



PRIVATE AND CONFIDENTIAL

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Leicestershire County Council, into allegations concerning Councillor Charlesworth of Leicestershire County Council.

Dated: 14th May 2018

VOLUME 2 SCHEDULE OF EVIDENCE

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Appendix A

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Part 5 A

Members' Code of Conduct

PART 5A - MEMBERS' CODE OF CONDUCT

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF LEICESTERSHIRE COUNTY COUNCIL

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

Part 1 – General Provisions

Introduction

- 1.1 This Code applies to **you** as a member of Leicestershire County Council ('the Authority').
- 1.2 You should read this Code in conjunction with the Procedure Rules as detailed in the Constitution.
- 1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

Interpretation

- 1.4 In this Code:
 - 1.4.1 "**co-opted member**" means those members who are not elected members of the Authority, but who are co-opted and have voting powers.
 - 1.4.2 "**meeting**" means any meeting of:
 - (a) the Authority;
 - (b) the executive of the Authority;
 - (c) any of the Authority's or its executive's committees, subcommittees, joint committees, joint subcommittees, or area committees.
 - 1.4.3 "**member**" means any person being an elected or co-opted member of the Authority.

Scope

- 1.5 You must comply with this Code whenever you:
 - 1.5.1 act in your capacity as a member or co-opted member of the Authority;

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- 1.5.2 conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed).
- 1.6 Where you act as a representative of the Authority:
 - 1.6.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - 1.6.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Part 2 – The Principles

- 2.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

Principle 1 - Selflessness

Holders of public office should act solely in terms of the public interest.

Principle 2 - Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Principle 3 - Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 - Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Principle 5 - Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6 - Honesty

Holders of public office should be truthful.

Principle 7 - Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.2. The above principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity.

Part 3 – General Obligations**Respect**

- 3.1 You must treat others with respect.
- 3.2 You must not:
- 3.2.1 do anything which may cause the Authority to breach any of the equality enactments;
 - 3.2.2 bully any person;
 - 3.2.3 intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings;
 - 3.2.4 in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

Confidentiality

- 3.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- 3.3.1 you have the consent of a person authorised to give it;
 - 3.3.2 you are required by law to do so;
 - 3.3.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 3.3.4 the disclosure is:
 - (i) reasonable and in the public interest; and

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- (ii) made in good faith and in compliance with the reasonable requirements of the Authority.

3.4 You must not prevent another person from gaining access to information to which that person is entitled by law.

Reputation of the Authority

3.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

Use of your position and the Authority's resources

3.6 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

3.7 You must, when using or authorising the use by others of the resources of the Authority:

3.7.1 act in accordance with the Authority's reasonable requirements;

3.7.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

Publicity

3.8 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

Decision making

3.9 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Authority acting pursuant to their statutory responsibilities (including a proper officer designated by the Authority), or advisors to the Authority.

3.10 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

3.11 You must follow the adopted corporate operational policies of the Authority.

Part 4 – Interests

A. Disclosable Pecuniary Interests

Definition

- 4.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description specified in regulations made by the Secretary of State and the interest is:
- (a) yours;
 - (b) your spouse's or civil partner's;
 - (c) somebody with whom you are living as husband and wife or as if you are civil partners;
- and you are aware, in the case of paragraphs (b) and (c) that that other person has the interest.

[Note 2: the regulations currently in force are attached but do not form part of the Constitution determined by the Authority, as they may be amended by the Government at any time.]

Declaring at and participation in meetings

- 4.2 If you are present at any meeting of the Authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:
- 4.2.1 you must disclose the interest to the meeting whether or not it has been registered;
 - 4.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
 - 4.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.3 Where you have a Disclosable Pecuniary Interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

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- 4.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the Authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

[Note: In addition, Standing Order 30 requires you to leave the room where the meeting is held while any discussion or voting takes place.]

- 4.5 Where an executive member may discharge functions alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

B. Personal Interests**Definition**

- 4.6 You have a personal interest in any business of the Authority where either:

4.6.1 it relates to or is likely to affect:

4.6.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;

4.6.1.2 any body:

(i) exercising functions of a public nature;

(ii) directed to charitable purposes; or

(iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);

of which you are a member or in a position of general control or management.

4.6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

or

4.6.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

- 4.7 For the purposes of paragraph 4.6, a 'relevant person' is:
- 4.7.1 a member of your family or any person with whom you have a close association; or
 - 4.7.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
 - 4.7.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or
 - 4.7.4 any body of a type described in sub-paragraph 4.6.1.1 or 4.6.1.2.

