard the evidence put forward by the Investigating Officer, Ms. Welch and the witness Mr McKeivitt and having also taken into account the views of the Independent Person, Mr Roberts, the Sub-Committee concluded 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 (a).        You 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.

Councillor Bleakley's disregard for the truth was sufficiently serious to have undermined any confidence in his honesty and integrity as a Councillor. Consequently, by his actions, Councillor Bleakley had brought his office and the Council into disrepute in breach of paragraph 5 of the Code of Conduct.

Following consideration of the available evidence the Sub Committee concluded that Councillor Bleakley has also abused his role as Councillor to deliberately falsify evidence of officer misconduct, in order to promote the interests of himself and other opposition councillors in breach of paragraph 6 (a) of the Code of Conduct.

In addition, although not a breach of the Code of Conduct the Sub Committee found that the evidence confirmed that Councillor Bleakley had also breached the requirements of paragraph 4.1 of the Protocol of Member/Officer Relations by failing to treat Council officers with respect and unjustly risking the good reputation of two officers which could potentially have led to their dismissal.

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

The Sub Committee took account of the mitigating factors submitted by Councillor Bleakley and also the fact that this was not the first occasion on which Councillor Bleakley displayed such behaviour and had in the past been sanctioned by the Standards Board for his inappropriate behaviour.

The Sub Committee Members took the view that this was a very serious incident. Councillor Bleakley had shown systematic dishonesty in relation to the incident displaying a total disregard to the Nolan principles with a failure to recognise or understand the duty of integrity or honesty or the consequences of his actions.

The Sub Committee considered the 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:

- Councillor Bleakley to make an apology to the officer whose e-mail he had altered;
- Councillor Bleakley to inform those Members and officers to whom he had passed copies of the altered e-mail that it was not genuine and that the statements contained in it were false;
- Councillor Bleakley to undertake coaching with an external provider to address the issues which led to this incident and there is evidence that his behaviour has improved;
- All e-mails of Councillor Bleakley to Council Officers be placed in a Holding Area for a maximum period of twelve months to ensure that the opportunities for misuse of the council's e-mail system are minimised. This period to be reduced to a minimum of six months or to the date of completion of all of the three above actions whichever is the later. This action to be taken with immediate effect;
- The formal Decision Notice of the outcome of the hearing be published on the Council's website and in a newspaper circulating in the Tyldesley Area;
- A report be submitted to the Standards Committee and Council setting out the outcome from the hearing.

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### **Right of Appeal:**

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