HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

12 NOVEMBER 2025 AT 10.00 AM

PRESENT: Cllr CE Green - Chair
Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks, Cllr L Hodgkins (for Cllr A Pendlebury) and Cllr P Williams (for Cllr SL Bray)

Also in attendance: Gordon Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

234. **Apologies and substitutions**

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

Hodgkins for Pendlebury
Williams for Bray.

235. **Minutes of previous meeting**

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

RESOLVED – the minutes of the meeting held on 1 September be approved as a correct record.

236. **Declarations of interest**

No interests were declared.

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

On the motion of Councillor W Crooks seconded by Councillor Cook, 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, 2 and 10 of Part I of Schedule 12A of that Act.

238. **Complaints - investigation reports**

Members considered whether to continue with deliberation of the two investigation reports that were on the agenda in the absence of the subject member. Given the subject member had indicated that he would likely not attend and had not engaged with the investigator, they felt that there would be no benefit in adjourning to a later date. It was moved by Councillor J Crooks, seconded by Councillor Cook and

RESOLVED – the hearing be permitted to go ahead in the absence of the subject member.

The Ethical Governance and Personnel Committee gave consideration to the report of the independent investigator into a complaint about Councillor Peter Batty of Groby Parish Council having allegedly breached the parish council's code of conduct due to treating a member of the public with disrespect, failing to declare a relevant interest and using inappropriate language. The investigator was present and had not called any witnesses.

The investigator presented his report and expressed disappointment that Councillor Batty had not engaged with the process and he had therefore been unable to consider any mitigating factors. He outlined considerations in relation to the capacity in which Councillor Batty had been present at the meeting of the Estates Committee on 20 February 2024 as he had claimed to be in attendance as a member of the public, and analysed the evidence available.

The Monitoring Officer reported that Councillor Batty had sent his comments on the investigation report early that morning and members agreed to adjourn the meeting to allow members to read the extensive information received.

The meeting adjourned at 10.32am and reconvened at 11.13am.

Upon reconvening, members asked questions of the investigator in relation to the evidence and the capacity in which Councillor Batty was acting at the time of the alleged behaviour.

The meeting then agreed to receive a presentation on the second complaint on the agenda before retiring to debate both items.

The independent investigator presented the second report which concerned a letter allegedly written to a citizen journalism website by Councillor Batty which was published on 3 October 2023. The allegation was that the content of the letter failed to treat members of the public and the clerk with respect, used inappropriate language and brought the council into disrepute.

The investigator outlined his considerations in relation to the capacity in which Councillor Batty had been acting when he wrote the letter, the rebuttal from Councillor Batty that he had not written the letter himself, and Article 10 of the European Convention on Human Rights which concerned rights to freedom of expression.

Members asked questions of the investigator including the evidence around the authoring of the letter, the test for bringing the authority into disrepute and rights to freedom of expression.

The investigator left the meeting at 11.50am to allow the committee to deliberate in private.

238a Complaint 2024/10

Members considered whether Councillor Batty was acting in his capacity as a councillor at the Estates Committee meeting on 20 February 2024. Members felt that the knowledge of the situation and the context that Councillor Batty demonstrated at that meeting could only have been gained from his position on the parish council and the item that was under discussion was a parish council business. They also took into account case law, namely the case of Paul Richardson and another vs North Yorkshire County Council and the First Secretary of State, which concluded that “a member of an authority attending a council meeting could not divest himself of his official capacity as a councillor in a representative capacity, simply by declaring his attendance in a private capacity. He is still regarded as conducting the business of his office”. It was therefore agreed that, on the balance of probability, Councillor Batty had been acting in his capacity as a parish councillor during the Estates Committee and the code of conduct was therefore engaged.

In considering whether Councillor Batty’s words and behaviour at the meeting breached the parish council’s code of conduct, members felt that he had been disruptive, rude and disrespectful towards officers of a partner organisation when he accused them of telling lies and also towards the chair in using phrases such as “a load of nonsense”, “shut up”, “idiot”. They felt that some of his words were targeted and personal and lost the protection of Article 10 of the European Convention on Human Rights (freedom of expression) as a consequence. They felt this behaviour also brought his office into disrepute.

In relation to the allegation that Councillor Batty had an undisclosed pecuniary interest when he spoke at the meeting, whilst members felt his interest wasn’t pecuniary in nature, they felt that on the balance of probabilities he did fail to declare an interest as a resident living next to the park which was central to the debate, and failed to withdraw from the meeting after speaking as required by the code of conduct, and remained in the meeting to influence the outcomes of the debate.

It was therefore moved by Councillor Cook, seconded by Councillor Williams and

RESOLVED – on the balance of probabilities

(i) Councillor Batty was acting in his capacity as a parish councillor at the meeting of the Estates Committee on 20 February 2024;

(ii) Councillor Batty breached paragraph 2.3.1 of the Groby Parish Council code of conduct by failing to treat his fellow

councillors, in particular the chair, with respect due to the language he used and his disruptive behaviour;

(iii) Councillor Batty breached paragraph 2.3.2 of the code of conduct by failing to treat officers of a partner organisation with respect in his behaviour and speech;

(iv) Councillor Batty breached paragraph 2.16 of the code of conduct due to his disorderly and disruptive behaviour falling below the standard expected of a councillor and thereby bringing the role of councillor and the parish council into disrepute;

(v) Councillor Batty breached paragraph 2.19 of the code of conduct by failing to declare an interest in the business under discussion and not withdrawing from the meeting but trying to influence the discussion to his own advantage, thereby attempting to use his position improperly to the advantage of himself and disadvantage of others;

(vi) Councillor Batty did not fail to disclose a pecuniary interest;

(vii) Councillor Batty breached paragraph 2.30 of the code of conduct in not disclosing a registrable interest as a resident of a property adjacent to the park under discussion.

