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Hinckley & Bosworth
Borough Council

A Borough to be proud of

Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 08 March 2016

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, 16 MARCH 2016** 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. COMPLAINT 2015/31 (Pages 5 - 8)

Fact finding report attached.

9. COMPLAINT 2016/01 (Pages 9 - 12)

Fact finding report attached.

10. COMPLAINT 2016/03 (Pages 13 - 16)

Fact finding report attached.

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

20 JANUARY 2016 AT 10.30 AM

PRESENT:

Mrs R Camamile, Mr MB Cartwright, Mrs MA Cook, Mr MR Lay, Mr M Nickerson, Mrs MJ Surtees, Mr P Wallace, Mr R Ward and Ms BM Witherford

Also in attendance: Gordon Grimes

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

340 APPOINTMENT OF THE CHAIRMAN

Following the nomination of Councillor Cook and seconded by Councillor Cartwright it was

RESOLVED – that Councillor Camamile be appointed as Chairman for this meeting only.

341 APOLOGIES AND SUBSTITUTIONS

The committee unanimously agreed to waive the council's standing orders in order to allow the substitution of Councillor Ward.

Apologies for absence were submitted on behalf of Councillors O'Shea and Rooney, with the following substitutions authorised in accordance with Council Procedure Rules 4.2 and 4.3:

Councillor Nickerson for Councillor O'Shea
Councillor Ward for Councillor Rooney.

342 MINUTES OF PREVIOUS MEETING

It was noted that apologies for Councillor Cook had been omitted. Furthermore, Councillor Cartwright highlighted that his request for clarification regarding decisions on the Local Joint and Safety Panel and whether they would in fact follow the same appeals process - was also not included.

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

RESOLVED – the minutes of the meeting held on 24 November be confirmed subject to the above amendments and signed by the Chairman.

343 DECLARATIONS OF INTEREST

No interests were declared at this stage.

344 CHANGES TO THE ATTENDANCE MANAGEMENT FRAMEWORK

The Committee was presented with updated changes to the Attendance Management Framework, following a review of the policy.

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

RESOLVED – the revised policy be adopted.

345 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Cartwright 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 items 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.

346 COMPLAINTS 2015/08, 09 & 10

The Committee received a final investigation report into a complaint about a parish councillor having a personal interest, disregarding the directions given by the Parish Council and acting in a way that contravened its policy guidelines.

Councillor Cartwright, seconded by Councillor Witherford, proposed that no further action be taken as no breach had occurred.

Following further discussion an amendment was moved by Councillor Cartwright that, whilst there had been no breach of the code of conduct, further action be taken by writing to the subject member to express concerns about their handling of the matter. This amendment was accepted and seconded by Councillor Witherford and subsequently

RESOLVED –

- (i) It be confirmed that the Code of Conduct had not been breached
- (ii) Concern be expressed about the subject member's handling of the matter.

Councillor Cook wished for it to be recorded that she voted against this motion.

347 COMPLAINT 2015 26

Members received a fact find report summarising a complaint made against a parish councillor. There was a general consensus that the subject member had not breached the code of conduct, however, there was concern expressed in relation to the parish council's procedures on declaring interests. It was requested that the Monitoring Officer be asked to take other action by way of writing to the parish council to ask it to strengthen its policies in relation to declaring interests.

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

RESOLVED –

- (i) It be confirmed that the Code of Conduct had not been breached
- (ii) The Monitoring Officer requests the parish council to consider strengthening its policies in relation to declaring interests.

348 COMPLAINT 2015 30

The Committee received a fact finding report which considered whether a Borough Councillor had not acted impartially on a planning matter. The subject member was allegedly overly familiar with an objector and outwardly intimidating to the applicant.

On the facts presented, concern was expressed with regard to the tenuous nature of the evidence contained in the report.

The Committee accepted that during public meetings, particularly planning, all actions of a member would be open to scrutiny and that awareness of the public perception was key.

The Committee felt that no breach of the code of conduct had occurred, but requested that the Monitoring Officer remind members to be mindful of their actions and that the code of conduct for members of the planning committee be re-circulated.

On the motion of Councillor Lay, seconded by Councillor Nickerson, it was

RESOLVED –

- (i) The Code of Conduct had not been breached
- (ii) The matter be referred to the Monitoring Officer for other action including advising the Planning Committee members to be mindful of their public actions and re-circulating the code of conduct for members of the planning committee.

(The Meeting closed at 11.49 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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Agenda Item 9

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