

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

6 FEBRUARY 2019 AT 10.30 AM

PRESENT: Mrs R Camamile - Chairman
Mr RG Allen – Vice-Chairman
Mr DC Bill MBE (for Ms BM Witherford), Mr MB Cartwright, Mrs MA Cook (for Mr K Morrell), Mr MA Hall (for Mr LJP O'Shea), Mr KWP Lynch (for Mr WJ Crooks) and Mr M Nickerson

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

367 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Crooks, Morrell, O'Shea and Witherford, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bill for Councillor Witherford
Councillor Cook for Councillor Morrell
Councillor Hall for Councillor O'Shea
Councillor Lynch for Councillor Crooks.

368 MINUTES OF PREVIOUS MEETING

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

RESOLVED – the minutes of the meeting held on 12 July 2018 be confirmed and signed by the chairman.

369 DECLARATIONS OF INTEREST

No interests were declared at this stage.

370 CODE OF CONDUCT COMPLAINTS UPDATE

It was noted that all outstanding complaints were on the agenda for this meeting.

371 REVIEW OF PENSION DISCRETIONARY POLICIES

Members received a report which reviewed the employer pension discretions in relation to the Local Government Pension Scheme (LGPS) to ensure they were fit for purpose. It was explained that there were extensive rules around the discretions and we were not bound to adopt all of the discretions. It was moved by Councillor Allen, seconded by Councillor Bill and

RESOLVED –

- (i) The existing discretions currently in place be maintained;

- (ii) The two additional discretions in relation to pension scheme members who left the council between 1 April 1998 to 31 March 2014 be adopted.

372 CORPORATE COMPLAINTS 2017-18

The annual report on corporate complaints was presented to the committee. It was noted that each year further work was undertaken to look for trends in complaints to identify problem areas but due to the small numbers, no trends were evident.

A member asked for more detail on the Local Government & Social Care Ombudsman case that had been remedied and on the Housing Ombudsman case. It was agreed that this information would be sought and sent to members outside of the meeting.

The reason for the high number of refuse & recycling complaints was queried and the need to register these as complaints was queried. It was noted that whilst 'missed bins' were reported under the service's own procedures, should this be a repeated occurrence it was accepted as a complaint. Members acknowledged that, given refuse & recycling was a service that every household in the borough used, the number of complaints was relatively low and not a cause for concern. Members asked that refuse collectors be reminded of the importance of replacing a bin from the same spot as it was collected as this was the reason for some of the complaints. The Executive member for neighbourhood services confirmed that operatives were frequently reminded of this.

RESOLVED – the report be noted.

373 LOCAL GOVERNMENT ETHICAL STANDARDS

Members received a report on local government ethical standards following the review undertaken by the Committee on Standards in Public Life. The recommendations of the review that would be submitted to the relevant body, including the government, were noted and the best practice recommendations, which authorities were expected to implement, were discussed.

Members supported consideration of all best practice recommendations, whilst concerned about how some would work in practice in small parish councils. It was noted that some of the recommendations were already in operation in HBBC and that others would enhance current practice.

RESOLVED –

- (i) The report be noted;
- (ii) A revised code of conduct incorporating the best practice recommendations be drafted for consideration at a future meeting.

374 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Allen seconded by Councillor Cartwright, 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.

375 COMPLAINT 2018/13

Consideration was given to a complaint about a parish councillor having been abusive and threatening towards another councillor. It was acknowledged that, in light of the lack of evidence from the witnesses put forward by the complainant, it was a case of the complainant's word against the subject member's, although it was noted that had the shouting been as the complainant had alleged, the witnesses would have noticed it.

Concern was expressed about the number of complaints received over the last couple of years about councillors from this particular parish and members considered whether the recommended mediation should be extended to the entire parish council and not just the two members concerned. It was noted that the Monitoring Officer had offered advice and assistance to the parish council previously.

In relation to standards in parish councils in general, it was welcomed that parish councillors would be invited to some of the borough council's induction sessions following the elections in May, including training on the code of conduct and behaviours.

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

RESOLVED – the complaint be referred to the Monitoring Officer to resolve through other action by way of mediation.

376 COMPLAINT 2018/14

The committee considered a complaint about a councillor which alleged predetermination and inappropriate lobbying. It was noted that the two witnesses who had provided evidence to support the complaint had been contacted as part of the fact finding exercise and all evidence had been taken into consideration.

The Independent Person supported the recommendation, finding that the explanation given for the actions undertaken was logical and agreeing that the councillor ceased lobbying when they realised they would be sitting on the Planning Committee.

It was suggested that the allegations made amounted to bribery which was a serious allegation and should have been reported to the police by the complainant, and also that if unfounded the subject member may wish to take legal action for defamation. The Monitoring Officer confirmed that the complainant had said they would report the matter to the police.

It was moved by Councillor Allen that the matter be referred for investigation by an independent investigator. In the absence of a seconder, the motion fell.

The meeting adjourned at 12.05pm to distribute and consider a letter that had been sent anonymously to one of the committee members. The meeting reconvened at 12.20pm and the Monitoring Officer confirmed that she had also been sent the letter and had given consideration to the contents but it did not alter her recommendation.

Councillor Camamile, seconded by Councillor Hall, moved that no further action be taken as they felt there was no clear evidence to show predetermination and that the lobbying ceased as soon as the subject member realised they would be sitting on the Planning Committee. They also felt that the alleged bribery was certainly, given the circumstances at the time, a kind gesture towards a colleague.

Councillor Allen repeated his motion that the matter be referred for an independent investigation, which was seconded by Councillor Bill.

As the first valid motion on the table, a vote was taken on Councillor Camamile's proposal that no further action be taken. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – No further action be taken.

(The Meeting closed at 12.40 pm)

CHAIRMAN