Declaring at and participation in meetings

- 4.8 Subject to paragraph 4.10 below, where you have a Personal Interest in any business of the Authority and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the Authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- 4.9 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.
- 4.10 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the Authority's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

C. Personal Interests which might lead to bias

Definition

- 4.11 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section A of Part 4 of this Code, you have a Personal Interest which might lead to bias in any business of the Authority where:
- 4.11.1 you have a 'Personal Interest' as defined in paragraph 4.6 and 4.7 above; **and**
 - 4.11.2 that 'Personal Interest' is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so

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significant that it is likely to prejudice your judgement of the public interest.

- 4.12 The provisions of paragraph 4.11 shall be applied in such a manner as to recognise that this Code should not obstruct a members service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

Declaring at and participation in meetings

- 4.13 If you are present at any meeting of the Authority, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs 4.14 and 4.15 below, at the meeting:
- 4.13.1 you must disclose the interest to the meeting (whether or not it is registered);
 - 4.13.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
 - 4.13.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.14 Where you have a Personal Interest which might lead to bias in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 4.15 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Personal Interest which might lead to bias, if the matter relates to:
- 4.15.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;
 - 4.15.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - 4.15.3 an allowance, payment or indemnity given to members;

- 4.15.4 any ceremonial honour given to members; or
- 4.15.5 setting council tax or precept under the Local Government Finance Act 1992.

D. Registration of interests

- 4.16 Subject to paragraph 4.18 (Sensitive Interests), you must within 28 days of:
- (a) the adoption of this Code; or
 - (b) your election or appointment to office as a member (where that is later);
- notify the Monitoring Officer in writing of :
- (i) any Disclosable Pecuniary Interest, as defined in paragraph 4.1 above; and
 - (ii) details of your Personal Interests where they fall within the category mentioned in paragraph 4.6.1 above.
- 4.17 Subject to paragraph 4.18 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 4.6.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

E. Sensitive Interests

- 4.18 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

F. Dispensations

- 4.19 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the Council may grant you a dispensation in accordance with rules and procedures established by the Authority.



IN CONFIDENCE

Leicestershire
County Council

From County Councillor Dr Terri Eynon

28th September 2017

1 Wyggeston Road
Coalville
Leicestershire
LE67 3RE

01530 832622

Lauren Haslam
Monitoring Officer
(By hand)

Dear Lauren,

Re Comments from Michael Charlesworth CC

I wish to raise a concern regarding remarks made during the Council debate last Wednesday 27th September.

I recognise that the matter under discussion was sensitive. I respect the duty of Opposition Councillors to scrutinise and to oppose. I am concerned that, as part of a longer speech, which provided a robust critique of the Councillor's remuneration review process, Mr Charlesworth made the following statement (as transcribed from the webcast):-

"The Panel Members, David Wilson, Jane Kelly and Michael Pearson, I believe have not come to these recommendations independently. I feel they have been guided through this process and done what was expected of them."

I am concerned that Mr Charlesworth appears to call into question the integrity of the members of the Independent Remuneration Panel. Not only is this insulting to the individuals so publicly named. It also risks bringing the Council, its processes and all Elected Members into disrepute.

I believe that Mr Charlesworth's comments show a lack of objectivity. I hope that, after quiet reflection, he may be prepared to withdraw them. I would be grateful if you could take appropriate action under the Members Code of Conduct to achieve a suitable resolution.

Yours Sincerely,

Dr Terri Eynon MRCPsych MRCGP
County Councillor for Coalville North and Labour Group Leader
Leicestershire County Council

C.c. John Sinnott, Nicholas Rushton

Members Group Room Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3
8RA Telephone: 0116 232 3232www.leics.gov.uk

**STATEMENT
FRONT COVER**

Case Ref:	
Name:	Theresa Eynon
Position Held:	County Councillor

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solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
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STATEMENT of:- Theresa Eynon

