



GOVERNANCE SUB COMMITTEE 1

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

1 MAY 2014

PRESENT

Councillors M C R Graham (Chairman)
E Holmes, V J Manderson, N Slater

Substitute – Councillor G Bush

Observer – Councillor P M Chandler

Parish Councillor P Holbrook

Monitoring Officer
Solicitor to the Council
Senior Democracy Officer
Admin Assistant

The Monitoring Officer welcomed everyone including the members of the public and opened the meeting.

G.1. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor T. Moncrieff.

G.2. APPOINTMENT OF CHAIRMAN

Councillor Graham was nominated as Chairman by Councillor Holmes and this was seconded by Councillor Manderson. Following a vote, the appointment was confirmed

The Chair reminded Members of the purpose of the meeting was not to determine if the Code of Conduct had been breached. He stated that the Sub Committee was to consider the information put forward and make a decision regarding the action to take in line with the Localism Act 2011. He advised the options available were :-

- No action.
- Other action (training or mediation)
- Send for investigation.

The Chair

explained that the process to be followed at the meeting and included that normal Sub Committee meeting rules applied as well as standing agenda items e.g. apologies, declaration of interest as noted on the agenda;

advised that the Sub Committee was not there to discuss the way that a Parish Council ran its affairs but to examine the complaints against individual Councillors that were before them;

referred to three e-mails that had been received by the Monitoring Officer and referred to him as Chairman since the reports were circulated. Two were from Mr Colin Love and one from Mr Dermot Daly. The correspondence from Mr Daly has been deemed to be an exempt item under paragraphs 1 and 2 as it mentioned individuals so if this was to be discussed, Members would need to make a decision as to whether to exclude the public whilst the discussion took place;

stated that Members would examine and try and resolve each individual report in the same order as on the agenda and Members may comment on these at any time during the meeting.

G.3. DECLARATIONS OF INTEREST

Councillor Holmes declared a personal interest in Agenda Item 14 and although she did not think she had any other interest apart from being at the Planning Committee meeting it referred to, she would leave the room when this item was discussed.

The Solicitor to the Council stated that as the Member had been present at the Planning Committee meeting which was involved in the complaint listed as Agenda Item 14, she had previously given advice to the Member in question on this matter and therefore would leave prior to that item.

Councillor Bush requested guidance on whether he had an interest on Agenda Item 14 as he had been present at the Planning meeting listed in the complaint. The Monitoring Officer advised that it was his own decision however to be present at the Planning Committee in question was not sufficient to have an interest so long as he felt he was unbiased and open minded on this matter. Councillor Bush stated that he would remain for this item and requested the guidance was noted.

The Monitoring Officer mentioned that if legal advice was required for agenda Item 14 when the Solicitor to the Council was not in the room, the matter would be adjourned until such alternative legal advice could be sought.

G.4. CONSIDERATION OF MEMBER COMPLAINT GOV 11a

The Monitoring Officer submitted a report in consideration of Complaint GOV 11a (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. A photograph showing the contents of the cotton bag was included in the Sub Committee papers

and one of the filled cotton bags was available at the meeting. The original copy of the holiday cottage leaflet was circulated to Members

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

Due to the Subject Member running a local business, Members considered an interest did exist and therefore applied at the Parish Council meetings where a business opportunity was presented. The Sub Committee felt that it was important to be seen to be open and transparent in decision-making and this particularly included declaring personal and pecuniary interests.

The Parish Representative agreed with the view that on the basis of good practice, an interest should have been declared at the meetings in question.

The Monitoring Officer gave clarification that the requirement was for interests to be declared on the Register of Interests form which had been done. She further advised that it was good practice for interests to be declared at meetings but it was not a legal requirement however they must not take part if the interest was pecuniary.

Other Action of training on interests was proposed by Councillor Graham and seconded by Councillor Manderson. On being put to the vote, Members were unanimously in favour.

The Solicitor to the Council advised that as this was a Parish Council matter, the decision reached by this Sub Committee was a recommendation which would go back to the Parish Council for their consideration. Also it was not this Sub Committee's role to consider if there had been a breach.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Dermot Daly receive training in respect of his responsibilities and understanding of the Code of Conduct.

G.5. CONSIDERATION OF MEMBER COMPLAINT GOV 11b

The Monitoring Officer submitted a report in consideration of Complaint GOV 11b (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. A photograph showing the contents of the cotton bag was included in the Sub Committee papers and one of the filled cotton bags was available at the meeting.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

Members referred to Appendix D, the Subject Member's response, and noted that 500 cotton bags had been ordered. It was considered this suggested the event was taken as an opportunity to market the holiday cottage business. This being the case an interest did exist in the view of the Sub Committee.

