

Meeting	ASSESSMENT SUB COMMITTEE
Time/Day/Date	10.00 am on Friday, 9 August 2013
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services Officer (01530 454512)

AGENDA

Item		Pages
1	ELECTION OF CHAIRMAN	
2	APOLOGIES FOR ABSENCE	
3	DECLARATIONS OF INTEREST	
	Members are requested to declare any interests connected to this matter and to identify the nature of that interest as to whether it is pecuniary or non pecuniary under the Code of Conduct.	
4	EXCLUSION OF THE PRESS AND PUBLIC	
	Assessment Sub Committee to decide whether the press and public should be excluded from the hearing and the grounds for the exclusion based on representations from all parties.	
5	ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT	
	Report of the Head of Legal and Support Services	3 - 32

Circulation:

Councillor Annette Bridges
Councillor Caroline Large
Councillor Ray Woodward

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NOT FOR PUBLICATION
Likely to contain exempt information under paragraph 1 to Schedule 12A Local Government Act 1972

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ASSESSMENT SUB-COMMITTEE - 9 AUGUST 2013

Title of report	ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT
Contacts	Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk
Purpose of report	<ol style="list-style-type: none"> 1. To consider the report of the Head of Legal and Support Services and Monitoring Officer. 2. To request that the Assessment Sub-committee determine what action should be taken.
Implications:	
Financial/Staff	There will be resource implications if the matter proceeds to investigation. The costs of an investigation can be met from existing budgets.
Link to relevant CAT	N/A
Risk Management	N/A
Equalities Impact Assessment	N/A
Human Rights	The Act and Regulations thereunder have taken account of human rights.
Transformational Government	The complainant may request a review of the decision of the Assessment Sub-committee to be heard by the Review Sub-committee.
Consultees	N/A
Background papers	Local Government Act 2000 (www.opsi.gov.uk). Local Government and Public Involvement in Health Act 2007 (www.opsi.gov.uk). Localism Act 2011 (www.legislation.gov.uk) Arrangements adopted by Council on 26 June 2012. NWLDC Local Assessment of Complaints Guidance.

Recommendations	THAT THE ASSESSMENT SUB-COMMITTEE MAKES A FINDING ON THE COMPLAINT AS SET OUT AT PARAGRAPH 5 OF THE REPORT.
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1. COMPLAINT

- 1.1 On 1 May 2013 the Monitoring Officer received a complaint from Councillor Legrys regarding Councillor Cotterill, both members of North West Leicestershire District Council. A copy of the complaint together with the election leaflet referred to is attached at Appendix 1.
- 1.2 The leaflet relates to the distribution of an election leaflet by Hugglescote and Donington le Heath Parish Councillor Eynon in her campaign for a Leicestershire County Council seat in the May 2013 County Council Election. In his election leaflet it is alleged by Councillor Cotterill that Councillor Eynon's election leaflet was distributed with the Parish Council newsletter.
- 1.3 In summary the complaint is that the content of Councillor Cotterill's leaflet is untrue and that Councillor Cotterill's conduct in producing and distributing the leaflet brings the District Council into disrepute. Councillor Legrys is married to Councillor Eynon.
- 1.4 Councillor Eynon remains a member of Hugglescote and Donington le Heath Parish Council and was elected to the County Council seat for the Coalville Division
- 1.5 Under the arrangements for dealing with complaints adopted by Council on 26 June 2012, there is an opportunity, at the beginning of the complaints process, for the Monitoring Officer to work with parties to ascertain whether an informal resolution of the complaint is possible. A copy of NWLDC Arrangements for dealing with complaints is attached at Appendix 2.

2. OUTCOME OF INFORMAL RESOLUTION

- 2.1 In accordance with the adopted arrangements the Monitoring Officer has attempted an informal resolution of the complaint. Unfortunately, this has not been successful. It is worth noting that whilst informal resolution has not been possible, both parties have engaged and been co-operative in the process.
- 2.2 The Monitoring Officer met with Councillor Legrys on 22 May 2013. Councillor Woodward accompanied Councillor Legrys. A summary note of that meeting is attached at Appendix 3.
- 2.3 The Monitoring Officer met with Councillor Cotterill on 10 June 2013. A summary note of that meeting is attached at Appendix 4.
- 2.4 The Monitoring Officer e-mailed Councillor Legrys on 10 June 2013 setting out the outcome of the meeting on 10 June 2013. Councillor Legrys discussed the issue with the Labour Group and he responded on 26 June to say that he wished to proceed with the process. Copies of the e-mails to Councillor Legrys are attached at Appendix 5.
- 2.5 The Monitoring Officer kept Councillor Cotterill informed during the process. Copies of e-mails are attached at Appendix 6.

2.6 Following the meetings, the outcome which Councillor Legrys expressed he was seeking from the complaint and the views expressed by Councillor Cotterill, the Monitoring Officer concluded that informal resolution would not be possible.

