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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 12 January 2021

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

Cllr R Webber-Jones (Chairman)	Cllr A Furlong
Cllr MB Cartwright (Vice-Chairman)	Cllr L Hodgkins
Cllr RG Allen	Cllr E Hollick
Cllr DC Bill MBE	Cllr LJP O'Shea
Cllr MA Cook	

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** as a virtual meeting on **WEDNESDAY, 20 JANUARY 2021** at **6.30 pm** 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 Manager

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE - 20 JANUARY 2021

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 12.
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. COMPLAINTS UPDATE
A counter-complaint has been received in response to complaints 2020/24a & b which were considered at the previous meeting. Members will be provided with an update.
9. INDEPENDENT REVIEW OF COMPLAINTS (Pages 5 - 12)
Report of an independent investigator attached.
10. 2020/03 (Pages 13 - 24)
Fact finding report.
11. 2020/05 (Pages 25 - 30)
Fact finding report.
12. 2020/20B (Pages 31 - 36)
Fact finding report.
13. 2020/25 (Pages 37 - 40)
Fact finding report.
14. 2020/29 (Pages 41 - 46)

Fact finding report.

15. 2020/30 (Pages 47 - 52)

Fact finding report.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

17 DECEMBER 2020 AT 6.30 PM

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

Officers in attendance: Julie Kenny and Rebecca Owen

594 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cook and Hodgkins, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor C Allen for Councillor Cook
Councillor Bray for Councillor Hodgkins.

Mr Grimes, the Independent Person, had also sent apologies.

595 MINUTES OF PREVIOUS MEETING

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

RESOLVED – the minutes of the meeting held on 1 October be confirmed as a correct record.

596 DECLARATIONS OF INTEREST

No interests were declared at this stage.

Councillor Bill entered the meeting at 6.32pm.

597 DATES OF FUTURE MEETINGS

Changes to the schedule of meetings were proposed as follows:

The meeting scheduled for 17 March be moved to 24 March
The meeting scheduled for 7 July be moved to 30 June.

It was moved by Councillor Webber-Jones, seconded by Councillor Cartwright and

RESOLVED – the above amended dates be agreed.

598 MODEL CODE OF CONDUCT UPDATE

The new model code of conduct produced by the LGA was presented to members. It was noted that a discussion was needed on how we consult and work with parish councils with the aim of adopting a borough-wide code. It was agreed that the chairman would discuss this with officers and that the earliest the new code was likely to be taken to Council for approval would be April 2020. It was noted that it was still intended to review the process for dealing with complaints under the code of conduct.

599 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Webber-Jones seconded by Councillor Bray, 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 they involve the disclosure of exempt information as defined in paragraphs 1 and 10 of Part I of Schedule 12A of that Act.

600 COMPLAINTS UPDATE

Members were updated on a formal complaint received about the way in which a code of conduct complaint had been handled. The update was noted.

601 COMPLAINT 2020/23

Consideration was given to a fact finding report. The view of the independent person was reported to members. It was noted that the complainant had also referred the matter to the police who had found no offence.

It was moved by Councillor Bill and seconded by Councillor Furlong that no further action be taken in respect of the complaint. Councillor Furlong, however felt it was important that, to show a non-partisan approach, he should propose the motion, which Councillor Bill seconded.

It was subsequently moved by Councillor R Allen and seconded by Councillor C Allen that the complaint be referred for investigation to allow the subject member to clear their name.

The proposal moved by Councillor Furlong and seconded by Councillor Bill, as the first valid motion received, was put to the vote and CARRIED. It was therefore

RESOLVED – no further action be taken in respect of the complaint.

602 COMPLAINT 2020/24

(a) Complaint 2020/24a

Consideration was given to a fact finding report, along with the views of the independent person. In response to a members' question, the reasons that a complainant to request to remain anonymous were outlined. Concern was expressed about the lack of detail in the complaint, and it was explained that the only way to obtain additional information would be to investigate the matter due to the way the procedure was currently written in that the Monitoring Officer could not gather that information without bringing it to the committee at this stage.

It was moved by Councillor R Allen that no further action be taken in respect of the complaint. In the absence of a seconder, the motion was not put.

Councillor Bill proposed that the matter be referred for investigation to enable gathering of the required information to properly look into the subject of the complaint. Councillor R Allen seconded the motion. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the matter be referred for investigation.

(b) Complaint 2020/24b

Consideration was given to a fact finding report along with the views of the independent person.

It was moved by Councillor Cartwright and seconded by Councillor C Allen that the matter be referred for investigation.

Following further discussion, Councillor Cartwright proposed an amendment that the second part of the complaint relating to social media be not investigated. Councillor C Allen supported the amendment. It was subsequently

RESOLVED –

- (i) The aspect of the complaint relating to the behaviour of the subject member be referred for the investigation;
- (ii) No action be taken in respect of the aspect of the complaint relating to the social media post.

603 COMPLAINTS 2020/20, 21 & 22

The committee received a fact finding report about two councillors, along with the comments of the independent person. It was, however, noted that further comments had been received since the independent person had submitted comments.

Members felt that there was no evidence of a personal attack, even given the new information presented, but were concerned that the independent person had not had the opportunity to comment since the new information had come to light.

It was moved by Councillor Bray and seconded by Councillor Bill that the matter be deferred due to further complaints relating to the matter and in the absence of updated comments from the independent person.

After further discussion, Councillor Bray, seconded by Councillor Bill, withdrew the motion to defer and proposed that, subject to the views of the independent person, no further action be taken, however should the independent person raise significant concerns given the new information, the matter be brought back to the next meeting. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – no further action be taken subject to the views of the independent person. Should the independent person raise significant concerns, the matter be brought back to the next meeting.

(The Meeting closed at 7.53 pm)

CHAIRMAN

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