

STANDARDS COMMITTEE HEARING

Summary of a Hearing in relation to a possible breach of the Members' Code of Conduct

9 July 2009, 2.30pm
Bourges Room, Town Hall

Name of Member	Councillor Wayne Fitzgerald
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Complaint 1 Councillor Fitzgerald, in responding to a letter that a member of the public had published in the local press, entered into an exchange of correspondence which insulted the member of public, belittled his disability and suggested he should register a second disability, that of 'serial stupidity'. In doing so it is alleged he breached the Members' Code of Conduct.	
Relevant section of the Members' Code of Conduct	Finding of the Committee
Paragraph 3.1 You must treat others with respect	Failed to follow the Code (unanimous)
Paragraph 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute	Failed to follow the Code (unanimous)

Complaint 2 Councillor Fitzgerald, in responding to comments on a public website of the local press, used words such as 'moron' and 'idiot' which were aggressive and insulting. In doing so it is alleged he breached the Members' Code of Conduct.	
Relevant section of the Members' Code of Conduct	Finding of the Committee
Paragraph 3.1 You must treat others with respect	Failed to follow the Code (unanimous)
Paragraph 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute	Did not fail to follow the Code (unanimous)

The Proceedings

Following referral by the Investigation Officer, two investigations into complaints made about Councillor Fitzgerald were presented to the Adjudication sub-committee of the Standards Committee for Peterborough City Council.

The committee determined the findings of fact as given in the investigation reports and proceeded to determine whether this constituted a breach of the Members' Code of Conduct. Councillor Fitzgerald addressed the committee to give representation why the agreed facts did not constitute a breach of the Code. Members of the Panel questioned Councillor Fitzgerald and adjourned to determine whether the facts constituted a breach.

The committee unanimously agreed that the facts did constitute a breach of the Members' Code of Conduct in three of the four instances considered and therefore proceeded to determine what sanction should be imposed. Councillor Fitzgerald addressed the committee to propose an appropriate sanction to be imposed.

The Panel adjourned to determine what sanction to impose upon Councillor Fitzgerald concerning the breach of the Members' Code of Conduct. The Chairman of the committee announced the sanction to be imposed and then closed the meeting.

Sanction Imposed

1. Accept the offer of a written apology to the first complainant which will be sent via the Monitoring Officer. On failing to provide a written apology to the first complainant via the Monitoring Officer within two weeks of the date of this hearing, the matter will be reported to the Standards Committee.
2. Censure Cllr Fitzgerald as he had acted in breach of the Code of Conduct and failed in his duty to act as should be expected by an individual in a position of civic leadership.

Reasons

Councillor Fitzgerald had failed to demonstrate the standards expected of those in public life in that he had not shown civic leadership, had potentially damaged public confidence in his role, had not acted with objectivity, had not shown good judgement and had not shown respect to others.

No further sanction was imposed as the breach had not been sufficiently serious and could have restricted Cllr Fitzgerald in his position of serving the people of Peterborough in his role of Councillor.

Right to Appeal

Councillor Wayne Fitzgerald has the right to apply in writing to the president of the Adjudication Panel for England for permission to appeal the standards committee's finding. The president of the Adjudication Panel must receive written notice requesting permission to appeal within 21 days of the member's receipt of notification of the standards committee's finding.