

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

3 AUGUST 2022 AT 6.00 PM

PRESENT: Cllr R Webber-Jones - Chairman
Cllr SL Bray – Vice-Chairman
Cllr RG Allen, Cllr DC Bill MBE, Cllr MB Cartwright, Cllr MA Cook, Cllr A Furlong,
Cllr L Hodgkins and Cllr RB Roberts (for Cllr LJP O'Shea)

Officers in attendance: Julie Kenny and Rebecca Owen

107. Apologies and substitutions

Apologies for absence were submitted on behalf of Councillor O'Shea with the substitution of Councillor Roberts authorised in accordance with council procedure rule 10.

108. Minutes of previous meeting

It was moved by Councillor Cartwright, seconded by Councillor Bill and

RESOLVED – the minutes of the meeting held on 8 June be confirmed and signed by the chairman.

109. Declarations of interest

Councillor Roberts sought advice in relation to a group of which he was a member but was advised that this did not constitute an interest in the context of the matter under consideration.

No further interests were declared.

110. Matters from which the public may be excluded

On the motion of Councillor Allen seconded by Councillor Bray, 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.

111. Complaint 2021/26 - hearing

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

The investigator and the complainant were present and the complainant was accompanied by a colleague. The subject member had written to the Monitoring

Officer to state that he would not be in attendance. On this basis, the committee agreed to go ahead in their absence.

Councillor Cook entered the meeting at 6.07pm.

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

The investigator, complainant and colleague withdrew from the meeting at 6.50pm and members considered the representations made and the options available to them.

During their deliberations, members firstly considered the capacity in which the subject member was acting as this had become unclear. Members came to the conclusion, however, that an individual acting in a personal capacity would not have claimed to have had the power to act in the way the subject member had, thereby showing on the balance of probability that the subject member was using their position on the parish council to exclude a group from attending public events, notwithstanding the fact that even the parish council did not have the right to do so. It was also noted that it was information received from the parish clerk in the subject member's official capacity that had prompted the action by the subject member.

Members then considered whether the actions constituted a breach of the code of conduct and came to the conclusion that the subject member did attempt to use their position improperly to disadvantage a group of people, including the complainant.

The options available to the committee were discussed. It was noted that the complainant had said they had only initially wanted an apology, and that the Monitoring Officer and the investigator had both explored this option but an apology had not been forthcoming. Members felt that an apology would still be appropriate and that it should not be written on parish council headed paper but should be a clear, personal apology. They also felt that the subject member should receive training on the code of conduct and chairing skills. Should they not engage with these requests, the Monitoring Officer should write to the clerk to the parish council to request consideration of removing the subject member from any positions of responsibility on the parish council.

The committee discussed timescales for action and suggested that allowing 21 days for an apology would allow for the subject member being away during the holiday period, and that a copy of the request for an apology would be sent to the clerk.

Members considered whether to make the matter public but felt that, due to the background to the case, it would lead to the complainant being identified and would cause upset amongst some residents in the village.

It was moved by Councillor Bray and seconded by Councillor Cartwright that the subject member had breached the code of conduct and that the aforementioned sanctions should be put in place. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) The subject member had breached the code of conduct by attempting to use their position improperly to the disadvantage of someone else when they telephoned the complainant and stated that the community group was excluded from attending public events in the village;
- (ii) The subject member be requested to personally apologise to the complainant in writing within 21 days of the date of the decision notice;
- (iii) The subject member be requested to undertake training on the code of conduct;
- (iv) The subject member be requested to undertake chairing skills training;
- (v) Should any the above requests (ii) to (iv) not be carried out, authority be delegated to the Monitoring Officer to write to the clerk to the parish council to recommend that consideration be given to removing the councillor from positions of responsibility on the parish council.

(The Meeting closed at 7.07 pm)

CHAIRMAN