

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

20 JANUARY 2021 AT 6.30 PM

PRESENT: Cllr R Webber-Jones - Chairman
Cllr MB Cartwright – Vice-Chairman
Cllr DC Bill MBE, Cllr MA Cook, Cllr A Furlong, Cllr L Hodgkins, Cllr E Hollick,
Cllr LJP O'Shea and Cllr RB Roberts (for Cllr RG Allen)

Officers in attendance: Bill Cullen, Julie Kenny and Rebecca Owen

616 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Allen with the substitution of Councillor Roberts authorised in accordance with council procedure rule 10.

Mr Grimes, Independent Person, had also sent apologies.

617 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Cartwright, seconded by Councillor O'Shea and

RESOLVED – the minutes of the meeting held on 17 December be confirmed as a correct record.

618 DECLARATIONS OF INTEREST

Councillor Cartwright declared that whilst he lived in Groby and some of those who had submitted complaints on the agenda were residents and business owners in Groby, he had come to the meeting with an open mind.

Councillor Roberts declared a personal interest in two items on the agenda and in item 10 as the complainant and subject member were known to him.

Councillor Cook declared a personal interest in items 12 and 13 as a member of Witherley Parish Council but stated she was attending the meeting with an open mind.

Councillor Hollick declared a personal interest in item 10 as a member of Groby Parish Council and whilst he had an open mind, stated he would not take part in the vote on this item.

Julie Kenny, whilst not a member of the committee, stated she would leave the meeting during discussion on item 9.

619 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Webber-Jones, seconded by Councillor Bill, 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.

620 COMPLAINTS UPDATE

In relation to the review of the code of conduct, it was noted that an updated version had recently been received from the LGA. Work would be undertaken across the county with the intention of producing a common code that could be adopted by all authorities in Leicestershire and that consultation would take place with members and parish councils in due course, with the aim of adopting a new code at Council in May. It was noted that suggested amendments to the procedure for dealing with code of conduct complaints would be brought to the next meeting of this committee.

It was further noted that following consideration of complaints 2020/24a & b at the previous meeting, counter complaints had been received from the subject members. It was moved by Councillor Cartwright, seconded by Councillor O'Shea and

RESOLVED – the counter complaints be passed to the independent investigator to consider alongside complaints 2020/24a & b.

621 INDEPENDENT REVIEW OF COMPLAINTS

The Chief Executive reported on an independent review carried out by East Midlands Councils into complaints from a member of the public about a parish council, the chairman of the parish council and the council's Monitoring Officer. It was confirmed that the investigator from East Midlands Councils had been sent the vast amount of correspondence from the complainant and responses that had been provided by officers. In response to members' questions, the following points were raised:

- The powers of a principal authority with regard to parish councils are limited to code of conduct matters in relation to the behaviour of individual councillors. As a separate legal entity, parish councils were responsible for their own processes, procedures and decisions, except in very rare and exceptional circumstances;
- The Independent Person, who was often in attendance to comment on complaints about councillors, had been unable to attend the meeting but had submitted written comments on the complaint. The chairman would discuss with officers the possibility of calling on other Independent Persons for future meetings, however it was noted that Independent Persons did not generally attend meetings at other authorities but we had been fortunate to have regular attendance;
- The decision whether to invoke the persistent complainant policy was a matter for senior management, however due to the nature of the complaints, members' views and support would be taken into account;
- The original complaint about the chairman of a parish council was a separate matter on the agenda for this meeting.

During discussion, members made the following comments:

- No one, including officers of the council, should be subjected to bullying and harassment and a strong message should be sent that this would not be tolerated;
- The number of complaints received from this one complainant was considered excessive and unreasonable.

It was moved by Councillor Furlong and seconded by Councillor Bill that officers be sanctioned and supported in invoking the persistent complainant policy against the complainant. Upon being put to the vote, the motion was CARRIED.

