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Hinckley & Bosworth
Borough Council

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

Date: 30 September 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, 8 OCTOBER 2024** at **2.00 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

Fire Evacuation Procedures

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

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 2024/01 (Pages 5 - 46)**

Report of the independent investigator.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

17 SEPTEMBER 2024 AT 6.30 PM

PRESENT: Cllr A Pendlebury - Chair
Cllr MC Bools (for Cllr SL Bray), Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks,
Cllr CE Green, Cllr C Harris and Cllr L Hodgkins (for Cllr MB Cartwright)

Also in attendance: Gordon Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

156. **Apologies and substitutions**

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

Councillor Bools for Councillor Bray
Councillor Hodgkins for Councillor Cartwright.

157. **Minutes of previous meeting**

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

RESOLVED – the minutes of the meeting held on 13 August be confirmed as a correct record.

158. **Declarations of interest**

No interests were declared.

159. **Annual complaints performance and service improvement report 2023-24**

Members received the annual complaints performance and service improvement report 2023-24. The new style of report to adapt to the Housing Ombudsman's complaint handling code was noted, along with performance and outcomes of complaints received in 2023/24.

Concern was expressed that no compliments had been received via the formal process during 2023/24, yet members and managers often received compliments about staff and services from members of the public. They asked that those received via members and officers be recorded as compliments in future.

Assurance was sought that where services were changing which may result in increased complaints, this could be acknowledged in the annual report.

Members welcomed the report and were pleased to see the positive complaint handling culture of the authority. It was moved by Councillor J Crooks, seconded by Councillor Cook and

RESOLVED –

- (i) The annual complaints performance and service improvement report be approved;
- (ii) The Local Government & Social Care Ombudsman annual letter be noted;
- (iii) The Housing Ombudsman self-assessment be endorsed for publication;
- (iv) The attached response to the report from the committee be agreed.

160. Matters from which the public may be excluded

On the motion of Councillor Green seconded by Councillor Harris, 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.

161. Statutory Safety Committee minutes

The minutes of the Statutory Safety Committee meetings on 12 April and 9 July were received. Members asked for more information on accidents for the quarter to December 2023 and it was agreed this would be provided outside of the meeting. It was moved by Councillor Bools, seconded by Councillor Hodgkins and

RESOLVED – the minutes and outcomes from the meetings be noted.

162. Complaints update

Members were updated on progress in relation to code of conduct complaints. Members were reminded that there was a hearing arranged for 8 October for one of the outstanding complaints for which an investigation had been undertaken.

Members expressed concern that there were three subject members who repeatedly received complaints against them and they asked to whether anything could be done to make the public aware of the cost of to the public purse of the investigations required as part of the process, including the officer time in dealing with the complaints.

It was requested that the Monitoring Officer annual report be reintroduced to highlight the cost of dealing with code of conduct complaints and include the numbers of complaints not brought to committee. It was requested the report be

brought to the committee in March each year, covering the previous calendar year. The Monitoring Officer agreed to bring such a report.

Members were reassured that the council received a lower-than-average number of complaints about borough councillors, and that the majority of complaints were about parish councillors.

163. Complaint 2024/10

Consideration was given to two complaints about a parish councillor having allegedly breached the code of conduct by firstly treating a member of the public with disrespect, failing to declare a relevant interest and using inappropriate language in a meeting and secondly bringing the council into disrepute by writing an article that was then published online.

In relation to the first complaint, it was acknowledged that whilst the capacity in which the parish councillor was speaking at the meeting wasn't clear, as they were speaking on parish council matters it was likely that the code of conduct had been brought into play and therefore the matter should be investigated. On the matter of the second complaint, it was felt that this was likely to bring the parish council into disrepute and again should be referred for investigation. It was moved by Councillor Hodgkins, seconded by Councillor Harris and

RESOLVED – the matter be referred for investigation.

164. Complaint 2024/20 and 2024/22

Two complaints about a parish councillor were considered – the first alleging that the parish councillor made false claims in order to discredit a local organisation; and the second alleging the councillor had been contacting a public body maliciously in the capacity as a parish councillor without authority from the parish council.

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

RESOLVED – the matter be referred for investigation.

165. Complaint 2024/24

Consideration was given to a complaint about a borough councillor having allegedly breached the code of conduct by breaching confidentiality and data protection by sharing information relating to a resident with a neighbour. It was noted that borough councillors were data controllers in their own right so the council could not refer the matter to the ICO, however the complainant was likely to have reported the matter to them.

Whilst it was acknowledged that the subject member had not denied having shared the information, members felt that an investigation may help to understand the reasons for the member's actions. It was also felt that an investigation was necessary in order to show the complaint was being taken seriously because of the potential impact in undermining the relationship between councillors and residents.

It was moved by Councillor W Crooks, seconded by Councillor Hodgkins and
RESOLVED – the matter be referred for investigation.

(The Meeting closed at 7.37 pm)

CHAIR

By virtue of paragraph(s) 1, 10 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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