

# Public Document Pack



**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
*Chief Executive*

Date: 07 April 2015

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 - Hub on **WEDNESDAY, 15 APRIL 2015** 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 - 2)

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 and 10 of Schedule 12A of the 1972 Act.

8. COMPLAINT 2015-02 (Pages 3 - 6)

'Fact finding' report attached.

9. COMPLAINT 2015-05 (Pages 7 - 10)

'Fact finding' report attached.

10. COMPLAINT 2015-07 (Pages 11 - 14)

'Fact finding' report attached.

11. COMPLAINTS 2015/08, 09 & 10 (Pages 15 - 18)

'Fact finding' report attached – please note these three complaints are all related and are therefore contained within one report.

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

18 FEBRUARY 2015 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman

Mrs WA Hall, Mr KWP Lynch, Mr JS Moore and Ms BM Witherford

Also in attendance: Gordon Grimes, Independent Person

Officers in attendance: Emma Horton

#### 374 MINUTES OF PREVIOUS MEETING

It was highlighted that Councillor Cope had been present at the previous meeting but was not listed as 'present' in the minutes. It was also noted that the third paragraph on page two of the minutes referred to confirming a breach 'beyond reasonable doubt' where it should have said 'on the balance of probabilities'. It was moved by Councillor Moore, seconded by Councillor Inman and

RESOLVED – the minutes of the meeting held on 17 December be confirmed subject to the above amendments and signed by the Chairman.

#### 375 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 376 REVIEW OF PROCEDURE FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

Following a request at the previous meeting, members were presented with a proposed revised procedure for dealing with Code of Conduct complaints. The Independent Person provided some comments regarding the process which did not affect the document presented but which he felt may assist in dealing with complaints. One of these comments referred to the second paragraph on page 7 of the agenda and the suggestion that, rather than providing the subject member with contact details of an Independent Person to contact them, the Monitoring Officer should facilitate a minuted meeting between the subject member and Independent Person.

Members discussed that restrictive nature of the current standards regime and the lack of options available for sanctioning members who are found to have breached the code of conduct or where previously 'other action' may have been taken.

A member requested that consideration be given to including in the documentation wording to prevent a member from sitting on the committee to consider a complaint that he or she was involved in or witness to in any way. It was agreed that this would be investigated and brought back to the next meeting if necessary.

With regard to paragraph 1.1 on page 9 of the agenda pack, it was requested that the final sentence be amended to include consultation with the Independent Person in making a decision on whether a complaint has been informally resolved.

It was requested that, on page 10 of the agenda, paragraphs 2.7 and 2.10 should include reference to both the complainant and subject member being notified of the outcome in writing.

Members requested that paragraph 4.14 on page 14 be reinstated unless there was a particular reason for it being removed. It was agreed that this would be clarified.

It was moved by Councillor Inman, seconded by Councillor Moore and unanimously

RESOLVED –

- (i) the procedure for dealing with code of conduct complaints be recommended to Council with the following amendments:
  - a. Inclusion of consultation with the Independent Person in making a decision on informal resolution (paragraph 1.1);
  - b. Inclusion in paragraphs 2.7 and 2.10 of reference to the complainant and subject member being notified of the outcome in writing;
  - c. Reinstatement of paragraph 4.14 subject to confirmation that there is no specific reason for deletion.
- (ii) Consideration be given to preventing members who have an involvement in a complaint from sitting on the Committee during consideration thereof.

(The Meeting closed at 11.07 am)

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CHAIRMAN

- (a) FIELD
- (b) FIELD\_TITLE

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

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