

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

2 AUGUST 2023 AT 6.30 PM

PRESENT: Cllr A Pendlebury - Chair
Cllr CM Allen, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks, Cllr L Hodgkins (for Cllr MB Cartwright), Cllr LJ Mullaney (for Cllr KWP Lynch), Cllr LJP O'Shea and Cllr BR Walker (for Cllr E Hollick)

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

75. Apologies and substitutions

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

Councillor Hodgkins for Councillor Cartwright
Councillor L Mullaney for Councillor Lynch
Councillor Walker for Councillor Hollick.

76. Minutes of previous meeting

It was moved by Councillor Hodgkins, seconded by Councillor Cook and

RESOLVED – the minutes of the meeting held on 15 February be approved as a correct record.

77. Declarations of interest

Councillor Allen declared a personal, non-registrable interest in complaint 2023/14 as the subject member was a close associate.

Councillor O'Shea declared a personal, non-registrable interest in complaint 2023/15 as the subject member was a close associate.

78. Matters from which the public may be excluded

On the motion of Councillor Pendlebury seconded by Councillor J Crooks, 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 the paragraphs of Part I of Schedule 12A of that Act as stated under each item.

79. **Statutory Safety Committee minutes**

This item was exempt in accordance with paragraphs 3 and 10.

Members received the minutes of the Statutory Safety Committee for information. In response to a member's question, it was agreed that the outcome of the investigation on page 25 would be communicated to members when concluded.

80. **Complaints update**

This item was exempt in accordance with paragraphs 1 and 10.

It was noted there were no outstanding complaints other than those on the agenda for this meeting.

81. **Complaint 2023/12**

This item was exempt in accordance with paragraphs 1 and 10.

Consideration was given to two complaints about the same matter which alleged a parish councillor had breached the code of conduct. It was noted that the parish councillor had been requested to apologise but didn't feel their actions had caused upset and had refused to do so.

Members agreed that the subject member had been acting in their capacity as a councillor when the alleged actions took place and felt that, regardless of whether the upset caused had been intentional, they should be aware of the effect that their comments had had. The committee also considered it important that one of the complaints had been made by a professional body. Concern was expressed that a councillor was operating in a position which would usually be undertaken by a paid employee, particularly when the position required a great deal of sensitivity.

It was moved by Councillor O'Shea and seconded by Councillor W Crooks that the matter constituted a breach of the code of conduct and that the subject member be formally requested to apologise, that the parish council be recommended to employ a paid member of staff in the role rather than a councillor, and that condolences be sent to the complainant. Upon being put to the vote, the motion was CARRIED and it was unanimously

RESOLVED –

- (i) The subject member be requested to send a written apology to the main complainant;
- (ii) The parish council be recommended to employ a paid member of staff in the role rather than a councillor;
- (iii) Condolences be sent to the subject member.

Having declared a personal interest in the following item, Councillor Allen left the meeting at 6.52pm.

82. **Complaint 2023/14**

This item was exempt in accordance with paragraphs 1 and 10.

The committee considered a complaint which alleged that a parish councillor had breached the code of conduct by using aggressive and unnecessary language in a text message.

Members agreed that the subject member had been acting in their capacity as councillor when the exchange took place. They also had copies of the messages as evidence and therefore felt that no further investigation was required as it was clear that the language used was in breach of the code of conduct. The response from the subject member was taken into account but it was felt that this didn't mitigate the language used and it was unacceptable for a councillor to use such language regardless of the circumstances.

It was moved by Councillor J Crooks and seconded by Councillor Walker that the subject member be asked to apologise and to attend training, and should they not do so, the decision notice would be published. Upon being put to the vote, the motion was CARRIED and it was unanimously

RESOLVED –

- (i) The subject member be requested to apologise;
- (ii) The subject member be requested to attend suitable training;
- (iii) Should compliance with (i) and (ii) above not be forthcoming, the decision notice be published.

Councillor Allen returned to the meeting at 7.04pm and, having declared a personal interest in the following item, Councillor O'Shea left at 7.05pm.

83. **Complaint 2023/15**

This items was exempt in accordance with paragraphs 1 and 10.

Members considered a number of complaints which alleged a parish councillor used unacceptable language directed at the chair and the clerk in a meeting. It was accepted that the complainants would remain anonymous due to fear of reprisals.

Members agreed that the subject member had been acting in their capacity as councillor at the time of the alleged comments. It was noted that the comments had not been refuted by the subject member, only counter-allegations made, and that much of the response from the subject member was irrelevant to the case. Whilst emails of support for the subject member had been received, stating that the comment towards the chair had not been made, it was reported that the Monitoring Officer had listened to a recording of the meeting and had heard the comment.

Members were reminded that their decision must be whether, on the balance of probabilities, the comments were made by the subject member and, if so, whether they constituted a breach of the code of conduct. The committee agreed that an investigation would not provide any further information as witness statements had already been provided on both sides. They also felt that it would draw out the process unnecessarily for those who had been brave enough to come forward and report that matter.

It was moved by Councillor Walker and seconded by Councillor Allen that, on the balance of probabilities, the comments had been made by the subject member and therefore constituted a breach of the code of conduct. It was proposed that the subject member be requested to apologise to the chair in writing and to undertake diversity training and, should they not comply with this, the decision notice be published. Upon being put to the vote, the motion was CARRIED and it was unanimously

RESOLVED –

- (i) The subject member be requested to apologise to the chair in writing;
- (ii) The subject member be requested to attend diversity training;
- (iii) Should compliance with (i) and (ii) above not be forthcoming, the decision notice be published.

(The Meeting closed at 7.25 pm)

CHAIR