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Chief Executive

Date: 22 September 2015

Hinckley & Bosworth
Borough Council

A Borough to be proud of

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

Mr LJP O'Shea (Chairman)
Mr SL Rooney (Vice-Chairman)
Mrs R Camamile
Mr MB Cartwright
Mrs MA Cook

Mr MR Lay
Mrs MJ Surtees
Mr P Wallace
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, 30 SEPTEMBER 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 - 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 and 10 of Schedule 12A of the 1972 Act.

8. COMPLAINT 2015/11-14 (Pages 5 - 6)

Fact finding report attached.

9. COMPLAINTS 2015/16-19 AND 22-25 (Pages 7 - 10)

Fact finding report attached.

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

17 JULY 2015 AT 10.00 AM

PRESENT: Mr LJP O'Shea - Chairman

Mrs R Camamile, Mr MB Cartwright, Mrs MA Cook, Mrs MJ Surtees, Mr P Wallace and Ms BM Witherford

Also in attendance: Gordon Grimes, Independent Person

Officers in attendance: Julie Kenny, Rebecca Owen and Julie Stay

56 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Witherford, seconded by Councillor Cartwright and

RESOLVED – the minutes of the meeting held on 15 April 2015 be confirmed and signed by the Chairman.

57 DECLARATIONS OF INTEREST

Councillor Rooney declared a personal interest leading to bias in agenda item 13 as one of the complainants.

Councillor O'Shea declared a personal interest leading to bias in agenda item 14 as his wife was one of the complainants.

58 WORKPLACE SMOKING POLICY

Consideration was given to the updated workplace smoking policy which took account of the change in council office location and the increasing use of electronic cigarettes. During discussion, the following points were raised:

- Whilst staff in the Hub were not permitted to smoke near the building, visitors often smoked near the entry doors and some members felt that signs should be erected to discourage this
- Most hospitals had banned smoking anywhere on the site, which some felt was a positive move
- There should be a designated smoking area (with butt bin) at both the Atkins and Jubilee building
- Use of e-cigarettes should not be discouraged as they assist with giving up smoking.

Members felt that it was firstly unfair that staff in the Atkins and Jubilee buildings didn't have a dedicated smoking area, and secondly that seeing people smoking out the front of the Atkins building did not give a good impression and therefore a smoking area at the rear would be preferable. It was moved by Councillor Cartwright and seconded by Councillor Rooney that a recommendation be added asking officers to consider adding signage for visitors to the Hub asking them to refrain from smoking next to the building and that consideration be given to creating designated smoking areas at the Atkins and Jubilee buildings. The motion was supported. It was then moved by Councillor Witherford, seconded by Councillor Rooney and

RESOLVED –

- (a) The revised policy be approved;
- (b) Officers be asked to consider signage asking visitors to refrain from smoking next the Hub;
- (c) Officers be asked to create designated smoking areas at the Atkins and Jubilee buildings.

59 TRAVEL REVIEW

The updated travel and subsistence policy following the review was presented to the committee. Whilst generally supportive of the recommendations, members highlighted the parking problems around the Hub and referred to paragraph 3.5 of the report which mentioned concerns of Unison with regard to staff car parking arrangements and the referral of the matter for consideration of the matter by the Strategic Leadership Board. Members requested that the relevant ward councillors be updated on the outcome of that referral when complete. It was also requested that staff and partners in the Hub be regularly reminded of the impact of on-street parking on residents and asked to park considerately.

It was moved by Councillor Cartwright, seconded by Councillor Witherford and

RESOLVED –

- (a) the outcome of the travel review be noted and the revised policy be approved;
- (b) ward councillors be informed of the outcome of the Strategic Leadership Board's consideration of car parking arrangements and staff be reminded of impact on residents of inconsiderate parking.

60 SHARED PARENTAL LEAVE POLICY

Members were advised of the new Shared Parental Leave Regulations 2014 and of the council's policy to address the requirements. The HR & Transformation Manager was thanked for her expedience in bringing this matter forward. Members requested that a link from the new policy to the Maternity Leave policy be included. It was moved by Councillor Cartwright, seconded by Councillor Witherford and

RESOLVED – the Shared Parental Leave policy be approved subject to the abovementioned amendment.

61 CODE OF CONDUCT - REGISTER OF INTERESTS

Consideration was given to a report which recommended an amendment to the Code of Conduct following identification of an anomaly which required personal interests to be included in the register of interests. It was felt that this had not been the intention when the requirement to declare personal interests was included in the Code of Conduct in 2013 and that it would be more appropriate to declare these at the meeting due to the onerous and almost impossible task of foreseeing and subsequently recording these on the Register of Interests forms. It was moved by Councillor Camamile, seconded by Councillor Cartwright and

RESOLVED – the deletion of paragraph 2.16(b)(ii) and resulting amendment to paragraph 2.17 of the Code of Conduct be endorsed and RECOMMENDED to Council.

62 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Camamile seconded by Councillor Witherford, 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 and 10 of Part I of Schedule 12A of that Act.

63 COMPLAINT 2015-02

Members were presented with a copy of a fact finding report which had been presented to the previous meeting. It was explained that the complaint under consideration was about Earl Shilton Town Councillor Alan Greenwood's failure to co-operate with an investigation into a previous complaint, and the last committee had referred the matter for investigation. The Monitoring Officer reported that, since that meeting, the councillor had not responded to any attempted contact.

Concern was expressed with regard to an elected representative being unwilling to co-operate with an investigation, making it difficult to enable them to be accountable for their actions. Members felt strongly that there had been a breach of the Code of Conduct and that Councillor Greenwood should not be able to avoid proper scrutiny by not responding to the Monitoring Officer, but they did feel that a full hearing to consider the matter would be counterproductive as, without the attendance of the subject member, no conclusion could be drawn.

The committee therefore gave consideration to the options available under 'other action'. It was felt that the case should be publicised to ensure transparency and public accountability, and that a strongly worded letter should be sent to the subject member, with a copy to the Town Council recommending removal of Councillor Greenwood from positions of responsibility on the authority, the wording of such a letter to be agreed with the Chairman.

It was moved by Councillor Camamile, seconded by Councillor Witherford and

RESOLVED – 'Other action' be taken in respect of Councillor Greenwood having breached the Code of Conduct. Such action to consist of:

- (a) The decision on the matter being published;
- (b) A strongly worded letter, to be agreed with the Chairman, being sent to Councillor Greenwood, with a copy to the Town Council.

64 COMPLAINTS 2015/08, 09 & 10

Having declared a personal interest leading to bias in this item, Councillor Rooney left the meeting at this juncture.

Members received a report summarising three complaints made against a parish councillor. Whilst members respected an individual's right to disagree, they were concerned that the way in which the subject member had allegedly done so may have

breached the Code of Conduct. It was moved by Councillor Camamile, seconded by Councillor Cook and

RESOLVED – the matter be referred for investigation.

Councillor Rooney returned to the meeting at 11.10am.

65 COMPLAINTS 2015/16, 17, 18 & 19

Having declared a personal interest leading to bias in this item, Councillor O'Shea left the meeting at 11.10am, vacating the chair.

Councillor Rooney took the chair at this juncture for the remainder of the meeting.

The committee gave consideration to a fact finding report which summarised four complaints received about the same matter, concerning two subject members. Members felt that the main allegations of failing to declare a personal interest and behaving aggressively would have breached the code of conduct and should therefore be investigated. It was moved by Councillor Cartwright, seconded by Councillor Camamile and

RESOLVED – the complaint be referred for further investigation.

(The Meeting closed at 11.20 am)

CHAIRMAN

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

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