1. I am the elected councillor for Coalville North of Leicestershire County Council. I was first elected in May 2013 and re-elected in May 2017.
2. I completed my induction training when first elected into office and have since had a number of further inputs on the member code of conduct.
3. I have signed the declaration of office which also includes that I, as an elected Councillor, will abide by the Leicestershire County Council Members' code of conduct.
4. I represent the Labour Party and am its current Group Leader on the Council. I am also a member of the Council's Scrutiny Committee.
5. As the Labour Party Group Leader, I see that it is one of my duties to ensure that my members abide by the Council's Members' code of conduct.
6. Following the election in May 2017 Leicestershire County Council appointed an independent panel to sit and review members' allowances. This panel is a non-political panel which should be and is outside the influence and control of elected Council members.
7. Members of the independent panel are selected by Senior Council officials and authorised by the Chief Executive.
8. The panel sat and they were supplied by Council officers with any changes that had come into place since the last review. Again, this was part of the necessary process for the panel to consider all relevant information when discussing and deciding on their recommendations.
9. Within the process there is the availability for Party Group Leaders to put forward any views and opinions before the panel bring their draft paper back to the Group Leaders for any comments.

10. In this case the Labour and Liberal Democrats did make comments on some issues however the Conservative group did not.
11. At 2pm on Wednesday 27 September 2017 I attended a full County Council meeting of Leicestershire County Council held in the Council Chamber, County Hall, Leicester.
12. The meeting was a regular council meeting attended by councillors of all parties and Chaired by the elected chair Councillor Mrs Janice Richards.
13. Sat next to the chair were the Chief Executive of the Council and Lauren Haslam, Director of Law and Governance of the Council and Monitoring officer.
14. The meeting was an open meeting with the public and media allowed to be present.
15. I am also aware that the meeting is recorded live, via the Council's webcast allowing anyone to watch and listen to the debate as it happens. It is also recorded and downloaded on the Council's website to enable anyone access to the running and workings of debate and decision making of the Council.
16. The meeting was opened by the chair and items on the agenda were debated and discussed as per normal Council business.
17. The item producing the independent paper was introduced by Councillor Rushton who moved that the Council accepted the recommendations. He made a number of comments thanking the panel for the work they had done on behalf of the Council. The motion was seconded by Councillor Dr Feltham who spoke briefly and reserved his right to speak later.
18. It was then that the chair allowed Councillor Charlesworth to address the Chamber and he rose in order to speak. I could see that he read from a sheet of paper and continued without interruption.

19. Since the Council meeting, I have viewed the webcast and read the transcript that was prepared from it. I can say that the transcript is correct to my knowledge and belief and a true reflection of what Councillor Charlesworth said.
20. I refer to the transcript as below:- Councillor Charlesworth said,

"I'll begin with the resources implications, page 79 under paragraph 4 mentions a saving of £235,000 per annum, that's fine as part of the democratic process but has got absolutely nothing to do with Members' Allowances and while we've got rid of two Cabinet members this has to be balanced against the new Conservative policy adviser to the Cabinet at a cost of £30,000 plus. How on earth did Highway Forums get included, surely everything we as members do here is part of the democratic process but that does not make it part of the Members' Allowances Scheme, and the Highway forums certainly weren't.

The abolishment of the political assistants is a politically motivated move and expecting the Whips to pick up this line of work is short-sighted and damaging to the role of being a County Councillor.

The Panel states in its report that members are accountable in multiple ways for monitoring the internal and external performance of the Council. They have just made it much more difficult for members of the opposition to do that, the role of all members, including the ruling party, is to hold the Executive to account. Doing an annual report is, I believe, a futile attempt gesture that about 4 people will read. As for the savings of the Local Government Pension Scheme, that decision was taken elsewhere. It appears Christmas has come early for the Conservative group; the wish list that was sent to the Panel has been delivered in full.

In paragraph 33 of the report the Panel noted a disparity in pay to Opposition Leaders, this was outside the scope of the review and I am doubtful whether they noticed it themselves or more likely it was brought to their attention. The Panel then contradicted itself when looking at the methodology of determining the SRAs. They have treated all Group Whips equally with the proposal of £59 per member but they haven't applied this rationale to the Group Leaders. If the Leader of the Council was

to be paid £684 per group member, as are the other Group Leaders, his SRA would be £24,624. We could have saved £11,600 if the Panel had been fair in its recommendations. It seems to me the controlling group has engineered a process that has enriched them at the expense of council tax payers.

With the Cabinet posts, Fire Authority appointments, Committee Chairs and now Deputy Chairs the Leader has effectively greased the palms of nearly all 36 tory members. Of course the Conservative Group did not make any recommendations to the Panel, they didn't need to; they knew what the outcome would be.

The Panel members, David Wilson, Jane Kelly and Michael Pearson, I believe have not come to these recommendations independently. I feel they have been guided through this process and done what was expected of them.