It was moved by Councillor Bill and seconded by Councillor Furlong that the remaining recommendations within the report be supported. Upon being put to the vote, the motion was CARRIED and it was subsequently

RESOLVED –

- (i) The content and outcomes of the independent review be endorsed;
- (ii) The finding of the investigating officer be agreed in that
 - a. complaints relating to the parish council are not a matter for the council's Monitoring Officer to investigate; and
 - b. the appropriate advice has been provided to the complainant on the matter.
- (iii) The recommendation of the review in relation to the need to consider the original complaint made about the chairman of the parish council be noted and addressed at the relevant point on the agenda;
- (iv) The conclusions of the review in respect of the council's Monitoring Officer, confirming that she has not acted inappropriately or outside of the council's code of conduct in respect of her dealings on these complaints, be endorsed;
- (v) The placing of the complainant on the council's list of persistent complainants be supported.

622 COMPLAINT 2020/03

Members received a fact finding report about a parish councillor. The complaint consisted of two parts, the first relating to failure to declare an interest and the second relating to rude and abusive behaviour.

It was moved by Councillor Cartwright and seconded by Councillor O'Shea that both parts of the complaint be investigated in accordance with one of the recommendations of the Monitoring Officer.

Before being put to the vote, it was moved by Councillor Furlong and seconded by Councillor Hodgkins that only the first part of the complaint be investigated.

Upon further discussion, Councillor Furlong withdrew his motion.

It was noted that, in accordance with the approved procedure, should the finding of the investigator be that there was no breach of the code of conduct, the matter would be concluded without being brought back to the committee, however should a breach be found, it would be brought back to the committee.

It was subsequently moved by Councillor Cartwright, seconded by Councillor O'Shea and

RESOLVED – the complaint be referred for investigation by an external investigator.

623 COMPLAINT 2020/05

Councillor Roberts declared a personal interest in this item as the complainant was known to him.

The committee gave consideration to a fact finding report in relation to a complaint about a parish councillor. Members felt that the matter was frivolous and it was moved by Councillor Bill, seconded by Councillor Furlong and

RESOLVED – no further action be taken.

624 COMPLAINT 2020/20B

At this juncture, Councillor Cook restated her personal interest in this item and the following item.

Members received a fact finding report about a parish councillor. Members acknowledged that the members' interests were included on their register of interest form, although it was noted that this was not visible to the public due to the blanket policy to redact private addresses. It was further noted that the member had not been present at the meeting and therefore could not, and did not need to, declare an interest. Similarly, the member had not been a decision maker on this matter. It was moved by Councillor Furlong, seconded by Councillor Hollick, and

RESOLVED – no further action be taken.

625 COMPLAINT 2020/25

Consideration was given to a fact finding report about a parish councillor. Having listened to the evidence, members felt that no personal attack had taken place and in fact the meeting had been handled in an professional manner. It was moved by Councillor Furlong, seconded by Councillor Cartwright and

RESOLVED – no further action be taken.

The Monitoring Officer reported that it was likely that further complaints may be received about issues relating to the same matters as raised in this item and the previous item and requested delegated authority to address those complaints that related to matters already dealt with by the committee, thereby only bringing complaints about new matters for decision. It was moved by Councillor Cartwright, seconded by Councillor O'Shea and

RESOLVED – authority be delegated to the Monitoring Officer to address complaints about matters which have already been dealt with, updating the committee on numbers dealt with as appropriate.

626 COMPLAINT 2020/29

Consideration was given to a fact finding report into several complaints about a borough councillor and about predetermination of a group of members relating to a particular item which was considered at a recent meeting.

Members felt that there had been no malice in the comments made and there was no evidence that the councillor had failed to pay attention during the debate in the meeting in question. In relation to the suggestion of predetermination, the difficulty in proving this was noted along with the number of considerations of individual councillors which may lead them to vote in a particular way.

It was moved by Councillor Bill, seconded by Councillor Furlong and

RESOLVED – no further action be taken.

627 COMPLAINT 2020/30

Consideration was given to a fact finding report about a borough councillor. In their deliberations, Members took account of section 25 of chapter 20 of the Localism Act 2011 which addressed prior indications and predetermination. It was moved by Councillor O'Shea, seconded by Councillor Furlong and

RESOLVED – no further action be taken.

(The Meeting closed at 8.15 pm)

CHAIRMAN