

Standards Hearing (Ad Hoc) Sub Committee

Notice of Decision

Case reference:	Z38/86
Subject Member:	Councillor R. Bleakley
Subject Member Representative:	Mr P. Franzen
Complainant:	Officer of the Council
Witnesses:	Ms. D. Hall Mr P. McKeivitt Mr M. Barrow
Sub Committee Members:	Councillor C. Rigby (Chairman) Councillor J. Prescott Councillor J. Ellis
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:	Wednesday 26 th March 2014

This was a hearing to consider whether Councillor R. 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.

Due to work commitments Councillor R. Bleakley was unable to attend the hearing but had notified the Sub Committee that Mr P. Franzen had his full authority to speak on his behalf. The Sub Committee agreed to allow Mr P. Franzen to represent Councillor R. Bleakley.

The Sub Committee then heard oral and written representations from the Investigating Officer Ms. N. Welch and witnesses Ms. D. Hall, Mr M. Barrow and Mr P. McKevitt which set out details of the complaint against Councillor Bleakley.

The Sub Committee then heard oral representation from Mr P. Franzen in response to the allegations.

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

- i. Councillor R. Bleakley was found to have accessed on a frequent basis pornographic material on his Wigan Council ICT equipment;
- ii. in accessing these websites, the subject Member had contravened the Council's policy on acceptable use of IT and had done so despite having confirmed his acceptance of the internet policy and its requirements;
- iii. following a recent refresh of the Council acceptable use of IT policy and its issue to all Elected Members in March 2013, the subject Member had failed to make any noticeable changes to his internet activity; and
- iv. the subject Member's actions had exposed the Council to an unnecessary and potential costly risk of viral infection.

The Sub Committee invited Ms. N. Welch and Mr P. Franzen 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 submissions put forward by the Investigating Officer, Ms. N. Welch and Mr P. Franzen and having also taken into account the views of the Independent Person, Mr K. Roberts, the Sub-Committee concluded Councillor R. 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.

Following consideration of the available evidence the Sub Committee concluded that Councillor R. Bleakley had been foolish in using the Councils ICT equipment for such activity it was a clear breach of the Council's policies and although it was at home it is however, important to recognise there will be circumstances in which Councillor's private behaviour may affect the reputation and integrity of the Council and will require an appropriate response.

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

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 that the following sanctions are to be imposed:-

- i. access to the internet via the Council's ICT facilities to be withdrawn from the subject Member's ICT permissions for a maximum period of 12 months to ensure that the opportunities for misuse of the Council's ICT facilities are minimised. This period will be reduced to a minimum of six months or to the date of completion of coaching with an external provider to address the issues which led to this and previous ICT related incidents and there is evidence that his behaviour has improved. The coaching to be undertaken in conjunction with the similar requirement imposed on the subject Member pursuant to complaint number Z38/83;
- ii. if access to the internet via the Council's ICT facilities is not possible to be withdrawn, then the subject Member's Council computer is to be withdrawn on the same conditions;
- iii. in view of the interest from the press in the case a press release of the outcome of the hearing is to be published;
- iv. details of the outcome of the hearing are to be published in a newspaper circulating in the Tyldesley Area;
- v. the formal Decision Notice of the outcome of the hearing is to be published on the Council's website; and
- vi. the formal Decision Notice of the outcome of the hearing to be submitted to the next meeting of the Standards Committee for information.

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.