

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

12 JANUARY 2018 AT 10.30 AM

PRESENT: Mrs R Camamile - Chairman
Mr RG Allen, Mrs MA Cook (for Mr LJP O'Shea), Mr WJ Crooks, Mr E Hollick (for Mr MB Cartwright), Mr BE Sutton (for Mr M Nickerson), Mr P Wallace (for Mr CW Boothby) and Ms BM Witherford

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

280 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Boothby, Cartwright, Nickerson and O'Shea, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Wallace for Councillor Boothby
Councillor Hollick for Councillor Cartwright
Councillor Sutton for Councillor Nickerson
Councillor Cook for Councillor O'Shea.

281 DECLARATIONS OF INTEREST

No interests were declared.

282 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Allen seconded by Councillor Witherford, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1 and 10 of Part I of Schedule 12A of that Act.

283 COMPLAINT 2017-06

Members gave consideration to the report of the independent investigator in relation to a complaint about Councillor Chris Boothby which had been referred for a hearing by the Ethical Governance & Personnel Committee on 29 November 2017.

The committee was informed that the subject member had indicated he would not be in attendance at the meeting and they agreed to continue in his absence as it was highly unlikely, given comments he had made, that he would attend at a later date should they decide to adjourn.

The investigator, Mr Maxey, was in attendance and presented his findings. He outlined the allegations that, on 6 June 2017, there was an exchange between Councillor Boothby and the complainant concerning where the complainant had parked their car. Mr Maxey referred to the three allegations within the complaint:

- (i) That, in challenging the complainant's parking, Councillor Boothby breached the requirement in Hinckley & Bosworth Borough Council's code of conduct for Members in that he failed to 'strive to create respectful and courteous relationships with everyone you come into contact with as a Member' (paragraph 1(b)) and the Nolan Principles (paragraph 1(a) and appendix 1 of the code);
- (ii) That Councillor Boothby challenged the complainant's entitlement to a blue badge, in breach of the same provisions of the code;
- (iii) That the manner in which Councillor Boothby spoke to the complainant breached the same provisions of the code.

The investigator had found that, on the balance of probabilities, there had been a breach of (i) and (ii) above but that, due to it being a case of the complainant's word against the subject member's, on the balance of probabilities there had not been a breach of the code of conduct in relation to point (iii) above.

The investigator explained that Councillor Boothby had felt that he had a role to challenge the complainant as part of his role as Executive member for Housing & Community Safety, whereas he had no more responsibility to do so than any other member of the public. He also explained that the issue for discussion was not whether the complainant had parked in an inconvenient or obstructive manner, but about how Councillor Boothby had treated the complainant and how he had challenged the complainant's use of and entitlement to a blue badge.

Members then asked questions of Mr Maxey in relation to the details of the case to ascertain the relevant facts. This part of the hearing concluded at 10:45am and Mr Maxey left the meeting.

Members then considered the information they had received and the options available to them.

In reaching a decision, members referred to the following:

- Agreement with the investigator's report that Councillor Boothby had breached the code of conduct in relation to two elements
- Agreement with the investigator's report that Councillor Boothby had not, on the balance of probability, breached the code of conduct in relation to the third element of the allegation
- The disappointing fact that Councillor Boothby had not attended the meeting to make representations
- The contempt for the committee and standards process evidently held by Councillor Boothby being at odds with his membership of that very body
- The poor reflection of Councillor Boothby's behaviour on other members of the Council and the Council as a whole.

The options were discussed and it was moved by Councillor Camamile and seconded by Councillors Cook and Witherford that Councillor Boothby had breached the code of conduct and the following sanctions should be imposed:

1. Issue a formal letter to Councillor Boothby setting out the breach of the code which had been identified
2. Censure the member by issuing a public statement
3. Make recommendations to Council to remove Councillor Boothby from 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. Recommend training for Councillor Boothby
5. Require Councillor Boothby to issue an apology to the complainant.

Upon being put to the vote, the motion was CARRIED and it was unanimously

RESOLVED –

- (i) 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.

- (ii) The following sanctions be actioned:
 - 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.

(The Meeting closed at 11.15 am)

CHAIRMAN