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Chief Executive

Date: 21 October 2014

Hinckley & Bosworth
Borough Council

A Borough to be proud of

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

Mr DW Inman (Chairman)
Mrs WA Hall (Vice-Chairman)
Mr KWP Lynch

Mr JS Moore
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 De Montfort Suite, Hinckley Hub on **WEDNESDAY, 29 OCTOBER 2014** at **10.30 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES OF PREVIOUS MEETING (Pages 1 - 4)

To confirm the minutes of the previous meeting.

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. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

7. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Schedule 12A of the 1972 Act.

8. INVESTIGATION REPORT 2013/0013 (Pages 5 - 28)

Report of the Investigator attached.

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

9 JULY 2014 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman

Mr DS Cope (for Mrs WA Hall), Mr JS Moore and Ms BM Witherford

Also in attendance: Mr G Grimes, Independent Person.

Officers in attendance: Nigel Deacon, Rebecca Owen and Julie Stay

88 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Mrs Hall with the substitution of Councillor Cope authorised in accordance with Council Procedure Rule 4.

89 MINUTES OF PREVIOUS MEETING

It was noted that Mr Grimes, Independent Person, had submitted his apologies for the previous meeting but this had not been recorded in the minutes. On the motion of Councillor Moore, seconded by Councillor Witherford, it was

RESOLVED – the minutes of the meeting held on 14 May 2014 be confirmed subject to the apologies of Mr Grimes being recorded, and signed by the Chairman.

90 DECLARATIONS OF INTEREST

No interests were declared at this stage.

91 VICARIOUS LIABILITY POLICY

The Committee was presented with the draft Vicarious Liability policy and it was explained that there may be some circumstances where an employer may be held accountable for the acts and/or omissions of those associated with the organisation. In the case of HBBC, this could include actions of employees, contractors or councillors. The introduction of a policy was intended to help protect the council from potential claims by putting a policy and expected standards of behaviour in place.

It was noted that a training package was being put together for officers which would cover the Vicarious Liability, Whistle blowing and Social Media policies. Following discussion, it was suggested that awareness also needed to be raised amongst members and that joint training with officers should be considered.

It was agreed that the request for training would be raised at the Member Development Steering Group to consider as part of the 2014/15 training programme and for the 2015 member induction.

On the motion of Councillor Moore, seconded by Councillor Witherford, it was

RESOLVED – the Vicarious Liability policy be approved.

92 WHISTLE BLOWING POLICY

Members received the updated Whistle Blowing policy which reflected the changes in legislation which took place in 2013, specifically the Enterprise and Regulatory Reform Act, and also the change in the type of disclosure that was protected under the Public Interest Disclosures. Members thanked officers for the excellent report. It was moved by Councillor Witherford, seconded by Councillor Moore and

RESOLVED – the Whistle Blowing policy be approved.

93 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Inman seconded by Councillor Moore, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

94 FACT FINDING REPORT 2014-15

The Deputy Monitoring Officer presented a fact finding report which outlined the process so far in considering the complaint about a parish councillor.

Whilst members understood the reasons for the complaint being made, they felt that there would be no benefit to further investigation as the likely outcome would still be the need to weigh up the subject member's word (and that of their witness(es)) against that of the complainant (and witness(es)).

It was suggested that it would be more appropriate to suggest other action, such as training and/or reminding members of the parish council about the way their comments may be construed by others.

It was moved by Councillor Moore, seconded by Councillor Cope and

RESOLVED – no further action be taken.

95 FACT FINDING REPORT 2014-0016

The Committee received a fact finding report which outlined actions taken to resolve a complaint informally which had subsequently been unsuccessful. Members were informed that the complaint had two aspects – failure to follow procedures and breach of confidentiality.

Regarding the procedural issues, members felt that whilst these could have been reported in a more controlled manner, working groups operated on a relatively informal basis and as such it was occasionally difficult to maintain a formal reporting process. They did, however, acknowledge that all involved should have been aware of the remit of the group.

With regard to the breach in confidentiality, it was felt that it would be difficult to establish to level of awareness of the matter and therefore whether confidentiality had been breached.

Members were satisfied that the subject member had learnt from the experiences and had also sought training on her role. Members felt that the parish council should be recommended to seek further training as relevant.

Notwithstanding the subjects of the complaints, members noted that there seemed to be a breakdown in personal relationships within the parish council which, it appeared, had contributed to the issues that had arisen and had also contributed to the making of the complaints. It was felt that this breakdown in communication would be detrimental to any investigation which could be carried out into the complaints.

On the motion of Councillor Witherford, seconded by Councillor Cope, it was

RESOLVED – no further action be taken and the parish council be RECOMMENDED to seek training on relevant procedures and protocols.

(The Meeting closed at 11.30 am)

CHAIRMAN

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By virtue of paragraph(s) 1, 2, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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