Other Action training on interests was proposed by Councillor Graham and seconded by Councillor Bush. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Anne Daly receive training in respect of her responsibilities and understanding of the Code of Conduct.

G.6. CONSIDERATION OF MEMBER COMPLAINT GOV 12a

The Monitoring Officer submitted a report in consideration of Complaint GOV 12a (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. A photograph showing the contents of the cotton bag was included in the Sub Committee papers and one of the filled cotton bags was available at the meeting.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

Members considered this was similar to the previous two complaints. They considered that as in the last complaint, an interest existed.

The Monitoring Officer reminded Members that the role of this Sub Committee was to consider each complaint concerning each individual Parish Councillor and not the way the actual Parish Council was being run or operated as a whole.

The Chair said that there seemed only to be training available as a means of support to the Parish Councillor and he did not wish to seem negative and wanted the action agreed to be as helpful as possible.

The Monitoring Officer explained that training and mediation were just two examples and if the Sub Committee could think of something else it could be looked into and made available if possible.

Other Action of training on interests was proposed by Councillor Graham and seconded by Councillor Manderson. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Dermot Daly receive training in respect of his responsibilities and understanding of the Code of Conduct.

G.7. CONSIDERATION OF MEMBER COMPLAINT GOV 12b

The Monitoring Officer submitted a report in consideration of Complaint GOV 12b (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. A photograph showing the contents of the cotton bag was included in the Sub Committee papers and one of the filled cotton bags was available at the meeting.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

Members considered this case similar to the previous one and that an interest existed. It was mentioned by the Subject Member in her response that she had had a stall at the Destination Bottesford event where the cotton bags were given out.

Other Action of training on interests was proposed by Councillor Graham and seconded by Councillor Bush. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Anne Daly receive training in respect of her responsibilities and understanding of the Code of Conduct.

G.8. CONSIDERATION OF MEMBER COMPLAINT GOV 13a

The Monitoring Officer submitted a report in consideration of Complaint GOV 13a (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken.

The Chair advised the meeting that since the papers had been distributed two e-mails had been received from the complainant. As these emails were addressed to the Monitoring Officer and having taken advice from the Solicitor to the Council,

the Chair read out the relevant points from the emails to the Sub Committee as follows :-

Extract of email of 24 April 2014 from Mr. Colin Love :-

'In particular, I note the informed comments of the Independent Person that the public session does not constitute part of the formal meeting of a Parish Council and hence there is no legal requirement for public contributions to be minuted. However, I also note within his comments that it can be regarded as 'good practice' to record the public comments.

I can say that this is a situation I was aware of before I submitted my complaint.

However, I submitted my complaint against the knowledge that it has been custom and practice of the Bottesford Parish Council for many years to record in the minutes (not verbatim, of course) the essences of what were raised by the public and, where appropriate, the responses provided by the Parish Council.

Bottesford Parish Council was fully aware of this practice when, under Agenda item 258 on 5th February 2014, it confirmed its intention to continue this 'good practice'.

<http://bottesford.leicestershireparishcouncils.org/uploads/17533d118349739044040105.pdf>

If it is possible, I would like this specific point to be brought to the attention of the Governance Committee because the essence of my complaint is that, against this principle of 'good practice' it should not be open for the Parish Council to then select which substantive public contributions it decides to record and which to discard. This is especially so when the contributions that are discarded from public record are ones that the Parish Council may regard as asking 'uncomfortable' questions or raising 'critical issues'.

I maintain that each and every one of the Parish Councillors that has endorsed, and continues to endorse, such a selective practice is not acting in accordance with the Members' Code of Conduct.

With this information and understanding, the conclusion of the Governance Committee might be different to that of the Independent Person.'

Extract of email of 25 April 2014 from Mr. Colin Love :-

'... Here I take the opportunity to note that in the Independent Person's report he comments at Point 6 of Gov Ref 13 that 'From the papers that I have seen, there appears that there is a major issue between Mr Love and the Parish Council in general'.

This could be interpreted by the Governance Committee in a negative way. But I wish it to be put to the Governance Committee that it should be interpreted in a very positive manner. What I have been pointing out are substantive failings in the way that the Parish Councillors, individually and collectively, are conducting the business of the Parish Council. It takes a lot of vigilance and time to bother to monitor and record these failings. In the village there has been one public meeting followed by three Parish Council meetings where there has been standing room

only as a wide cross section of the Parish has vented despair at how the Parish Council is being run and how the money is being spent without mandate or transparency.