2.7 The Monitoring Officer is therefore requesting that the Assessment Sub-committee consider the matter and determine what steps to take.

3. INITIAL TESTS

3.1 Councillor Cotterill is a current serving member of North West Leicestershire District Council. He was in office at the time of the conduct complained of. The complaint of bringing the office into disrepute, if proven, would be a breach of the Code of Conduct.

4. INFORMATION FROM THE COMPLAINANT AND SUBJECT MEMBER

4.1 In accordance with the Council's adopted arrangements the complainant and subject members are not party to the Assessment Sub-committee. The Monitoring Officer has sought their views on the matter and any further information provided by either Councillor Legrys or Councillor Cotterill will be reported to the Sub-committee.

5. ASSESSMENT OUTCOMES

5.1 The following outcomes are available to the Sub-committee under the Arrangements adopted by Council:

5.1.1 Refer the complaint to the Monitoring officer to take other action.

5.1.2 Request further information from the parties.

5.1.3 Refer the complaint to the Monitoring Officer for investigation.

5.1.4 No action to be taken in respect of the complaint.

6. CONSIDERATION AS TO WHETHER THE HEARING SHOULD BE HELD IN PRIVATE

6.1 Under the Council's Arrangements there is a presumption in favour of the hearing being held in public unless it is considered appropriate for it to be held in private.

6.2 In considering this aspect of the hearing the Committee need to consider what information is being presented before them.

6.3 The complaint centres on an accusation that relates to Councillor Cotterill's election leaflet and its distribution by the Parish Council. Those leaflets are in the public domain to an extent as they were delivered to some properties in the Coalville Division. Further, the matter was reported in the Coalville Times dated 3 May 2013 which was available on 2 May 2013. A copy of the article is attached at Appendix 7. As such it is arguable that the main evidence of the complaint is already within the public domain.

6.4 However, contained within the papers is an as yet unsubstantiated complaint which may impact upon the reputation of the members concerned both as the complainant and the subject member.

- 6.5 The Sub-committee may feel that in light of this, the hearing should be held in private in order to protect the reputation of all parties and that the public interest in maintaining the public's confidence in its members outweighs the public interest in publicising an as yet unsubstantiated claim. The Sub-committee will need to make this decision at the start of the meeting.

7. REVIEW OF THE DECISION OF THE ASSESSMENT SUB COMMITTEE

- 7.1 The Assessment Sub-committee has the authority to allow or not a right of review of their decision to take no further action.
- 7.2 However, the complainant should be advised that no review will be granted unless further / additional evidence is submitted to the Monitoring Officer. It will be the decision of the Monitoring Officer as to whether such additional evidence warrants another assessment.
- 7.3 This is to ensure a fair process and to avoid frivolous / vexatious appeals.
- 7.4 A request for review can be made at the time the Sub-committee makes its determination or within 30 days of the decision.

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[REDACTED]

From: John Legrys [REDACTED]
Sent: 01 May 2013 16:49
To: ELIZABETH WARHURST
Cc: CHRISTINE FISHER; Leon Spence
Subject: Formal Compliant Against Councillor Cotterill

Good afternoon

You maybe aware that my wife Dr Terri Eynon spoke to Mel Phillips this morning about a misleading election leaflet that Councillor Cotterill has been distributing within the Coalville Division.

Mel promptly forwarded the leaflet to the Police - and during the day they have been interviewing individuals named on the leaflet. My understanding is that the Election Commission have seen and commented to the Police about the leaflet.

Likewise the Labour Party nationally are taking and making appropriate advice.

As other parties are involved with the distribution of the leaflet - my compliant centres on the words that mentions Cllr Cotterill as a District Councillor - and by doing so brings the District Council into disrepute.

I can provide formal evidence that the allegation that Parish precept funding paid for the production and distribution of the leaflet as untrue.

I have been reluctant during the day to make a formal Standards compliant bearing in mind workload - however following advice from my colleagues I now feel that there is no option other than to ask Standards to consider that the Council has been brought into disrepute.

I look forward to your response.

John Legrys
[REDACTED]



URGENT !

Before you vote...

READ THIS !

Councillors resign from Parish Council amid misuse of funds row

Councillor John Cotterill, District Councillor for the Hugglescote & Ellistown Ward has announced his resignation from Hugglescote Parish Council, along with Independent Councillors **Stephen Palmer & Stephen Watson**. It is believed other Councillors are also considering their position following allegations that one of its members has misused funds to deliver political literature in the run up to the County Council elections in May.

Cllr Cotterill tendered his resignation on Tuesday 23rd April following a meeting where several reports were made of Labour County Council leaflets promoting Parish Councillor **Terri Eynon** were distributed alongside Parish Council notices. The Parish Council had paid for the distribution of the Parish Notices.

The North West Leicestershire Conservative Association understands a complaint has been made to the electoral commission regarding this matter by a candidate of another political party.

