

Standards Hearing (Ad Hoc) Sub Committee

Notice of Decision

Case reference:	Z38/87 & 93
Subject Member:	Councillor G. W. Fairhurst
Complainant:	Ms. D. Hall
Sub Committee Members:	Councillor C. Rigby (Chairman) Councillor S. Keane Councillor L. Holland
Monitoring Officer:	Mr J. Mitchell
Independent Person:	Mr K. Roberts
Corporate Governance Manager	Mrs J. Horrocks
Clerk to the Panel:	Mrs D. Adshead
Date of Hearing:	Tuesday 30 th September 2014

This hearing was called as a consequence of Councillor Fairhurst's failure and unwillingness to abide by the sanctions placed on him at the earlier hearing 27th August 2014 .

Sanction 6 from the hearing of 27th August stated:

"failure by the subject Member to make a public apology will trigger a re-convened Sub Committee on or before the 30th September so that further actions may be considered should the Member fail to comply with the above requirements. The potential sanctions may include but not limited to for example controlling access (emails/telephone) to all Council employees (including SMT) to be via email through a managed holding area."

Councillor Fairhurst had indicated that he was unwilling to abide by the sanctions and has not submitted a public apology to Ms. D. Hall and as a consequence the Monitoring Officer convened a further 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.

Councillor Fairhurst had been invited to submit written representations as to why he had failed to comply with the sanctions. The Monitoring Officer informed the Sub Committee that no written submission had been received from Councillor Fairhurst. The Sub Committee then

considered the remaining sanctions available them. Given that the Councillor G. W. Fairhurst 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 actions set. Having consulted with the Independent Person who endorsed the Sub-Committee's views that Councillor Fairhurst's behaviour fell well short of that acceptable for a Member and group Leader and who showed contempt for the standards process resolved the following further actions to be taken.

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

- That the press be notified of the outcome of the Sub-Committee meeting emphasising the Sub-Committee's view that better standards of behaviour are expected of a Group Leader;
- The formal Decision Notice of the outcome of the Sub-Committee is to be published on the Council's website and details of the outcome and the details of the decisions of the Council Meeting are to be published in a newspaper circulating in the Standish area;
- That the Council and Standards Committee be notified of the outcome of the Sub-Committee meeting;
- Access by Councillor Fairhurst to all Council employees (including SMT) to be managed through a designated area for e-mails from Councillor Fairhurst to ensure staff are protected from inappropriate allegations or abuse until the end of his term of office, reduced to 12 months if he makes an apology and attends the facilitated programme as detailed below. This action to be taken with immediate effect;
- That Councillor Fairhurst's IT resources be removed;
- That Councillor Fairhurst be asked again to submit a written apology to the complainant by noon 17th October which the Council may publicise;
- On receipt of an acceptable apology the Councillor Fairhurst to engage with a programme facilitated by an external provider that will address his behaviour issues and on the nature of opposition and leadership with a signed agreement as to what outcomes are to be achieved;
- Compliance with these actions to be monitored and reported back to Standards Committee.

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.