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Hinckley & Bosworth
Borough Council

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

Date: 05 August 2024

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

Cllr A Pendlebury (Chair)
Cllr SL Bray (Vice-Chair)
Cllr MB Cartwright
Cllr MA Cook
Cllr MJ Crooks

Cllr WJ Crooks
Cllr CE Green
Cllr C Harris
Cllr KWP Lynch

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, Hinckley Hub on **TUESDAY, 13 AUGUST 2024** at **5.30 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

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Thank you

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 Chair 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 CHAIR DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY**

As announced under item 3.

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. **COMPLAINT 2024/02 (Pages 5 - 50)**

Report of the independent investigator.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

23 JULY 2024 AT 6.30 PM

PRESENT: Cllr A Pendlebury – Chair
Cllr SL Bray – Vice-Chair
Cllr MB Cartwright, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks, Cllr C Harris,
Cllr KWP Lynch and Cllr LJ Mullaney (for Cllr CE Green)

Also in attendance: Gordon Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

64. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillor Green, with Councillor L Mullaney substituting in accordance with council procedure rule 10. It was noted that there was an error on the agenda in that Councillor Bray had replaced Councillor Hollick on the committee and as vice-chair from 1 June 2024.

65. **Minutes of previous meeting**

It was moved by Councillor Bray, seconded by Councillor J Crooks and

RESOLVED – the minutes of the meeting held on 20 May be confirmed as a correct record.

66. **Declarations of interest**

No interests were declared.

67. **Matters from which the public may be excluded**

On the motion of Councillor Cartwright seconded by Councillor W 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 paragraphs 1 and 10 of Part I of Schedule 12A of that Act.

68. **Complaints update**

In relation to complaints 2023/15 and 2024/10 which were deferred at the previous meeting, it was noted that the subject member had now referred their complaint to the Local Government & Social Care Ombudsman (LGSCO). Whilst the complaint submitted to the LGSCO was about the handling of a code of conduct complaint, not the code of conduct complaint itself, the two were linked and consideration by the LGSCO was welcomed prior to deciding on action following non-compliance with the recommendation in relation to complaint

2023/15 and initial action in relation to complaint 2024/10. It was further noted that the subject member had submitted further information which would be shared with the committee when the items were brought back. It was reported that further complaints had been received about / from members of the same parish council and it was agreed that an update on all of those complaints be brought to the next meeting.

It was reported that the investigations into complaints 2024/01 and 2024/02 had now been concluded and breaches of the code of conduct had been found. A hearing was therefore required to consider any further action. It was agreed that the hearing be arranged for 5.30pm on 13 August, however if the Monitoring Officer was made aware that there would be several witnesses, a second date would be added to hear the cases separately.

69. **Complaints 2024/11, 13, 15 & 18**

Consideration was given to a complaint from four complainants about a parish councillor having been verbally abusive. It was noted that the councillor had apologised, but the parish council had voted to not accept the apology. Members recognised that discussions in meetings could become heated and frustration could sometimes lead to speaking inappropriately and, whilst not excusable, the subject member had acknowledged their error and apologised. They felt it was unhelpful of the parish council to have voted not to accept the apology. It was suggested that the subject member be encouraged to undertake training and further requested that all members of the same parish council be directed to the online code of conduct training due to the number of complaints about its members. It was moved by Councillor Bray, seconded by Councillor Cartwright and

RESOLVED –

- (i) The parish council be informed that the committee feels the apology is acceptable;
- (ii) The subject member be encouraged to attend code of conduct training.

70. **Complaints 2024/12 & 17**

Members received a complaint from two complainants about a parish councillor (from the same parish council as in 2024/11, 13, 15 & 18 above) using inappropriate and offensive language. The committee agreed that the language was inappropriate and the member had crossed the line and should apologise. It was also suggested that the subject member be requested to attend code of conduct training and reiterated that all members of the parish council should attend. It was moved by Councillor Bray, seconded by Councillor Cartwright and

RESOLVED –

- (i) The subject member be requested to issue an apology;

- (ii) The subject member be requested to attend code of conduct training;
- (iii) The code of conduct training be extended to all members of the parish council.

(The Meeting closed at 7.10 pm)

CHAIR

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