

Ethical Governance and Personnel Committee

DECISION NOTICE: BREACH OF THE CODE OF CONDUCT

Reference 2017/06

Subject Member: Councillor CW Boothby, Hinckley & Bosworth Borough Council

We notify all concerned parties in writing once we have determined a complaint. This decision notice will be sent to

- The person making the allegation
- The Subject Member

Complaint

The Ethical Governance and Personnel Committee considered a complaint that Councillor Boothby had allegedly breached the Hinckley & Bosworth Borough Council Code of Conduct by failing to treat the complainant in a respectful and courteous manner.

It was alleged that the subject member had failed to comply with the above by:

- (i) challenging the complainant in relation to where they had parked their car
- (ii) challenging the complainant's entitlement to a blue badge
- (iii) the manner in which he spoke to the complainant.

Code of Conduct

The committee had already agreed at a previous meeting that the relevant parts of the Code of Conduct were:

1. Obligations

You will:

1.2 Strive to establish respectful and courteous relationships with everyone you come into contact with as a member

Appendix 1 (Nolan Principles) also applied.

The committee established that Councillor Boothby had been acting in his capacity as Councillor at the time of the alleged actions. This was evident as he used his title as Executive member as a reason to take the actions. This is not disputed.

Decision

The Ethical Governance & Personnel Committee came to the conclusion that Councillor Boothby had breached the code of conduct by failing to comply with the requirement to "strive to create respectful and courteous relationships with everyone you come into contact with as a member" when he:

- a. Challenged the complainant's parking
- b. Challenged the complainant's entitlement to a blue badge.

It was agreed that, on the balance of probabilities, there had not been a breach of the code of conduct in respect of the manner in which Councillor Boothby spoke to the complainant as this could not be proven.

Concern was expressed also that Councillor Boothby appeared to believe he had more authority as a member of the Executive and that it was his duty, as Executive member for Housing & Community Safety, to 'police' issues such as parking.

SANCTIONS AGREED

1. A formal letter be issued to Councillor Boothby setting out the breach of the code identified;
2. A formal statement be issued by the committee on behalf of the Council;
3. Council be RECOMMENDED to remove Councillor Boothby from his positions on council bodies and outside bodies for the remainder of the current term of office (to May 2019), including precluding him from substituting at meetings;
4. Appropriate training be provided for Councillor Boothby;
5. Councillor Boothby be required to issue an apology to the complainant.

Reasons:

1. On the balance of probabilities, Councillor Boothby failed to treat the complainant with respect on 6 June 2017;
2. The Ethical Governance & Personnel Committee wish to make a statement to the effect that they do not condone this behaviour in light of the poor reflection of Councillor Boothby's actions on other members and the Council as a whole;
3. In addition to the embarrassment caused by his actions on 6 June, Councillor Boothby has (in failing to attend this hearing) shown a lack of respect for the committee and the standards process and, as a consequence, the privilege of holding positions on council bodies and outside bodies should be withdrawn. This includes acting as substitute for other members on any council or outside bodies;
4. This matter clearly caused the complainant upset and embarrassment, in acknowledgement of which an apology should be issued.

Subject member's right to appeal

The subject member has a right to request a review of the decision. The request for a review must be made in writing, giving the grounds for the appeal, to the Monitoring Officer. The request must be made within ten working days of the date of this decision notice.

The appeal will normally be heard within twenty working days of the appeal being lodged and will be conducted by the Appeals Panel. They will only consider material relevant to the grounds for the review request set out by the Member.

Signed



Chairman

Date: 15 January 2018