

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

18 DECEMBER 2013 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman

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

Officers in attendance: Louisa Horton and Helen Rishworth

Also in attendance: Gordon Grimes

320 MINUTES OF PREVIOUS MEETING

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

RESOLVED – the minutes of the meeting held on 3 October 2013 be approved and signed by the Chairman.

321 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 item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

322 FACT FINDING REPORT 2013-11

The Monitoring Officer reported that as part of the fact-finding work she had spoken to the complainant and subject member. It was agreed that the subject member had made an error in the dates he had used in his email to the member of public and had referred to the wrong meeting which had misled the member of the public. The Committee concluded that this error did not breach the Code of Conduct. Further the Committee did not feel that the comments made in the email failed to treat another person with respect.

It was proposed by Councillor Lynch, seconded by Councillor Witherford and

RESOLVED – a letter or email of correction regarding meetings be sent to the member of public to replace the original email.

323 FACT FINDING REPORT 2013-12

The Monitoring Officer reported that as part of the fact-finding work she had written to the complainant and subject member to look for an informal resolution which was rejected by the complainant. The committee discussed whether the subject member acted in good faith or with malice and in abuse of his position. The Committee were unable to conclude whether there was a failure to comply with the Code of Conduct.

It was proposed by Councillor Lynch, seconded by Councillor Moore and

RESOLVED – a further investigation into this matter be undertaken to establish the subject member’s motive. The decision notice is not to be made public at present.

324 REPORT ENC INVESTIGATION REPORT 2013-05

Gordon Grimes, an Independent Person, presented his views on the following report.

325 COUNCILLOR BOOTHBY FINAL REPORT

The Monitoring Officer reported that she had appointed an Independent Investigator, to investigate this stage of the complaint.

The High Court decision in the Livingstone case was taken into account when looking at this case. The Committee supported the legal argument in the Investigation Report concluding that the Subject Member was not acting in his official capacity and as such could not have breached the Code of Conduct.

The committee wished to reiterate item 6.12 of the Report:

“I would imagine that the council would expect a member to at least aspire to act in a lawful manner even in their private capacity. Members should consider, even when it is clear that they are not conducting council business, that their conduct can have an effect on the reputation of their authority.”

It was proposed by Councillor Lynch, seconded by Councillor Moore and

RESOLVED – no breach of the Code of Conduct had occurred and therefore no further action be taken and the decision notice could be made public, the decision notice to cite the above paragraph.

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

The committee discussed the recent resignation of all Conservative Members. It was felt that whilst there wasn’t a presence from the Conservative group an Independent Person would be useful at committee meetings.

It was proposed by Councillor Lynch, seconded by Councillor Hall and

RESOLVED – an Independent Person be asked to attend future committee meetings, without the right to vote.

(The Meeting closed at 11.28 am)

CHAIRMAN