Independent: dictionary definition: free from control in action and judgement, autonomous, not dependent on anything else for function, not reliant on the support of others. That is the definition of independent. The report clearly shows that is not the case, even allowing for the deletion of the two Cabinet posts the cost of Members' Allowances Scheme has increased. If you are happy to increase Members' Allowances then by all means vote for these recommendations."

21. I recognise that the matter under discussion was sensitive. There is a need for Councillors who have strong views to be able to robustly challenge others' views and opinions through debate. In fact, I believe it is the duty of councillors to do so.
22. I firmly believe, however, that on this occasion Councillor Charlesworth went far beyond the accepted line of behaviour expected of an elected councillor.
23. I was particularly concerned in respect of the words used, *"The Panel members, David Wilson, Jane Kelly and Michael Pearson, I believe have not come to these recommendations independently. I feel they have been guided through this process and done what was expected of them"*.

24. He continued:-

“Independent: dictionary definition: free from control in action and judgement, autonomous, not dependent on anything else for function, not reliant on the support of others. That is the definition of independent. The report clearly shows that is not the case, even allowing for the deletion of the two cabinet posts the cost of the members allowance Scheme has increased. If you are happy to increase members allowances then by all means vote for these recommendations “.

25. It is my view that Councillor Charlesworth’s comments appear to call into question the integrity of the members of the Independent Remuneration Panel. Not only is this insulting to the individuals, it also risks bringing the Council, its processes and all its elected members into disrepute.

26. I believe that Councillor Charlesworth’s comments showed a lack of objectivity and were not those I wish to be associated with. I feel that they breach the Members’ Code of Conduct which we, as councillors, should strive to adhere to at all times.

27. At the time Councillor Charlesworth made the comments I refer to it was apparent that I was not alone with my views. There was noise of discontent from other members present as these comments were being presented.

28. I know the chair, Councillor Richards, upon conclusion of Councillor Charlesworth’s comments, said:-


Mrs Richards – *“Can I ask Mr Charlesworth that you would apologise for making a personal comment please”.*

Mr Charlesworth Replied – *“No”.*

29. There were other speakers who spoke on the subject and when they had presented the motion was put to a vote. It was carried.

- 30. On 28 September 2017, I handed a written letter of complaint to Lauren Haslam ,the Monitoring Officer, in respect of the conduct of Councillor Charlesworth at the meeting, requesting that the issue should be investigated under the Members Code of Conduct.

I Theresa Eynon declare that this statement is true and accurate to the best of my knowledge and belief.

Signed  Date 3/2/18



28th September 2017

Attn: Lauren Haslam
Monitoring Officer
(by hand)

Dear Lauren

Re Michael Charlesworth CC

I was appalled at the comments made at the County Council meeting on 27th September 2017 by Mr Charlesworth, during the debate on the report of the Independent Remuneration Panel on Members' allowances.

Despite being given the opportunity to withdraw his comments and to apologise by the Chairman, he refused.

Consequently, I should like to make an official complaint to the Monitoring Officer and ask that the matter be investigated as a potential breach of the Members Code of Conduct, namely section 3.1- treating Members with respect.

I also feel that his comments brought disrepute to the office of an elected member and to the reputation of the County Council.

Every elected member signs the Code of Conduct and agrees to be bound by its provisions, particularly the Nolan principles on Standards in Public Life.

Yours sincerely

Nicholas Rushton CC
Leader of the Council

Copy to: John Sinnott, Dr Eynon CC

Cabinet Office
Leicestershire County Council, County Hall, Glenfield, Leicestershire. LE3 8RA
Telephone: 0116 3057453
Email: nicholas.rushton@leics.gov.uk

STATEMENT FRONT COVER

Case Ref:	
Name:	Nicholas Rushton
Position Held	Leader of Leicestershire County Council.

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26 Chantry Lane,
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STATEMENT of:- Nicholas Rushton

1. I am the elected Conservative County Councillor for the Valley District of Leicestershire and have been so since 1989. I have been the elected Leader of Leicestershire County Council since 2012.
2. I am fully aware of the Members' Code of Conduct and the manner in which elected members should act when conducting Council business.
3. I have signed the declaration of office which states that I will abide by this Code of Conduct and agree to be bound by its provisions, particularly the Nolan principles on Standards in public life.
4. I am also of the view that it is extremely important that elected members should, at all times, conduct themselves appropriately as representatives of their Party and of Leicestershire County Council.
5. As Leader of the Council one of my tasks is to Chair all Cabinet meetings.
6. In May 2017, following the County Council elections, an independent panel was set up by Leicestershire County Council to review the remuneration on Members' allowances.
7. The panel was selected by Council Officers and approved by the Chief Executive, without any influence from political parties.
8. The panel are supplied with any updates and changes that have taken place since the last review. This is to enable the independent panel to have all the necessary up to date information so it can make informed decisions and recommendations, to put before full Council for consideration.