Cllr Cotterill said 'I am appalled that political material has been distributed alongside parish notices paid for by the taxpayer. I find it extraordinarily naive that a candidate could do this and think it is acceptable. Having spoken to fellow councillors who are not affiliated to a political party, it is clear that they feel the same. This is a gross misuse of the precept charged to the residents of Hugglescote.'

Cllr Cotterill continued 'I understand a complaint has been made to the electoral commission on the matter and I trust it will be properly investigated.'

Promoted by John Cotterill, printed & published by NWLCA, Elsmore House, 14A The Green, Ashby de la Zouch, Leics, LE65 1JU

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

1. Context

These "Arrangements" set out how a person may make a complaint that an elected or co-opted member of this authority or of a Town or Parish Council has failed to comply with the Member's Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with that Code.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "Arrangements" under which allegations that a member or co-opted member of the authority or Town or Parish Council, or of a Committee or Sub-Committee of the authority, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

These arrangements also provide for the authority to appoint at least one Independent Person, whose views must be sought before a decision on an allegation is made and which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority's website and on request from Reception at the Civic Offices.

[This Code applies to all Councils within the District, including Town and Parish Councils.]

3. Making a complaint

If you wish to make a complaint, please write or email to:

"The Monitoring Officer
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ"

Or:

Elizabeth.warhurst@nwleicestershire.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is

responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that all the information required is available with the complaint, the complainant will be asked to provide their name and a contact address or email address together with any relevant documents in support of their complaint.

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.

Where an anonymous complaint is received or the complainant wishes to remain anonymous it will be at the Monitoring Officer's discretion as to whether the complaint proceeds. Consideration will be given to the public interest and whether the complaint can be justified or determined without the complainant's participation.

4. What happens to my complaint?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits further examination. This decision will normally be taken within 14 days of receiving the complaint.

Once the Monitoring Officer and the Independent Person have taken a decision, they will inform the complainant of that decision and the reasons for that decision.

Where a complaint is determined to be merit further examination, the subject member will be notified of the complaint at the earliest opportunity and requested to attend a meeting with the Monitoring Officer and the Independent Person to review the complaint and present their side of the case.

Where they require additional information in order to come to a decision, the Monitoring Officer may refer back to the complainant for such information, and may request information from the member against whom the complaint is directed. *[Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of the complaint and seek the views of the Parish Council before deciding whether the complaint merits further examination.]*

In appropriate cases, the Monitoring Officer and the Independent Person may seek to resolve the complaint informally, without the need for further review. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but the complainant or subject member are not willing to

accept that offer, the Monitoring Officer may take account of this in deciding whether the complaint merits further examination.

5. What if Informal Resolution is not appropriate/successful?

In cases where Informal Resolution is not appropriate or successful the Monitoring Officer and the Independent Person may conduct a fact-finding exercise to establish the groundwork for the complaint. The fact-finding exercise is to satisfy the initial tests of:

- (a) it is a complaint against one or more named members of the Council;
- (b) the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- (c) the complaint, if proven would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If on conducting the fact-finding exercise, there are no facts determined or the complaint is deemed to be frivolous/vexatious, the Monitoring Officer will notify the complainant and the subject member that there is "no case to answer" and the matter will cease. There is no right of review of this decision unless new evidence is presented in support of the complaint. It will be at the discretion of the Monitoring Officer and the Independent Person to determine whether such new evidence substantiates further examination.

Where facts are established the Monitoring Officer in conjunction with the Independent Person will prepare a report for the Assessment Sub-Committee who will determine the further steps to be taken in relation to the complaint. The report will detail all steps taken by the Monitoring Officer and the Independent Person prior to the Sub Committee.

The Assessment Sub-Committee is subject to the normal Committee rules in relation to public meetings and it will take a decision at the start of the meeting to determine whether it is appropriate to hold the meeting in closed session.

The complainant and the Subject Member will not be present at the meeting but their views will have been sought prior to the meeting to enable their opinions to be presented.

If, on assessment of the facts, the Sub-Committee determines that no further action is required or there is no case to answer, this will be reported back to the complainant and the subject member who may be given leave by the Committee to appeal the decision. Such appeal will only be granted where there is new evidence in relation to the complaint.

There may be instances where the Sub-Committee consider the action of the subject member to be so serious as to warrant criminal investigation. In such

circumstances, the Sub-Committee will instruct the Monitoring Officer to refer the matter to the appropriate body for investigation.

Should the Committee determine that the matter warrants a detailed investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint and will provide an opportunity for the complainant to explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

In exceptional cases, where it is appropriate to keep identities confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete names and addresses from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give them both an opportunity to identify any matter in that draft report with which they disagree or consider requires more consideration.

Having received and taken account of any comments, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

On completing their investigation the Investigating Officer will present their report to the Determinations Sub-Committee who will take into account the facts and evidence produced.

The Determinations Sub-Committee is subject to the normal Committee rules in relation to public meetings and it will take a decision at the start of the meeting to determine whether it is appropriate to hold the meeting in closed session.