This has been witnessed by Ward Councillors David Wright and Pru Chandler, who I am sure would substantiate what I am saying.

Again, perhaps you can bring these observations to the attention of the Chair of the Governance Committee.'

Also the Chair advised a further response from the Subject Member had been previously circulated to the Sub Committee as an exempt paper under the Access to Information legislation paragraphs 1 and 2, and it was advised that should this document be discussed at the meeting, Members would need to consider excluding the public.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

There was reference to the accuracy of the Bottesford Parish Council minutes referred to in the complaint and it was noted that minutes were not a verbatim account of a meeting.

Clarification was sought on how much influence this Sub Committee should have over Parish Council matters.

The Monitoring Officer confirmed that the Sub Committee's role in this complaint was relating to the Subject Member in question and matters that came within the code of conduct and it was not concerned with the running of the Parish Council. The Sub Committee was not looking at whether or not the minutes were correct, they were only concerned with the action of the individual Parish Councillor and their actions in relation to the code of conduct.

There was reference made to the advice received relating to public questions at Parish Council meetings and public involvement of minutes from the Leicestershire and Rutland Association of Local Councils.

It was considered if the Sub Committee decided on further investigation what would they find out and what constructive outcome could there be.

The Solicitor to the Council stated that the complaint at Appendix A set out the allegations regarding the actions of the Chairman against the general principles within the code of conduct. If Members considered that the papers in front of them warranted further investigation, this would be regarding Councillor Dermot Daly personally and the Investigating Officer's report would then go to Sub Committee 2 which would then make a recommendation which would be referred to the Parish Council for them to accept or reject.

It was considered that as the individual concerned was the Chairman he had a different role, including leadership, in the complaint than the other Parish Councillors.

It was proposed that this complaint be referred for investigation by Councillor Manderson and seconded by Councillor Holmes. On being put to the vote, Members were unanimously in favour.

RESOLVED that: the complaint be referred for investigation.

G.9. CONSIDERATION OF MEMBER COMPLAINT GOV 13b

The Monitoring Officer submitted a report in consideration of Complaint GOV 13b (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. Although the opportunity had been offered to the Parish Councillor to attend a meeting with the Monitoring Officer, no attempt at informal resolution had been taken up. However the Subject Member had provided a response and this was attached at Appendix G.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

There was a discussion as to the difference between the Chair and the other Parish Councillors regarding this complaint and it was considered that the Chair had a leadership role and in this individual's case training should be provided on the Parish Councillor's responsibilities under the Code of Conduct.

The Parish Representative was in agreement with this approach and he offered to help with training and advised that it was good practice for Parish Councils to offer support to each other.

Other Action of training was proposed by Councillor Holmes and seconded by Councillor Bush. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Anne Daly receive training in respect of the role of Parish Councillor and her responsibilities under the Code of Conduct.

The Chair asked that that the Parish Representatives be involved in the training.

The Solicitor to the Council advised that the Sub Committee had already voted on the decision on the previous item but as the Monitoring Officer was there she

would take on board the comments about including the Parish Councillors in the training and would take this into account when advising the Parish Council of the Sub Committee's recommendation.

G.10. CONSIDERATION OF MEMBER COMPLAINT GOV 13c

The Monitoring Officer submitted a report in consideration of Complaint GOV 13c (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. Although the opportunity had been offered to the Parish Councillor to provide a response to the complaint or attend a meeting with the Monitoring Officer no attempt at informal resolution had been made.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

The same criteria for a decision was applied to the complaint as the previous item in that training was appropriate to enable the Parish Councillor to understand her responsibilities under the Code of Conduct.

Other Action of training with Parish Representatives to be involved in the process was proposed by Councillor Manderson and seconded by Councillor Slater. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Anne Ablewhite receive training in respect of the role of Parish Councillor and her responsibilities under the Code of Conduct. The Parish Representatives be requested to be involved in this process.

The Chair allowed a 10 minute adjournment at 11.25 a.m. and the meeting reconvened at 11.35 a.m.

G.11. CONSIDERATION OF MEMBER COMPLAINT GOV 13d

The Monitoring Officer submitted a report in consideration of Complaint Gov 13d (copies of which had previously been circulated to Members) which enabled the Committee to consider the complaint received regarding the conduct of a Council Member and to consider what action should be taken. Although the opportunity had been offered to the Parish Councillor to provide a response to the complaint and/or attend a meeting with the Monitoring Officer, no attempt at informal resolution had been taken up.

The Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

The same criteria for a decision was applied to the complaint as the previous item in that training was appropriate to enable the Parish Councillor to understand her responsibilities under the Code of Conduct.

Other Action of Training with Parish Representatives to be involved in the process was proposed by Councillor Bush and seconded by Councillor Manderson. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Heather Stokes receive training in respect of the role of Parish Councillor and her responsibilities under the Code of Conduct. The Parish Representatives be requested to be involved in this process.

G.12. CONSIDERATION OF MEMBER COMPLAINT GOV 13e

The Monitoring Officer submitted a report in consideration of Complaint GOV 13e (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. The option of a meeting with the Monitoring Officer was not taken up but the Parish Councillor had submitted a response which was available at Appendix G.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

Although the Parish Councillor had provided a response, Members felt the complaint should be treated on the same basis as the previous similar complaints in that training was appropriate to enable the Parish Councillor to understand his responsibilities under the Code of Conduct.

Other Action of training with Parish Representatives to be involved in the process was proposed by Councillor Holmes and seconded by Councillor Slater. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Gareth Broome receive training in respect of the role of Parish Councillor and his responsibilities under the Code of Conduct. The Parish Representatives be requested to be involved in this process.

G.13. CONSIDERATION OF MEMBER COMPLAINT GOV 13g

The Monitoring Officer submitted a report in consideration of Complaint GOV 13g (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Parish Councillor and to consider what action should be taken. Although the opportunity had been offered to the Parish Councillor to provide a response to the complaint or attend a meeting with the Monitoring Officer, no attempt at informal resolution had been taken up. The Monitoring Officer stated that the Sub Committee may wish to take into account when considering this complaint, that it appeared that the meeting in question was the Parish Councillor's first meeting after being appointed.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

The Sub Committee considered that if this had been the Parish Councillor's first meeting, then training would be helpful for the Councillor. Therefore the same criteria for a decision was applied to the complaint as the previous items in that training was appropriate to enable the Parish Councillor to understand her responsibilities under the Code of Conduct.

Other Action of training with Parish Representatives to be involved in the process was proposed by Councillor Bush and seconded by Councillor Manderson. On being put to the vote, Members were unanimously in favour.

RESOLVED that: This Sub Committee makes the recommendation to the Parish Council that Parish Councillor Karen May receive training in respect of the role of Parish Councillor and her responsibilities under the Code of Conduct. The Parish Representatives be requested to be involved in this process.

Before Councillor Holmes, Parish Councillor Holbrook and the Solicitor to the Council left the meeting for the next item, the Chair thanked them all for coming and for the time and work they had put in. He then offered the opportunity for any members of the public to leave should they wish to.

(Councillor Holmes declared a personal interest in the following item and here left the meeting.)

(Parish Councillor Holbrook here left the meeting.)

(The Solicitor to the Council here left the meeting due to having given advice to the Subject Member at the Planning Committee referred to in the following item.)

G.14. CONSIDERATION OF MEMBER COMPLAINT GOV 15

The Monitoring Officer submitted a report in consideration of Complaint GOV 15 (copies of which had previously been circulated to Members) which enabled the Sub Committee to consider the complaint received regarding the conduct of a Council Member and to consider what action should be taken.

The Sub Committee considered the complaint in accordance with the Council's Complaints Process to determine which one of the following three actions should be taken:-

- No action be taken.
- The complaint be referred for other action such as training, support, mediation.
- The complaint be referred for Investigation.

It was noted that Councillor Barnes left the meeting. His wife, as a member of the public, had a right to be in the meeting. No one could prove or disprove what was said after the meeting. It was felt Councillors should be prudent in how they come across at all times due to the public nature of their Councillor role. The provision of training for Councillors of how to conduct themselves when they had a planning application was raised.

The Monitoring Officer reminded the Committee that the Code of Conduct could only apply to Councillors when acting in their official capacity Councillor.

The Sub Committee decided, having taken into account the issues above, that no action be taken as the Subject Member was not acting in his official capacity of a Councillor.

No Action to be taken was proposed by Councillor Slater and seconded by Councillor Bush. On being put to the vote, Members were unanimously in favour.

RESOLVED that: No Action be taken.

The Chair asked the Monitoring Officer to pass on the thanks of the Committee to the Independent Person and those responsible for getting all the papers together.

The meeting which commenced at 10:05, closed at 12:00 noon.

Chairman