



Date: 22 October 2012

Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: **Members of the Ethical Governance and
Personnel Committee**

Mr DW Inman (Chairman)
Mr DC Bill
Mrs R Camamile
Mrs WA Hall
Mr KWP Lynch

Mr JS Moore
Mr K Morrell
Mr LJP O'Shea
Ms BM Witherford

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the Council Chamber on **TUESDAY, 30 OCTOBER 2012 at 10.30 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

A G E N D A

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING (Pages 1 - 6)

Minutes of the meetings of the Standards Committee on 5 & 11 April 2012 and the Personnel Committee on 18 April 2012 are attached and Members are asked to agree these as an accurate record due to both of these Committees having now expired and therefore being unable to agree the minutes.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS

To hear any questions received in accordance with Council Procedure Rule 10.
6. LOCALISM ACT 2011 - STANDARDS REGIME (Pages 7 - 18)

The Code of Conduct, process for dealing with complaints and Register of Interests form as agreed by Council are attached.
7. COUNTY WIDE CODE OF CONDUCT

Members will be informed of the progress of discussions to establish and adopt a county-wide Code of Conduct.
8. PARISH COUNCILS

Members will be informed of the current situation regarding parish and town councils within Hinckley & Bosworth in terms of the Code of Conduct and Register of Interests.
9. DECLARING INTERESTS

The Committee will discuss the requirements to declare interests in light of the new requirements.
10. TRAINING ON THE NEW REQUIREMENTS

Training for Members of the Ethical Governance & Personnel Committee and for all Councillors will be discussed.
11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

STANDARDS COMMITTEE

5 APRIL 2012 AT 10.00 AM

PRESENT: Mr MD Clarricoats, Mrs D Finney, Mr M Fryer, Mrs WA Hall,
Mr CJ Headley, Mr DW Inman, Mr LJP O'Shea, Mr DA Reid and
Mr ABG Stokes

Officers in attendance: Denise Bonser and Louisa Horton

468 APPOINTMENT OF CHAIRMAN

On the motion of Mr Fryer, seconded by Mrs Hall it was

RESOLVED – Mr Stokes be appointed as Chairman for this meeting.

469 MINUTES OF THE PREVIOUS MEETING

On the motion of Mr Inman, seconded by Mr Headley it was

RESOLVED – the minutes of the meeting held on 27 January 2012 be confirmed and signed by the Chairman.

470 DECLARATIONS OF INTEREST

No interests were declared at this stage.

471 UPDATE REPORT ON PROGRESS TO IMPLEMENT THE NEW STANDARDS REGIME

The Monitoring Officer updated the Committee of the proposed changes to the Standards regime in light of the Localism Act. The borough and district councils of Leicestershire are working together to produce a unified approach throughout the county.

RESOLVED –

- (i) Standards Committee note the changes made to the regime;
- (ii) concern was expressed as to the increased workload of the Monitoring Officer;
- (iii) the committee recommended to Council a minimum of 5 Independent Persons be appointed; and
- (iv) the committee suggested a letter be sent to the Secretary of State highlighting the extra pressures officers and members will face under the new regime.

472 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraphs 9 and 13 of Part I of Schedule 12A of that Act.

Mr O'Shea declared a personal and prejudicial interest and left the meeting.

473 CONSIDERATION OF THE APPEAL OF LAR0066A

On the motion of Mr Inman, seconded by Mr Fryer it was

RESOLVED - that the committee contest the appeal.

(The Meeting closed at 1.00 pm)

CHAIRMAN

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

STANDARDS COMMITTEE

11 APRIL 2012 AT 9.40 AM

PRESENT: Mr MD Clarricoats, Mrs D Finney, Mr M Fryer, Mrs WA Hall and Mr CJ Headley

Officers in attendance: Adam Bottomley and Louisa Horton

474 APPOINTMENT OF CHAIRMAN

On the motion of Mrs Hall, seconded by Mr Fryer it was

RESOLVED – Mr Clarricoats be appointed as Chair for this meeting.

475 DECLARATIONS OF INTEREST

No interests were declared at this stage.