If satisfied that the Investigating Officer's report is sufficient, the Determinations Sub Committee will accept the findings of the report and request the Monitoring Officer to write to the complainant and to the member concerned notifying them that they are satisfied that no further action is required, and provide a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider his/her report.

There may be instances where the Determinations Sub Committee wishes to ask questions of the complainant and the subject member in order to fully understand the circumstances of the complaint. Where this is requested by the Sub Committee, the meeting will be adjourned to enable the attendance of all parties. In such a situation, the Sub Committee will be conducted in a manner similar to court proceedings where each party may present their arguments.

At the end of the Committee the Chair will ask the subject member whether they are happy for the outcome of the matter to be published through public notice/press statement. It will be at the discretion of the subject member whether such action is taken.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

Where the investigating officer has determined that there is a breach of the code of conduct they will present their report to the Determinations Sub Committee.

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted.

At the Sub Committee, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Sub Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub Committee, with the benefit of any advice from the Monitoring Officer and an Independent Person, may conclude, in disagreement with the investigation officer that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Sub Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the meeting of this finding and the Sub Committee will then consider what action, if any, should be taken as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub Committee will give the member an opportunity to make representations to the Panel and will consult the Independent Person (and if appropriate the Parish Council), but will then decide what action, if any, to take in respect of the matter.

8. What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Audit and Governance Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Committee may:

- Issue a formal letter to the member found to have breached the Code.
- Impose Formal censure.
- Make recommendations to Full Council to remove the member from committee(s) and other appointments subject to political balance requirements (where there are political groups, the decision could only be to recommend them to change their nominated appointees).
- A press release and other appropriate publicity.
- Recommend Training.
- Recommendation to Group Leader to remove the member from committee(s) and other appointments.

The Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

[In relation to Parish Members, the Monitoring Officer can only make recommendations for sanctions against those Members. The responsibility for enforcing those sanctions will fall to the Parish Council as a whole with the assistance and guidance from the Monitoring Officer.]

9. What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Committee, and send a copy to the complainant, to the member *[and to the Parish Council]*.

10. Who are the Committees?

The Assessment and Determinations Sub Committees are Sub-Committee of the Council's Audit and Governance Committee. The Audit and Governance Committee has decided that it will comprise of ten members of the Council, plus one co-opted Parish Member and the Independent Person. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Committee and the Sub Committees and their views are sought and taken into consideration before any decision is taken on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct. There may be more than one Independent Person involved throughout the complaint depending on whether they have been conflicted out of sitting on the Committee/Sub Committee due to being approached by the Complainant or Subject Member for assistance throughout the process.

11. Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she:

- 11.1 is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 *[is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*
- 11.3 is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means:
 - 11.3.1 spouse or civil partner;
 - 11.3.2 living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 grandparent of the other person;
 - 11.3.4 a lineal descendent of a grandparent of the other person;
 - 11.3.5 a parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 a spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer in consultation with the Independent Person the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

