

MINUTES of a meeting of the ASSESSMENT SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on FRIDAY, 9 AUGUST 2013

Present: Councillors A Bridges, C Large and R Woodward

Officers: Mrs M Meredith and Miss E Warhurst.

1 ELECTION OF CHAIRMAN

RESOLVED THAT:

Councillor G Jones be elected Chairman for this meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3 DECLARATIONS OF INTEREST

There were no interests declared.

4 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED THAT:

The meeting remain open to the press and public on the grounds that the matters scheduled to be discussed do not disclose confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972, as amended, relating to information presented to a Standards Committee or one of its Sub Committees.

5 ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT

Members considered a report relating to a complaint by Councillor J Legrys in respect of Councillor J Cotterill, both District Councillors of North West Leicestershire District Council. The complaint was that Councillor Cotterill had published and distributed a misleading election leaflet, and by doing so had brought the Council into disrepute.

The Monitoring Officer drew Members' attention to the additional information submitted by Councillor Legrys which set out how he felt the wording of the report could be improved. She referred to the second paragraph of the email and clarified that no documentary evidence had been provided to her to confirm that the delivery of Councillor Eynon's leaflet had been paid for by the Labour Party. She added that the notes of her meeting with Councillor Legrys on 22 May 2013 were attached at Appendix 3 to the report.

The Monitoring Officer explained to Members that under the arrangements for dealing with complaints there was an opportunity for her to work with both parties to ascertain whether an informal resolution of the complaint was possible. It was noted that both parties had been fully co-operative and open during this process, however it had not been possible to reach an informal resolution due to the opposing viewpoints.

The Monitoring Officer advised that the issue of Councillor Eynon's conduct and the distribution of her leaflet had been referred by a third party to the Electoral Commission and the Police during the election. She explained that the District Council had not been informed of the outcome of the investigation, however this was quite normal.

Given that the informal resolution process had been unsuccessful, the matter had been referred to the Assessment Sub-Committee in order that it could consider the report and determine whether to:

- refer the complaint to the Monitoring Officer to take other action;
- request further information from the parties;
- refer the complaint to the Monitoring Officer for investigation;
- determine that no further action be taken in respect of the complaint.

Members considered that Councillor Cotterill had acted naively in publishing the leaflet. It was not clear from the information whether Councillor Cotterill had sought advice from anyone, including the Conservative Party on the wording of the leaflet.

The Monitoring Officer clarified the sequence of events based on the information she had gleaned from her meetings with Councillor Cotterill and Councillor Legrys. She explained that a meeting of the Parish Council had taken place where the matter of the distribution of Councillor Eynon's campaign leaflet with the parish newsletter was raised, and it was claimed that Councillor Eynon had offered Members the opportunity to view evidence that the Parish Council had not paid for the distribution of her election leaflet. Three Members resigned from the Parish Council and Councillor Cotterill's leaflet was subsequently distributed. Councillor Legrys had expressed dissatisfaction that Councillor Cotterill had not taken the opportunity to avail himself of all the facts prior to distributing the leaflet.

RESOLVED THAT:

No further action be taken.

Reasons for Decision

In consideration of the information, the Sub-committee considered that:

- (i) whilst the leaflet mentioned Councillor Cotterill's status as a District councillor, the issues and publicity (in the Coalville Times) related to Parish Council business and the Leicestershire County Council election campaign, not the District Council;
- (ii) the Sub-committee was not required to determine whether an allegation was a founded or proven breach of the Code. However, it was considered that any potential breach would relate to the business repute of the Parish Council and Councillor Cotterill had already resigned from the Parish Council;
- (iii) that this was a "tit for tat" complaint;
- (iv) the Sub-committee considered that Councillor Cotterill had been naïve in the wording of the leaflet;
- (v) having considered all the above, that it was not in the public interest to pursue the complaint further and spend public money on referring the matter for investigation.

The meeting commenced at 10.00 am

The Chairman closed the meeting at 10.30 am