9. The contact and setting up of panel members is a matter for the Chief Executive. Group Leaders are however informed of the members and the content of the information which is being given to the panel and have the opportunity to make comments.
10. I was aware that the members were Professor David Wilson a former deputy Vice-Chancellor, Jayne Kelly a former solicitor and a Michael Pearson a former bursar and Finance Director and Monitoring Officer.
11. I and my party were fully satisfied with the panel and the skills which they brought to the review process.
12. The Panel sat and, with support from the Head of Democratic Services and Head of Member Services, produced their review and findings.
13. Group leaders and parties do have sight of the report prior to its submission and can make comments if they wish. The Conservative Party did not wish to make any comments on the independent review. The Liberal Democrat and Labour Party did make comments.
14. The review paper was an agenda item at the full Council meeting held on 27 September 2017. I presented the report and thanked the panel for all their hard work and commitment. The item was seconded by Councillor Dr Feltham.
15. The Chair then allowed Councillor Charlesworth to speak. I have read the transcript prepared by a Council officer and can say that it is a true reflection of what Councillor Charlesworth said. He read from a sheet of paper and said:-

"I'll begin with the resources implications, page 79 under paragraph 4 mentions a saving of £235,000 per annum, that's fine as part of the democratic process but has got absolutely nothing to do with Members' Allowances and while we've got rid of two Cabinet members this has to be balanced against the new Conservative policy adviser to the Cabinet at a cost of £30,000 plus. How on earth did Highway Forums get included, surely everything we as members do here is part of the democratic process but that does not make it part of the Members' Allowances Scheme, and the Highway forums certainly weren't.

The abolishment of the political assistants is a politically motivated move and expecting the Whips to pick up this line of work is short-sighted and damaging to the role of being a County Councillor.

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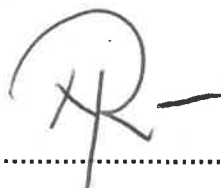
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the case, even allowing for the deletion of the two Cabinet posts the cost of Members' Allowances Scheme has increased. If you are happy to increase Members' Allowances then by all means vote for these recommendations."

16. The chair then asked Councillor Charlesworth to apologise saying, "Can I ask Mr Charlesworth that you would apologise for making a personal comment please."
17. Councillor Charlesworth replied, "No".
18. It was clear that Members were not content with what Councillor Charlesworth had said as there were rumblings.
19. I was appalled at his comments and felt that he brought disrespect to the office of an elected Member and to the reputation of the County Council.
20. I fully accept that it is an elected Member's right to challenge, sometimes robustly, during debate and it is a necessary part of the democratic process that takes place. I do, however, feel that Councillor Charlesworth's personal comments about the independent panel were both unjust and unfair and not in the manner in which any councillor should conduct themselves.
21. The Chair, following the comments, asked councillor Charlesworth if he wished to apologise for his comments which he declined. The Chair then asked for a record to be made.
22. The debate continued, and the motion was carried.
23. I am, as all Members are, aware that the meeting is recorded and a live webcam is broadcast for anyone to view. The meetings are open to members of the public and media.
24. I was not satisfied by the comments and actions by Councillor Charlesworth and the next day handed a written complaint in respect of these and in my view the breach of the Code of Conduct and Nolan principles to the Council's Monitoring Officer, Lauren Haslam.

I Nicholas Rushton declare that this statement is true and accurate to the best of my knowledge and belief.

Signed



Date

2nd February
2018.

STATEMENT FRONT COVER

Case Ref:

Name: Councillor Janice Richards

Position Held: Chairman of Leicestershire
County Council.