476 DETERMINATION OF COMPLAINTS LAR0085 AND LAR0089

Following consideration of the investigator's findings and recommendation regarding complaint LAR0085, it was

AGREED – Councillor Yarwood had breached Paragraph 3(1) of the Code of Conduct by failing to treat Beverley Greenwood, Councillor Robert Fraser and Councillor Peter Batty with respect.

RECOMMENDED - That within one month of the hearing and no later than the 11th May 2012 Councillor Yarwood is to write a letter of apology to each of Beverley Greenwood, Councillor Fraser and Councillor Batty. A copy of such letter is to be submitted to the Monitoring Officer and approved by the Standards Committee. Failing this action Councillor Yarwood is suspended as a Councillor from the 11th May until such time apology letters are sent or three months whichever is the sooner. The letters are to be sent as confidential via the Parish Clerk, who is to confirm receipt to the Monitoring Officer.

Following consideration of the investigator's findings and recommendation regarding complaint LAR0089, it was

AGREED – no further action be taken as it was noted that Councillor Yarwood had apologised to Councillor Frazer.

(The Meeting closed at 2.05 pm)

CHAIRMAN

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PERSONNEL COMMITTEE

18 APRIL 2012 AT 6.30 PM

PRESENT: Mr MB Cartwright - Chairman
Ms BM Witherford – Vice-Chairman
Mr DC Bill, Mrs R Camamile, Mr K Morrell and Mr LJP O'Shea

Officers in attendance: Louisa Horton and Julie Stay

495 MINUTES

On the motion of Ms Witherford, seconded by Mr O'Shea it was

RESOLVED – the minutes of the meeting held on 13 July 2011 be confirmed and signed by the Chairman.

496 DECLARATIONS OF INTEREST

No interests were declared at this stage.

497 PROBATIONARY PROCEDURE

The report was presented by the HR Manager. Members were informed that the revised policy would give a more generic and structured approach to probationary procedure practices. The policy now also aligns with practices of our shared service partners.

On the motion of Mr Bill, seconded by Mr Morrell, it was

RESOLVED – the report be approved.

498 TRAVEL POLICY

A joint travel review group was formed to look into travel and subsistence payments following the collective agreement negotiated with staff in March 2011. The revised policy put to Members for ratification was the result of the recommendations of the group and has been agreed with the trade unions.

On the motion of Mr Cartwright, seconded by Mr O'Shea it was

RESOLVED – the report be ratified.

499 WORKFORCE EQUAL OPPORTUNITIES MONITORING

Members were provided with the employment and equality statistics for the financial year 2011/12. It was noted that these will now be published to comply with the specific duties under the Equalities Act 2010.

On the motion of Mr O'Shea, seconded by Mrs Camamile, it was

RESOLVED – the report be noted.

(The Meeting closed at 6.46 pm)

CHAIRMAN

This page is intentionally left blank

CODE OF CONDUCT OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the Council.

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code.

As a Councillor you are a representative of the Council and the public and other stakeholders will form a view of Hinckley and Bosworth Borough Council as a result of your actions. As such you must conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Councillors.

- (i) **Selflessness** As a public figure you serve only the public interest and should not do so in order to gain financial or other benefits for themselves, your family or your friends.
- (ii) **Integrity** You should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (iii) **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.
- (iv) **Accountability** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
- (v) **Openness** You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.
- (vi) **Honesty** You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (vii) **Leadership** You will promote and support these principles by leadership and example.

PART 1
GENERAL PROVISIONS

1. Introduction and Interpretation

1.1 You should read this Code in conjunction with the Council Procedure Rules as detailed in the Constitution.

1.2 This Code applies to **you** as a member of Hinckley and Bosworth Borough Council.

1.3 It is **your** responsibility to comply with the provisions of this Code and ensure all obligations are met.

1.4 In this Code:

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the Cabinet of the Authority;
- (c) any of the Authority’s or its Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

1.5 **“Member”** means any person being an elected or co-opted member of the Authority and any independent person appointed by the Authority to assist with the discharge of the Code of Conduct functions.

1.6 In relation to a parish council, references to an authority's Monitoring Officer and an authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the Borough Council which has functions in relation to the parish council for which it is responsible under Section 55(12) of the Local Government Act 2000.