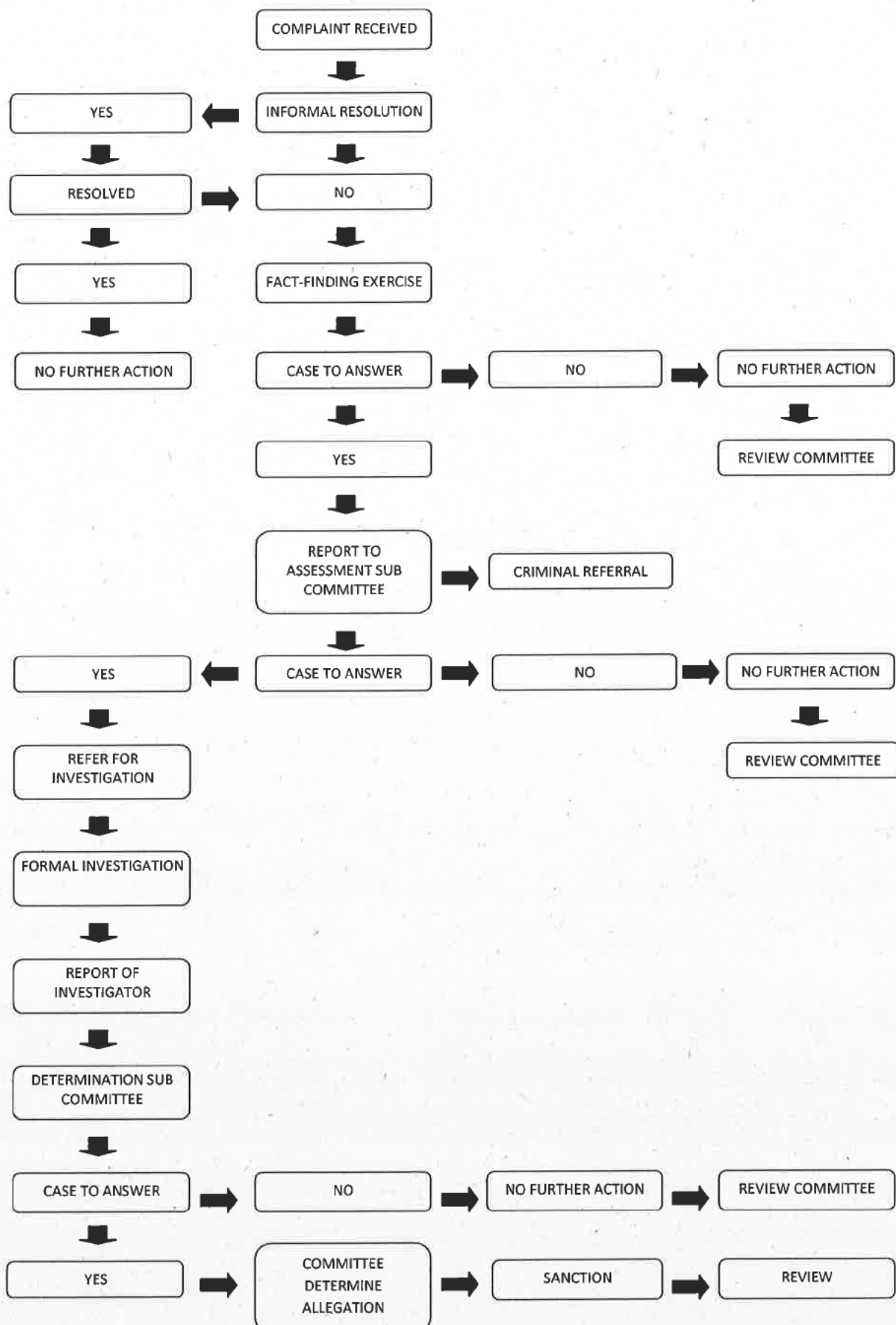
The Sub Committees have authority to allow, or not, a right of review following the Assessment Sub Committee's determination of the complaint, and following the determination of the complaint by the Determination Sub Committee. The process follows one similar to the court process, where Members be given leave to appeal a decision taken on their matter. That in order to avoid frivolous appeals, a stance of "unless new evidence is submitted/provided there will be no review".

A right of review would be given against a decision of No Further Action by the Assessment Sub Committee and any decision and against any sanction determined or imposed by the Determinations Sub Committee.

Such request for a review to be received within 28 days of the decision by the relevant Sub Committee.

Appendix One	The authority's Code of Conduct
Appendix Two	Flowchart of procedure
Appendix Three	Informal Resolution Procedure

AUDIT AND GOVERNANCE COMMITTEE MEMBER COMPLAINT PROCEDURE



**NOTES OF A MEETING WITH COUNCILLOR LEGRYS AND
COUNCILLOR WOODWARD****22 MAY 2013****COMPLAINT RE COUNCILLOR COTTERILL**

Councillor Legrys summarised his concerns as follows.

An allegation had been made by a (now) former Hugglescote and Donington le Heath Parish Councillor, Mr Palmer, that the Parish Council were paying for the distribution of election leaflets and endorsing the leaflets and candidacy of Parish Councillor Eynon for the County Council seat. Mr Palmer alleged that the printing and distribution of the leaflet was paid for by the Parish Council. These allegations were made in e-mail correspondence between (then) Councillor Palmer, Councillor Cotterill and (then) Councillor Watson.

Councillor Palmer complained to the Parish Clerk and requested that the matter be discussed at the next Parish Council meeting, at the end of the formal meeting.

Councillor Legrys was not at the meeting but said that the allegations had been put to Councillor Eynon at the end of the meeting by Councillor Palmer. Councillor Eynon had rebuffed the allegations and said that if other members required evidence in support of this, bills, etc, it was freely available. Councillor Eynon did not know that the issue was to be raised at the meeting.

Councillor Legrys explained that the leaflet had been distributed by the same distribution company as the Parish newsletter. It had been delivered folded up inside the newsletter, alongside other leaflets advertising local businesses such as the local Indian takeaway.

Councillor Legrys' understanding was that this had been explained to councillors at the meeting and they had accepted the explanation. Councillor Eynon had said she felt "ambushed" and was very upset by the incident.

The next day there began to circulate a series of e-mails between the Clerk, councillors and including Councillor Eynon. Councillors Palmer, Watson and Cotterill resigned from the Parish Council. Councillor Legrys understood that the Parish Clerk had tried to intervene and persuade the members not to resign. This was not successful.

Councillor Eynon then received an e-mail from the Coalville Times on 26 April 2013 (the Friday prior to the election). It contained a press statement from Councillor Cotterill, the wording of which reflected the content of the leaflet. The Labour Party had issued a rebuttal which the Coalville Times used and Councillor Cotterill's initial statement was edited to remove some of the "inflammatory" words. The article ran on election day, 2 May 2013.