Having identified breaches of the code of conduct, the committee considered relevant sanctions to impose. It was moved by Councillor J Crooks, seconded by Councillor Cook and

RESOLVED –

(i) Councillor Batty be requested to issue a formal apology to the chair of the parish council and to those who were subjected to his disrespectful behaviour;

(ii) Councillor Batty be required to attend additional training on the code of conduct and standards required of a councillor;

(iii) A formal letter be issued to Councillor Batty highlighting the failings in his conduct;

(iv) Groby Parish Council be recommended to remove Councillor Batty from any positions of responsibility within the parish council;

(v) The committee's decision be published on the council's website and a press release be issued outlining the nature of the complaint and the committee's decision;

(vi) Groby Parish Council be recommended to censure Councillor Batty.

Reasons for the decision to impose sanctions:

(a) Issuing an apology for the disrespectful behaviour may help to ease relationships and ensure disrepute to the council is not caused;

(b) Relevant training would prevent a recurrence of such behaviour;

(c) Highlighting the failings in a letter would support the subject member to understand why his behaviour was unacceptable as a learning tool for improvement;

(d) The subject member's behaviour demonstrated that he was not currently a suitable candidate to hold a position of responsibility within the parish council;

(e) In accordance with the intentions of the Localism Act 2011, the subject member needed to be accountable by the public for his behaviour, and publication of the decision is the most appropriate way of raising awareness of his actions.

238b Complaints 2024/20 and 2024/22

Members considered whether Councillor Batty was acting in his capacity as a councillor, particularly given his rebuttal that he had not written the letter but that it had been written by the editor of a citizen journalism website based on information provided to him by Councillor Batty. Members felt that the style of the letter was Councillor Batty's and the explanation that the editor of the citizen journalism website had adopted Councillor Batty's style to masquerade as him was implausible. It was agreed that, on the balance of probabilities, Councillor Batty had been acting in his capacity as a parish councillor in writing the letter in his name to the citizen journalism website and the code of conduct was therefore engaged.

Members then went on to consider whether the content of letter breached the parish council code of conduct, paying particular attention to whether the content was afforded the protection of Article 10 of the European Convention on Human Rights (EHCR). They felt that the allegation of fraudulent behaviour against an identifiable auditor was potentially damaging to their reputation and to public confidence in the parish council. They felt that Councillor Batty's letter crossed the threshold of robust scrutiny and challenge into allegations of impropriety and potentially damaging comments and as such he lost his right to protection under Article 10 of the EHCR and therefore breached the code. They also felt that the content of the letter cast Groby Parish Council into a poor light and brought the parish council into disrepute.

It was therefore moved by Councillor W Crooks, seconded by Councillor Williams and

RESOLVED – on the balance of probabilities

(i) Councillor Batty was acting in his capacity as a parish councillor in writing the letter to a citizen journalism website;

(ii) Councillor Batty breached paragraph 2.3.1 of the code of conduct in failing to treat the unnamed but identifiable auditor and an employee of the parish council with respect by suggesting they were complicit in making a fraudulent amendment to a public interest report;

(iii) Councillor Batty breached paragraph 2.16 of the code of conduct by bringing the parish council into disrepute and demonstrating behaviour that fell below the standard of that expected of a parish councillor.

Having identified breaches of the code of conduct, the committee considered relevant sanctions to impose. It was moved by Councillor W Crooks, seconded by Councillor Williams and

RESOLVED –

(vii) Councillor Batty be requested to issue a formal apology to those who were the subject of the letter and who had been spoken about in disrespectful terms;

(viii) Councillor Batty be required to attend additional training on the code of conduct and standards required of a councillor;

(ix) A formal letter be issued to Councillor Batty highlighting the failings in his conduct;

(x) Groby Parish Council be recommended to remove Councillor Batty from any positions of responsibility within the parish council;

(xi) The committee's decision be published on the council's website and a press release be issued outlining the nature of the complaint and the committee's decision;

(xii) Groby Parish Council be recommended to censure Councillor Batty.

Reasons for the decision to impose sanctions:

(a) Issuing an apology for the disrespectful comments may help ease relationships and ensure disrepute to the council is not caused;

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(c) Highlighting the failings in a letter would support the subject member to understand why his behaviour was unacceptable as a learning tool for improvement;

(d) The subject member's behaviour demonstrated that he was not currently a suitable candidate to hold a position of responsibility within the parish council;

(e) In accordance with the intentions of the Localism Act 2011, the subject member should to be accountable by the public for his behaviour, and publication of the decision is the most appropriate way of raising awareness of his actions.

(The Meeting closed at 12.13 pm)

CHAIR