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08 FEB 2017

wilkin chapman llp

STATEMENT of:- Councillor Janice Richards

1. I am the elected Conservative County Councillor for the Earl Shilton District of Leicestershire. I was first elected to Hinckley & Bosworth Borough Council in 2007 and elected to the County Council in 2009. May 2017 being my third period of office.
2. I am fully aware of the Members' Code of Conduct and the responsibility this set upon all of us as councillors.
3. I first signed my declaration of office in 2009 and have received Member Code of Conduct training along with updates upon re-election.
4. On 17 May 2017 I was elected as Chairman of Leicestershire County Council. This post is voted on by all parties of the Council.
5. It is expected that the holder of this office and as Chairman of the Council meetings acts in a non-political manner and maintains impartiality whilst chairing meetings, as well as when attending and representing the Council in the roll of Chairman of the Council.
6. I endeavour at all times to be impartial allowing elected members their democratic right to speak at Council meetings whilst maintaining order and making sure that the Council's business and work is able to flow in the correct, timely and appropriate manner that it should.
7. I also endeavour to distance myself from any personal political opinion and political business whilst acting in my role as Chair of the Council.
8. On Wednesday 27 September 2017 there was a full member meeting of the County Council. It commenced at 2pm and I was chair of that meeting.
9. I was sat in the Chairman's seat and next to me were the Chief Executive, Mr John Sinnott and Lauren Haslam, Director of Law and Governance to the Council.

10. The minutes were being taken by Council officials from the Democratic Services department. The meeting was also being recorded on the Council's Webcast, both visually and in sound. This is a live Webcast which allows any member of the public or media to view the proceeding live.
11. It is the responsibility of the Democratic Services Department to see that this is carried out and working correctly and to ensure that the openness of such Council meetings are being conducted.
12. The meeting is an open meeting in which any member of the public and/or media can be present.
13. I opened the meeting at 2pm as normal. Councillors of all parties were present along with Council officers.
14. There were a number of agenda items which were presented and dealt with in the normal manner, without incident.
15. The next item was to present the paper of the Independent Remuneration Panel on member allowances. Councillor Rushton presented the paper and thanked the Independent Panel for their work in coming to their views. I recall Councillor Dr Feltham seconded the motion and reserved his right. This would enable him to speak at the end of debate.
16. I then allowed Councillor Charlesworth to speak. He stood and then spoke, reading from a paper he held in his hand. At first there was no issue however I soon became concerned as to the content of his presentation.
17. I have read and viewed the webcam and read the transcript prepared from it, I can say that it is my view that the transcript prepared by Council officers is correct and the same as my recollection of what Councillor Charlesworth said.
18. From the transcript of the meeting Councillor Charlesworth said:-

"I'll begin with the resources implications, page 79 under paragraph 4 mentions a saving of £235,000 per annum, that's fine as part of the democratic process but has got absolutely nothing to do with Members' Allowances and while we've got rid of two

Cabinet members this has to be balanced against the new Conservative policy adviser to the Cabinet at a cost of £30,000 plus. How on earth did Highway Forums get included, surely everything we as members do here is part of the democratic process but that does not make it part of the Members' Allowances Scheme, and the Highway forums certainly weren't.

The abolishment of the political assistants is a politically motivated move and expecting the Whips to pick up this line of work is short-sighted and damaging to the role of being a County Councillor.

The Panel states in its report that members are accountable in multiple ways for monitoring the internal and external performance of the Council. They have just made it much more difficult for members of the opposition to do that, the role of all members, including the ruling party, is to hold the Executive to account. Doing an annual report is, I believe, a futile attempt gesture that about 4 people will read. As for the savings of the Local Government Pension Scheme, that decision was taken elsewhere. It appears Christmas has come early for the Conservative group; the wish list that was sent to the Panel has been delivered in full.

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With the Cabinet posts, Fire Authority appointments, Committee Chairs and now Deputy Chairs the Leader has effectively greased the palms of nearly all 36 tory members. Of course the Conservative Group did not make any recommendations to the Panel, they didn't need to; they knew what the outcome would be.

The Panel members, David Wilson, Jane Kelly and Michael Pearson, I believe have not come to these recommendations independently. I feel they have been guided through this process and done what was expected of them.

Independent: dictionary definition: free from control in action and judgement, autonomous, not dependent on anything else for function, not reliant on the support of others. That is the definition of independent. The report clearly shows that is not the case, even allowing for the deletion of the two Cabinet posts the cost of Members' Allowances Scheme has increased. If you are happy to increase Members' Allowances, then by all means vote for these recommendations."

