

**MEMBER CONDUCT PANEL
25TH JULY 2022**

PRESENT: The Chair (Councillor Murphy)
Councillors Draycott, Ranson and
Councillor Ellingworth (parish member)

Monitoring Officer
Independent Person (virtual)
Democratic Services Officer (NC)

APOLOGIES: none

The Monitoring Officer stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Murphy be appointed Chair for the meeting.

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures of interest were made.

3. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it will involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

The Democratic Service office stopped the sound recording.

4. DETERMINATION OF A COMPLAINT AGAINST TWO BIRSTALL PARISH COUNCILLORS (MC3 22/23) - FACT-FINDING STAGE

A report of the Monitoring Officer was considered regarding a complaint against two Birstall Parish Councillors, to determine what, if any, further action should be taken in respect of the complaint.

It was noted that this was a re-submission of a previous complaint that, in the view of the Monitoring Officer, should be considered by the Panel at its fact-finding stage in the interests of transparency.

The Monitoring Officer and Independent Person both attended the meeting to assist the Panel in its consideration whether or not further action was required in respect of the complaint.

The Independent Person's written views on the complaint were as follows (with personal information redacted):

'I note that Birstall Parish Council (BPC), following an investigation, has determined that 'the complainant' did not bully 'the first Councillor'.

[Redacted – information relating to 'the second Councillor']. The panel [for clarification – a Panel of Charnwood Borough Council's Member Conduct Committee which met in June 2021] concluded that there was confusion over roles and responsibilities of the clerk and parish councillors, among other issues, at BPC. They also recommended that BPC should consider commissioning an independent governance review. This has not taken place.

Considering 'the complainant's' complaint against 'the first Councillor', I understand that he is fairly new to the role. Reading through the email correspondence it is clear that 'the first Councillor' believed that he was acting with the best of intentions. He opened up the correspondence to the whole parish council, which alerted 'the second Councillor' to the situation.

'The second Councillor', in supporting 'the first Councillor', was frustrated by the lack of progress in commissioning a governance review, following issues which went back several years.

In my opinion the two councillors did not bully 'the complainant' despite putting forward forthright views. I recommend very strongly that, in order to avoid similar issues in the future, BPC commission an independent governance review, as originally recommended, and without further delay. Appropriate training should be provided, both for councillors and 'the complainant', once the review has been undertaken'.

RESOLVED that, although the conduct of the two councillors as set out in the complaint would not, if proven, be a breach of the Code of Conduct of Birstall Parish Council, the complaint did merit further action other than an investigation and that it therefore recommended to Birstall Parish Council that:

- (i) a Protocol on Councillor / Officer relationships should be developed, based on the existing protocol provided to parish employees if appropriate, setting out the relevant responsibilities in respect of relationships and expected behaviours on both sides and including an appropriate procedure for raising concerns, and that this should be submitted to a Parish Council meeting for all councillors to consider and approve within three months;
- (ii) that independent mediation by a trained mediator be arranged between the complainant and the two councillors who were the subject of the complaint within three months;

- (iii) that an independent governance review be undertaken after the above recommendations have been completed.

Reason

In accordance with the relevant process as specified in the Constitution, and reflecting the views of the Panel that:

- (i) to prevent further similar issues arising again, it was considered that councillors and officers should have an agreed protocol setting out relevant expectations and responsibilities, and specifying how any concerns should be raised.
- (ii) independent mediation was considered an appropriate means to seek to improve future working relationships between the complainant and the two councillors.
- (iii) the complaint demonstrated that there were ongoing governance and relationship issues which an independent governance review may be able to resolve, but this remained outstanding as the Parish Council had decided not to commission such a review.