2. Scope

2.1 You must comply with this Code whenever you

2.1.1 act, claim to act or give the impression you are acting as a representative of your Authority

- 2.1.2 conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed)
- 2.2 Where you act as a representative of Hinckley and Bosworth Borough Council
 - 2.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct
 - 2.2.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct except in so far as it conflicts with any other lawful obligations to which that other body may be subject.
- 2.3 in addition to having effect in relation to conduct in your official capacity, the Code also has effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

3. Other Obligations

In addition to the above principles, you will:-

- (a) Strive to establish respectful and courteous relationships with everyone you come into contact with as Councillors. You will also respect the political impartiality and integrity of the Council's statutory officers and its other employees.
- (b) Follow the law in relation to policies of the Council and its legal obligations.
- (c) Not to disclose or use confidential information for any other purpose other than that provided by the law.
- (d) Use those particular council resources provided for the undertaking of the Council duties in accordance with the Council's policies and not for any other purposes.

PART 2
INTERESTS

4. Disclosable Pecuniary Interests

- 4.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of
- (a) this code being adopted or
 - (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is

- (i) yours,
- (ii) your spouse's or civil partner's
- (iii) somebody with whom you are living as husband and wife or civil partners
- (iv) that of your family,
- (v) close associate.

and you are aware that that person has the interest

- 4.2 Subject to Paragraph 11, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest or change pursuant to Paragraph 4.1
- 4.3 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State
- 4.4 Where such an interest exists and has or has not been entered onto the authority's register, you must disclose the interest to any meeting of the authority at which you are present, where you have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.
- 4.5 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 4.6 Where you have a Disclosable Pecuniary Interest you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest, unless members of the public are allowed to make representations, give evidence or answer questions about the matter.

5. Disclosable Non-Pecuniary Interests

5.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of

(a) this code being adopted or

(b) your election or appointment (where that is later)

notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests.

5.2 You have a Disclosable Non-Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State

5.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.

6. Dispensations

6.1 Dispensations may be granted by the Monitoring Officer for one meeting only on request in writing from you.

6.2 Requests for Dispensations must be made in writing detailing what the interest is, why it is required and for what meeting.