19. I was aware, due to some rumblings by Councillors in the Chamber, of what I took to be discontent with some of the content and words used by Councillor Charlesworth. This was in respect of the personal comments made about the independence of the panel and the fact that he felt that they did not act in an independent way.
20. I also felt that this was not the behaviour which is expected of an elected Councillor, calling into question the integrity of panel members who were neither present nor elected members of the Council.
21. I did feel that this was not correct and following his presentation asked him to apologise for his personal comments. I said, "can I ask Mr Charlesworth that you would like to apologise for making a personal comment please." Councillor Charlesworth replied, "No".
22. I then asked the officers from the Democratic Services Department and minute takers of the meeting to please make of note of this.
23. As Chair of the Council I am very keen to allow fair, well thought out debate by all political sides and differing opinions. I am also very keen to allow all speakers the chance to have their say and allow free speech in debate. This must, however, be in line with the Members' Code of Conduct and protocol.
24. I do believe that Councillor Charlesworth went beyond this in his statement by openly naming and criticising persons of an independent panel working on behalf of the Council.

- 25. I then allowed further debate and presentation on the subject by councillors following which the motion was voted upon and carried.
- 26. I did not take the matter further as I wished to remain independent. As Chair I felt that I had, by asking the minute taker to record proceedings and my request for an apology to be noted, acted in the best manner I could.
- 27. I became aware that complaints had been made to the Monitoring Officer in respect of Councillor Charlesworth's conduct.

I Janice Richards declare that this statement is true and accurate to the best of my knowledge and belief.

Signed J. Richards Date 6.2.2018

STATEMENT FRONT COVER

Case Ref:

Name: Mohamed Iqbal Seedat

Position Held Head of Democratic services.

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
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STATEMENT of: - Mohamed Iqbal Seedat

1. I am employed by Leicestershire County Council in the role of Head of Democratic Services. I have been employed by Leicestershire County Council since September 1982.
2. My role as Head of Democratic Services includes the management of the Democratic Services Team ensuring that we supply administration support for all Committee meetings, subcommittee meetings, providing advice on reports to such bodies making sure they are adequate and appropriate. I also support the Monitoring officer, Lauren Haslam in her role.
3. I am fully aware of the Members Code of Conduct and have received training and input on a number of occasions from the Monitoring Officer. I am also involved within my department in cascading the training on the Members Code of Conduct to officers within the Democratic Services Team and other staff at the Council.
4. As Head of Democratic Services, I am involved in the appointment of Independent Panels made up of members of the public who assist the Council on a number of matters from time to time.
5. The panel members are selected for their independence, integrity, skills and ability to examine and review issues requested by the Council.
6. Following the elections in May 2017 there was a need to review the remuneration on elected members' allowances. This review is conducted after each election as a matter of course.
7. Prior to the elections taking place I made sure that we, as a Council, had qualified and appropriate panellists available who were both willing and able to sit as the Independent Remunerations Panel, to review the current Member Allowances Scheme and produce a report on their findings and recommendations.

8. The Panel members selected were Professor David Wilson, a former deputy vice chancellor at De-Montfort University and someone who had chaired the Panel for some years, Jayne Kelly, a former local government solicitor and Michael Pearson, a former bursar and finance director. Jayne Kelly and Michael Pearson had recently been appointed to serve as independent members to deal with Standards and Conduct matters.
9. I was fully satisfied that the members held a range of roles and therefore had many different skills which they would bring to an independent panel and that they were appropriately experienced to properly review the allowances for Council members. In line with the decision of the Constitution Committee at its meeting in March 2006, the Chief Executive was asked to exercise his delegated powers and approve the membership of the Independent Remuneration Panel, which he did.
10. I and members of my section were responsible for updating the panel with information on changes that had taken place since the last Independent Remuneration Panel had carried out a similar review. This included details of the current governance arrangements within the Council, how the role of members had changed and the challenges now facing elected members in discharging their role.
11. The Group Leaders of political parties are given a draft of the paper which we intended to submit to the Panel and they were asked for any comments. The comments made were reflected in a revised draft. John Sinnott (the Chief Executive and Graeme Wardle (Head of Member Services) and I discussed the revised draft with Professor David Wilson, Chairman of the Panel who asked for some additional information and clarification. This was done and the Leaders of the three political groups were advised of the changes and asked for any further comments. None were received.
12. The Leaders are also made aware of the membership of the Panel and advised to submit comments as Political Groups if they so wished. The Labour and Liberal Democrat Leaders submitted written submissions and these were forwarded to members of the Panel. The Conservative Group chose not to make any comments.

