

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

13 AUGUST 2024 AT 5.30 PM

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

Also in attendance: Gordon Grimes, Independent Person and Gill Sinclair,
Investigator

Officers in attendance: Julie Kenny and Rebecca Owen

102. Minutes of previous meeting

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

RESOLVED – the minutes of the meeting held on 23 July be
confirmed as a correct record.

103. Declarations of interest

No interests were declared at this stage.

104. Matters from which the public may be excluded

On the motion of Councillor Bray seconded by Councillor Cartwright, 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 and 10 of Part I of
Schedule 12A of that Act.

105. Complaint 2024/02

The Ethical Governance & Personnel Committee considered the report of the
independent investigator into a complaint about a parish councillor.

The investigator was present and had not called any witnesses. The subject
member was not present and it was reported that they had previously indicated
that they would not engage in the process as they didn't feel it was a matter for
the committee. It was, therefore, moved by Councillor W Crooks, seconded by
Councillor Bray and

RESOLVED – the hearing be allowed to continue in the absence of
the subject member.

The investigator presented the report and members proceeded to ask questions of the investigator.

At this juncture, Councillor Green identified that she was named in one of the documents presented as part of the agenda so declared an interest and withdrew from the meeting at 6.10pm.

Members considered whether the subject member had been acting as a councillor at the time of the alleged incident. Given that the social media post that was being considered was on a village facebook page and brought into play information of which the subject member was aware as a member of the parish council, it was moved by Councillor Bray and seconded by Councillor Cartwright that the subject member had been acting in the capacity of a parish councillor. Upon being put to the vote, the motion was CARRIED.

The committee considered whether the actions of the subject member breached the Barwell Parish Council code of conduct by way of not treating others with respect. Members agreed that the subject member had failed to treat the complainant with respect and this could have an impact on the way the subject member accessed their elected representatives in future, which did not reflect well on the role or the parish council.

Members then considered whether the actions of the subject member constituted bullying and it was agreed that in this case, on the facts put before the committee, the test had not been met and the subject member's actions did not constitute bullying on this occasion.

In discussing possible sanctions, members expressed concern that they had imposed sanctions on the same member previously but the behaviour had continued. It was, however, moved by Councillor Bray and seconded by Councillor Lynch that a written apology, approved by the Monitoring Officer and chair of the Ethical Governance & Personnel Committee, be issued to the complainant by the subject member; that the parish council be recommended to provide training to the member about the application of the code of conduct, standards of behaviour expected and use of social media (to be considered at a meeting of the parish council); and that the findings be published by way of a decision notice and press release. Upon being put to the vote, the motion was CARRIED. It was therefore

RESOLVED –

- (i) The member had been acting in the capacity of parish councillor at the time of the incident;
- (ii) The subject member's actions in terms of respect did constitute a breach of the code of conduct;
- (iii) The subject member's actions did not constitute bullying on this occasion;
- (iv) Sanctions be imposed by way of:

- a. Requesting the subject member issues an apology to the complainant, to be approved by the Monitoring Officer and chair of the Ethical Governance & Personnel Committee;
- b. Recommending to the parish council that training on the application of the code of conduct, standards of behaviour expected and use of social media be provided to the subject member;
- c. The findings of the investigation and hearing be published by way of a decision notice and press release.

(The Meeting closed at 6.36 pm)

CHAIR