6.3 Requests must be made 5 days prior to the meeting at which the Dispensation is required.

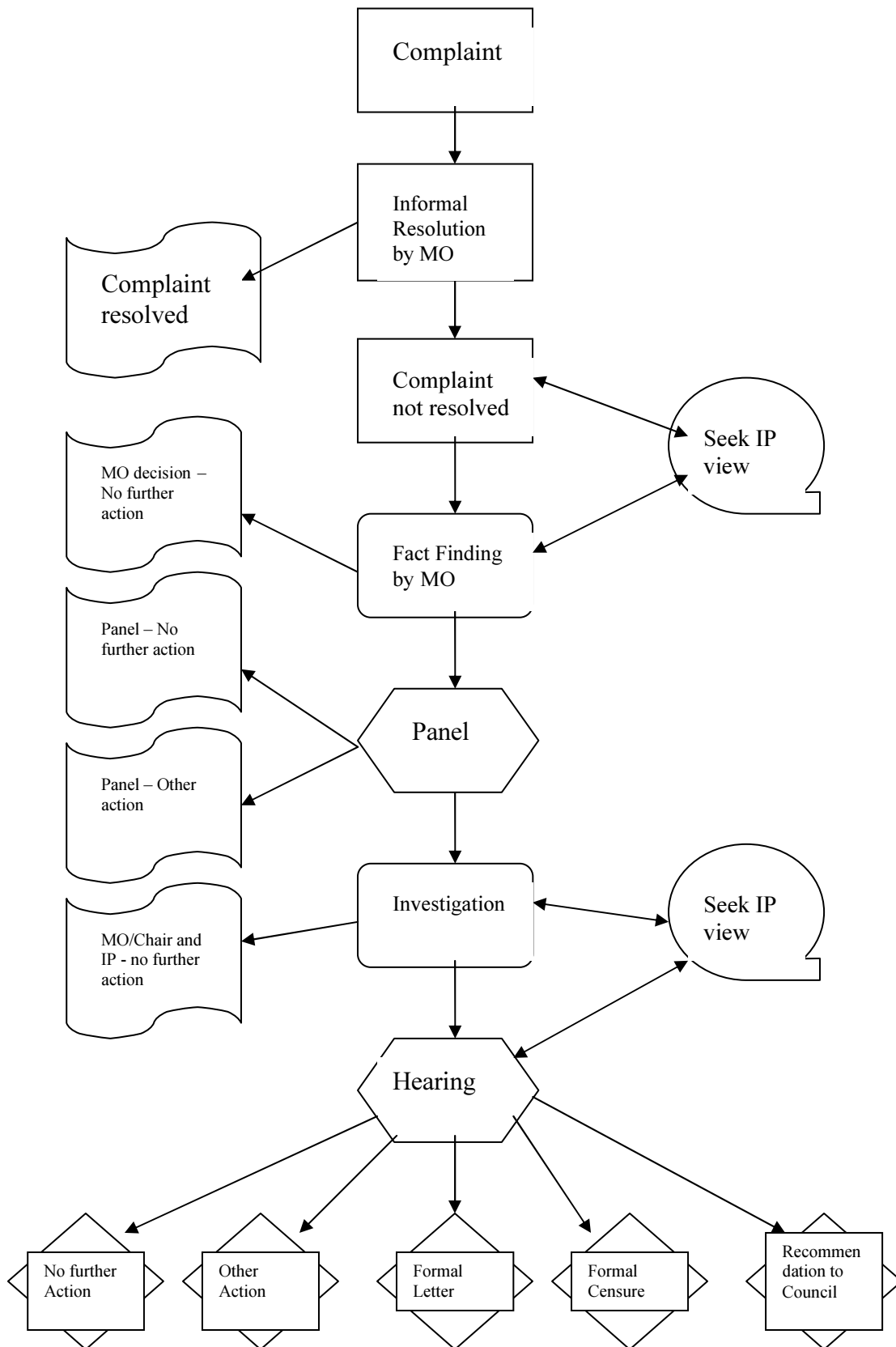
6.4 Dispensations will only be granted where there are reasonable grounds for doing so and where such grounds are in the public interest.

7. Sensitive Interests

7.1 A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

This page is intentionally left blank

Flow Chart for Proposed Assessment of Complaints about breaches of the Code of Conduct



This page is intentionally left blank

REGISTER OF MEMBERS' INTERESTS

NOTE: *“Member” includes a co-opted member of an authority.
Numbering follows numbering in Code of Conduct.*

I, *(full name) (capitals)*

a Member/Co-opted Member (M) of theCouncil

GIVE NOTICE, as I am required to do **under S29 Localism Act 2011**, that I have the following Disclosable Pecuniary Interests: *(please state “None” where appropriate)*

The interest relates to either my own, my spouse or my civil partner or someone with whom I live with as if they were my spouse or civil partner.

(i)	Any employment, office, trade, profession or vocation carried on for profit or gain

(ii)	Sponsorship – Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.
	<i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a)</i>

(iii) Contracts – Any Contract which is made between the relevant person (or a body in which the person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged

(iv) Land – Any beneficial interest in land which is within the area of the relevant Authority

(v) Licenses – Any Licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(vi) Corporate Tenancies – Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

(vii) **Securities** – Any beneficial interest in securities of a body where – (a) that body (to M’s knowledge) has a place of business; or land in the area of the relevant authority; an (b) wither (i) the total nominal value to the securities exceeds £25,000 or one hundredth of the total issues share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

SENSITIVE INTERESTS

I have/have not got any Sensitive Interests as defined by s 32 Localism Act 2011 and the Monitoring Officer considers that disclosure could lead to the risk of violence or intimidation. *(delete as appropriate)*

MEMBER’S SIGNATURE

Date	
Member’s Name <i>(Capitals – in Full)</i>	
Member’s signature	

NOTIFICATION OF CHANGE OF CIRCUMSTANCES

A Member must, within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Parish Clerk and/OR Monitoring Officer of that change at the Council Offices, Argents Mead, Hinckley, Leicestershire, LE10 1BZ

RECEIPT BY MONITORING OFFICER

Date received by the Council	
Signature of Monitoring Officer	

This page is intentionally left blank