13. The officers attending the Panel meeting with me were John Sinnott and Graeme Wardle. No members attended the meeting. The Panel worked their way through the report asking questions and seeking clarification as appropriate before making their recommendations.
14. Following the meeting a draft report was written by me and my colleague Graeme Wardle based on the discussions at the Panel meeting. That draft was then shared with Panel members who made comments and suggested changes which were incorporated in the final version.
15. Given the political sensitivity around the issue of member allowances, the final report was given to the three Group Leaders a few days prior to its circulation to the Constitution Committee at which point it became a public document.
16. The final report was completed and put to the Constitution Committee. The 3 Group Leaders serve on this Committee and at the meeting the report was agreed for submission to the full Council meeting for decision.
17. At 2pm on Wednesday 27 September the full Council meeting took place in the Chamber of County Hall.
18. The Chairman of the meeting was Councillor Richards. Sat with her were John Sinnott, the Chief Executive of the Council and Lauren Haslam, the Monitoring Officer.
19. I was sat below them with a member of my Section. We are responsible for the minutes of the meeting, the working of the webcast, order papers, notes and general assistance to the Chairman and Monitoring Officer in the correct running of the meeting.
20. I am able to say that the webcast was working correctly and both recording and relaying live to anyone who wished to view the Council meeting.
21. I have since viewed the webcast recording and transcript prepared from it and can say that both records are a true reflection of what took place at the meeting.

22. The meeting was opened by the Chairman and agenda items were debated as normal. Minutes were being taken and the webcast was recording.
23. The recommendations set out in the report of the Independent Remuneration Panel were proposed by Councillor Rushton, the Leader of the Conservative Group and the Council and seconded by Councillor Feltham, a member of the Constitution Committee. The Chairman then allowed Councillor Charlesworth to speak.
24. I noted that Councillor Charlesworth read from a piece of paper which he was holding. From the transcript of the meeting Councillor Charlesworth said:-

"I'll begin with the resources implications, page 79 under paragraph 4 mentions a saving of £235,000 per annum, that's fine as part of the democratic process but has got absolutely nothing to do with Members' Allowances and while we've got rid of two Cabinet members this has to be balanced against the new Conservative policy adviser to the Cabinet at a cost of £30,000 plus. How on earth did Highway Forums get included, surely everything we as members do here is part of the democratic process but that does not make it part of the Members' Allowances Scheme, and the Highway forums certainly weren't.

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25. It was during the later part of his speech that Members in the Chamber started to verbally challenge him and there were rumblings of what I felt was discontent with his comments.
26. On conclusion of Councillor Charlesworth's comments the Chairman, Councillor Mrs Richards, said:-

"Can I ask Mr Charlesworth that you would apologise for making a personal comment please."
27. Councillor Charlesworth replied "No".
28. The Chairman then asked me to make a note of his reply and what had taken place. I did that and reflected that in the minutes which I later produced.

- 29. The issue was further debated, and the motion was carried.
- 30. As an officer of the Council I was saddened and disappointed about the way in which Councillor Charlesworth spoke, openly criticising the members of the Independent Panel. The Independent Remuneration Panel members were not present and even if they were they would have had no right of reply to these comments. The Panel members had given their time as a public service and I felt the comments made were inappropriate and reflected very badly on the Council.
- 31. I totally accept that political debate can become heated between Councillors. However, these comments were personal and against independent people, and not Councillors.
- 32. The minutes of the meeting of 27 September 2017 were presented at the next Council meeting and signed as a true record.

I Mohamed Iqbal Seedat declare that this statement is true and accurate to the best of my knowledge and belief.

Signed  Date 13/02/2018

Questions to Councillor Charlesworth.

1. When were you first elected to the County Council?

2. Have you been an elected member of any other local authority? If so please provide details.

3. Are you familiar with the requirements of the Council's Code of Conduct?

4. Have you received training on the Code of Conduct? If so please provide details.

5. At the meeting of the Council on 27 September 2017 were you aware that members of the public may be present and that the meeting was being recorded and broadcast on a webcam?

6. When you spoke on the report of the Independent Remuneration Panel what exactly were your objections or concerns?

7. During the Independent Remuneration Panel's review were you or your Political Group consulted on any of the following matters:-
 - (a) the Panel membership?

 - (b) the information provided to the Panel?

(c) the draft and/or final report prior to publication?

8. At the Council meeting were your comments aimed directly at the members of the Panel?

9. Why did you personalise your comments by naming the members of the Panel?

10. Were you aware that the members of the Panel were not present at the meeting?

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