

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

19 MARCH 2014 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman
Mrs WA Hall, Mr KWP Lynch, Mr JS Moore and Ms BM Witherford

Officers in attendance: Edd Costerton, Rebecca Owen, Katherine Plummer and Julie Stay

441 MINUTES OF PREVIOUS MEETING

It was noted that there was a superfluous 'and' in the first paragraph of minute 322 – line 5. It was agreed that this should be removed then moved by Councillor Mrs Hall, seconded by Councillor Witherford and

RESOLVED – the minutes of the meeting held on 18 December be confirmed subject to the above amendment and signed by the Chairman.

442 DECLARATIONS OF INTEREST

No interests were declared at this stage.

443 CORPORATE ANTI FRAUD POLICY

The Committee was presented with the updated Corporate Anti-Fraud Policy ("The Policy"), which had been refreshed following the Audit Commission's report "Protecting the Public Purse" in November 2013 and a fraud awareness workshop with officers conducted by the Council's external auditors.

Members expressed concern that not all groups were represented on the Committee and that the policy should go to the Finance, Audit & Performance Committee for information so all members were aware of the policy. Further general concern was expressed that the unrepresented group was missing the opportunity to comment on important staff and corporate policies. The Chairman agreed to write to the relevant group leader to ask his members to reconsider appointing to the Committee.

On the motion of Councillor Witherford, seconded by Councillor Mrs Hall, it was

RESOLVED –

- (i) the revised policy be adopted;
- (ii) an invitation be sent to the relevant group leader to re-appoint to the Ethical Governance and Personnel Committee.

444 EXCLUSION OF THE PUBLIC AND PRESS

On the motion of Councillor Inman seconded by Councillor Mrs Hall, 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, 2 and 10 of Part I of Schedule 12A of that Act.

445 INVESTIGATION REPORT 2013 -10

The Committee received a final investigation report into a complaint about a parish councillor allegedly undermining, bullying and harassing an employee of the parish council. Whilst members noted some minor discrepancies in some of the information provided by the subject member and complainant, it was acknowledged that there had been an ongoing dispute between the two individuals and a history of complaints.

It was felt that, on the balance of probabilities, the subject member had not breached the parish council's code of conduct and no further action should be taken.

Members thanked the investigating officer for a very thorough report.

On the motion of Councillor Moore, seconded by Councillor Mrs Hall, it was

RESOLVED – no action be taken as no breach had occurred.

446 FACT FINDING REPORT 2013-13

Members were informed of a complaint received about a parish and borough councillor with regard to allegedly inappropriate comments made in a meeting which included external attendees and thereby constituting misconduct in public office. It was reported that during the fact finding exercise, the subject member openly admitted making the comments but claimed that it was a statement of fact and was in response to speculation of other members of the meeting. Members were informed that the officer about whom the comments had been made was not aware of the comments made or the complaint received and the decision whether or not to inform them was an employment matter for the authority to consider.

Members expressed the view that, should an employee of the council make similar comments, they would be disciplined. They felt it unfair if a councillor could be allowed to make such comments. It was felt that the comments breached the Nolan principles and potentially brought the authority into disrepute and a full investigation should be undertaken by an external investigator with no knowledge of the subject member, complainant, or officer about whom the comments were made.

It was moved by Councillor Witherford, seconded by Councillor Mrs Hall and unanimously

RESOLVED – the complaint be referred for investigation.

447 FACT FINDING REPORT 2013-14

A fact finding report was presented to the committee which considered a complaint about two parish councillors allegedly failing to follow adopted corporate operational policies of the council when dealing with an employment matter. Members considered the information presented to them and felt that there was no evidence to suggest that the relevant procedures had not been followed and they were in fact impressed that the parish council dealt with employment matters in such a thorough manner. It was moved by Councillor Mrs Hall, seconded by Councillor Moore and unanimously

RESOLVED – no further action be taken.

(The Meeting closed at 11.35 am)

CHAIRMAN