The Labour Party had been notified by a local resident on 30 April 2013 that Councillor Cotterill was delivering the leaflets in Donington le Heath. Councillor Legrys said the resident was horrified and wanted action taken.

Councillor Legrys felt that the situation was known about in the local community and was discussed. A number of people had said to him that they were "horrified" by the leaflet.

Councillor Legrys said that when the Labour Party representatives had been door knocking in the district, members of the public had raised their general concerns about corruption at the Council, about "dirty deals" being done, especially in planning matters. The Labour Party had been working to improve that perception and this issue had damaged that. The matter had been referred to the Police and the Electoral Commission.

A number of members of the public had expressed concerns regarding officer and member corruption. He knew this was not true and this was a misplaced, albeit firm, belief. He felt that the leaflet was intended to cast aspersions about the Labour Party and it confirmed the public perception of corruption. He was concerned that the wording in the leaflet could be used over and over again, if not corrected.

The outcome that Councillor Legrys was seeking from the complaint was:

- that the issue be fully investigated;
- that this investigation be done by an independent external person.

He understood that the sanctions available to the Council, if a breach of the Code was proven, was limited. However, this was about putting the record straight. Councillor Legrys confirmed he was happy for the Monitoring Officer to meet with Councillor Cotterill.

m117jf

NOTES OF A MEETING WITH COUNCILLOR COTTERILL

10 JUNE 2013

COMPLAINT FROM COUNCILLOR LEGRYS

The Monitoring Officer explained the nature of the complaint from Councillor Legrys. Councillor Cotterill offered the following explanation / information.

Councillor Otter, a Hugglescote and Donington le Heath Labour Parish Councillor, had arranged for the inclusion of Councillor Eynon's leaflet inside the Parish Council newsletter. Councillor Otter was responsible for the arrangements and production of the Parish Council newsletter. It had happened before when, a few months ago, a leaflet had been included with the newsletter which was along the lines of "your Labour parish councillors are" and named them.

Councillor Cotterill said that by including Councillor Eynon's leaflet within the magazine, it gave the impression that the Parish Council supported the candidate. The Monitoring Officer explained that Councillor Legrys' understanding was that the leaflet had been paid for separately and had, coincidentally, been distributed by the same courier. The courier had, for efficiency, chosen to fold all the leaflets (including for food and other businesses) inside the newsletter when it had been posted through the letter boxes.

Councillor Cotterill said that the matter was discussed at the Parish Council meeting before the elections. After the discussion councillors left the room. Councillor Palmer and Councillor Legrys had a discussion about it in the kitchen at the Parish Council offices. Councillor Palmer repeated this conversation to Councillor Cotterill. It is suggested that Councillor Legrys asked Councillor Palmer "what's upset my wife". Councillor Palmer had told him. On Councillor Eynon joining them in the kitchen it is claimed that Councillor Legrys said to her "I told you not to do this".

Councillor Cotterill said that the Parish Council should have known about what was going out with the newsletter. It should have been made clear to the distributor when the contract was set up.

Councillor Cotterill disagreed that his leaflet brought this office into disrepute. The matter had been referred to the Electoral Commission.

When asked what outcome he wished to see from this complaint, Councillor Cotterill said that he supported the Standards regime, but not when it was used for a political tool. It was being used for political purposes in this case. He declined to apologise as he felt the content of his leaflet was accurate.

He had delivered about 500 of the leaflets.

The Monitoring Officer concluded the meeting and explained that she would inform Councillor Legrys of Councillor Cotterill's position.

m118jf



From: John Legrys [REDACTED]
Sent: 26 June 2013 17:11
To: ELIZABETH WARHURST
Subject: Re: Complaint re Cllr Cotterill

Sorry - I forgot to give you an answer

Having thought long and hard on the situation and your earlier comments, I continue to feel that the issue should be considered by the appropriate process please

JL

Councillor John Legrys [REDACTED]

On 26 Jun 2013, at 17:01, ELIZABETH WARHURST
<ELIZABETH.WARHURST@NWLeicestershire.gov.uk> wrote:

Dear Cllr Legrys,

I wondered whether you had the opportunity to consider this matter. I do appreciate that you have had an awful lot on in the last week or so and may not, given events, had the opportunity to discuss the issue at the labour group meeting last week.

Kind Regards

Elizabeth

From: ELIZABETH WARHURST
Sent: 17 June 2013 08:52
To: 'John Legrys'
Subject: RE: Complaint re Cllr Cotterill

Dear Cllr Legrys,

Thank you for your email. No need to apologise. I just thought it was unusual not to have heard from you, so wanted to check that you had received the first email, that I'd used the right email address.

I'll wait to hear from you, following your meeting tonight.

Regards

Elizabeth

From: John Legrys [REDACTED]
Sent: 17 June 2013 06:42
To: ELIZABETH WARHURST
Subject: RE: Complaint re Cllr Cotterill
Importance: High

Apologise for not replying sooner - I have been overwhelmed recently

I will consider your comments during the day and discuss with the Labour leadership tonight at Group

Many thanks

[REDACTED]

[REDACTED]



From: ELIZABETH WARHURST
Sent: 10 June 2013 16:54
To: 'John Legrys'
Subject: Complaint re Cllr Cotterill
Importance: High
Sensitivity: Confidential

Dear Cllr Legrys,

Further to our meeting on 22 May, I have now met with Cllr Cotterill. I explained to Cllr Cotterill what your complaint was about. I took him through what you told me at the meeting. In summary, Cllr Cotterill said that the election leaflet should not have been in/with the parish council newsletter, that the parish council should have taken steps to know what was being sent with the news letter, that he had been factual about what happened in his leaflet (about which you complain) and that he had not brought the council into disrepute.

How would you like to proceed now?

You'll recall that I explained that, if a complaint is not able to be resolved informally, then I will refer it to the Assessment Sub-committee. They will decide whether the complaint should be investigated or no further action taken. In terms of taking the informal resolution further – I have in the past arranged for the complainant and the subject member to meet with me to discuss the complaint and see if they can agree the way forward. It would be possible to ask the independent person to attend. Please can you advise what you would like to do now?

I am around tomorrow for Cabinet if you would like to discuss then.

Kind Regards

Elizabeth

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JULIE FINUCANE

From: ELIZABETH WARHURST
Sent: 26 June 2013 17:42
To: JOHN COTTERILL
Subject: FW: CONFIDENTIAL : Complaint

Dear Cllr Cotterill,

I have just received a reply from Cllr Legrys. He has asked that the matter proceed through the process. As you both have opposing views on the issue, it would seem that informal resolution is not possible. I will ask for an Assessment Sub-committee to be convened. It could be that due to availability of members and myself, the meeting may take place in August.

As you know, I will explain to members the nature of the complaint, the steps that have been taken to informally resolve the matter and the decisions available to them. Members can decide that no further action should be taken, that the matter be investigated or that other action be taken.

I will update you further in due course. In the meantime, please do contact me if you would like to discuss further.

Kind Regards

Elizabeth

From: ELIZABETH WARHURST
Sent: 26 June 2013 17:08
To: JOHN COTTERILL
Subject: FW: CONFIDENTIAL : Complaint

Dear Cllr Cotterill,

I wanted to update you on the complaint further to your meeting with me on 10 June. Following our meeting I emailed Cllr Legrys and explained your thoughts on the complaint. In summary, that you said that the election leaflet should not have been in/with the parish council newsletter, that the parish council should have taken steps to know what was being sent with the news letter, that you had been factual about what happened in the leaflet and that you did not feel that you had brought the council into disrepute. I explained about the next steps in the process, in terms of referral to the Assessment Sub-committee should informal resolution prove not to be possible. I asked how he wished to proceed. Cllr Legrys has replied to say that he is considering the matter but has not yet confirmed his view.

I have emailed him again today. I will update you as soon as I have something further to report.

Kind Regards

Elizabeth

From: ELIZABETH WARHURST
Sent: 22 May 2013 12:28
To: JOHN COTTERILL
Cc: JULIE FINUCANE
Subject: CONFIDENTIAL : Complaint

Dear Cllr Cotterill,

I have received a complaint about you in connection with the leaflet which was produced and circulated around the time of the County Elections entitled "councillors resign from parish council amid misuse of funds row". The complaint has been made by Cllr Legrys under the Council's code of conduct.

As you know, under the Arrangements for dealing with complaints, there is an opportunity at the start of a matter to see whether the complaint can be resolved informally, without recourse to the Standards Committee process. The complaint is at this stage. I have met with the complainant today and would now like to meet with you please to understand your view of the matter.

By copy of this email, I have asked Julie to contact you to arrange a mutually convenient time to meet. I am on leave for a few days next week, back in the office on Friday 31 May.

Kind Regards

Elizabeth



Elizabeth Warhurst
Head of Legal and Support Services and Monitoring Officer

Direct line: 01530 454762
Email: elizabeth.warhurst@nwleicestershire.gov.uk
Web: www.nwleics.gov.uk

COUNCILLORS RESIGN OVER MISUSED FUNDS ALLEGATION

'I find it extraordinarily naive that a candidate could do this' – Cotterill

By LOUISE STEEL

TWO councillors have resigned from Hugglescote Parish Council following allegations that one of its members has misused funds to deliver political literature in the run up to the County Council elections.

Councillor John Cotterill, District Councillor for the Hugglescote and Ellistown ward, announced his resignation along with Independent Councillor Stephen Palmer after the allegations came to light last week.

Other councillors are also considering their position. Cllr Cotterill tendered his resignation on Tuesday, April 23, following a meeting where several reports were made of Labour County Council leaflets promoting Parish Councillor Terri Enyon, which were distributed alongside



John Cotterill



Terri Enyon

Parish Council notices. The parish council had paid for the distribution of the Parish Notices.

Cllr Cotterill said: "I am appalled that political material has been distributed alongside parish notices paid for by the taxpayer. I find it extraordinarily naive that a candidate could do this and think

it is acceptable. Having spoken to fellow councillors who are not affiliated to a political party, it is clear that they feel the same. This is a gross misuse of the precept charged to the residents of Hugglescote.

In added: "I understand a complaint has been made to the electoral committee

on the matter and I trust it will be properly investigated."

Councillor Terri Enyon defended the allegations, by stating that as with "any other organisation political parties are permitted to pay for leaflet distribution."

She said: "An agreement was made for Labour Party leaflets in the Hugglescote and Darnington Le Heath ward to be delivered by the same marketing organisation that delivers a non-political parish newsletter."

"This contract was made separately to the agreement this organisation has with the parish council."

"We regret that some Councillors doubt the integrity of the parish council and wish to make it clear that Labour party leaflets are printed, published and delivered at party expense and at no cost to the public."

Hugglescote Parish Council were not prepared to comment on the situation at the time of going to press.



JUNIOR SOLICITOR OF THE YEAR

A MEMBER of staff from North West Leicestershire District Council's legal team has been named Junior Solicitor of the Year 2013 by the Leicestershire Law Society.

Sam McInty, a solicitor who joined the council in 2011, was awarded the coveted title at a ceremony held earlier this month.

Elizabeth Wainwright, head of legal and democratic services at North West Leicestershire District Council, said: "We are very proud that Sam has been recognised and named as junior solicitor of the year."

"This accolade is a testament to his hard work, enthusiasm and commitment in providing a consistent and high quality service for our clients and reflects the council's dedication to developing a high achieving workforce in a supportive environment."

The judges were district judge, Vera Stamenkovich, David Monk from University of Leicester School of Law, Sherrin Purple from De Montfort University School of Law and the Leicester Mercury's David Binn.

Speaking about his success, Mr McInty said: "I am really pleased to receive the award."

"I enjoy my role at the council and the pro bono work I undertake in Leicestershire and it is an honour to have this recognised externally."

Driver left in critical condition after crash

A DRIVER has been left in a critical condition following a road traffic collision in the Parish of Charley.

The collision happened at around 7.05am on Friday April 26, 2013 on the B591 Copt Oak Road just south of Bawden Cottages.

It involved a silver Vauxhall Astra.

The driver of the Astra received serious injuries and is currently at the University Hospital of Coventry and Warwickshire in a critical condition.

Detective Constable Paul Bingham, the investigating officer, said: "A JCB tractor and trailer were in the area at the time but not involved in the collision."

"We would like to speak to anyone who witnessed the collision or saw either vehicle beforehand to please contact us."

Anyone with information is asked to contact DC 1288 (Paul Bingham) on 101, or Crimestoppers, which is free and anonymous, on 0800 555 111.

HEAPS OF ADVICE ON COMPOSTING

HEAPS of advice about composting is being made available at a series of roadshows being held at a Coalville attraction.

Master composters will be

on hand to offer free advice at Sibleton Discovery Museum between 12-4 on May 4, 5 and 6.

Further dates are to be held on Wednesday, May 8

and Saturday, May 11 between the same times.

All events are to take place at the museum's 'Compost Corner' in aid of Compost Awareness Week (May 6-12).

Myles and Paris train with Olympic athlete

MANOR House School pupils have trained with an Olympic athlete.

Two pupils from Ashby Manor House school are jumping in at the deep end to achieve their dream of competing in future Olympic Games.

Brother and sister Myles and Paris Haywood train every Wednesday morning, when most of us are just waking up, in the form of having swimming lessons

with Commonwealth and Olympic swimmer, Melanie Marshall.

Paris said: "I am really looking forward to working with an Olympic swimmer. I don't mind getting up extra early to train. I've been swimming since I was three and really love it."

Everyone at the Manor House School wishes every success to Paris and Myles and can't wait to see them on television.

TWO MEN CHARGED WITH ROBBERY

TWO men have been charged as part of an investigation into a robbery in Coalville.

The robbery happened in Broom Leys Road at approximately 11.30pm on Friday March 29, when a 70-year-old man was attacked from behind by two people. He was hit on the head, knocking him to the ground, and his wallet was taken.

The victim was treated in hospital for cuts and bruising.

Last Sunday, April 28, two men, aged 18 and 22-years-old, were arrested in connection with the incident and subsequently charged with robbery.

They appeared before Loughborough Magistrates Court on Monday, April 29.

GOT A STORY? TELL THE TIMES

01530 813101

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BACK IN TIME

Have you got any old photographs you'd like to share with readers of the Ashby, Coalville and Swadincote Times?

Have you got a mystery photo, need help identifying people, places or dates?

Then dust off your pictures and send them to:
Back In Time, Times Office, Bridge Road, Coalville, Leicestershire LE67 3QP

Photos will be looked after and returned.



GOT A STORY? TELL THE TIMES ON 01530 813101

