

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

31 JANUARY 2025 AT 10.00 AM

PRESENT: Cllr A Pendlebury - Chair
Cllr MB Cartwright, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks, Cllr C Gibbens (for Cllr SL Bray), Cllr CE Green, Cllr KWP Lynch and Cllr BE Sutton (for Cllr C Harris)

Also in attendance: Dave Gill, Investigator and Richard Gough, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

365. Apologies and substitutions

Apologies for absence were submitted on behalf of Councillors Bray and Harris with the following substitutions authorised in accordance with council procedure rule 10:

Councillor C Gibbens for Councillor Bray
Councillor Sutton for Councillor Harris.

366. Minutes of previous meeting

It was moved by Councillor J Crooks, seconded by Councillor Cartwright and

RESOLVED – the minutes of the meetings held on 8 October, 21 October and 12 November 2024 be confirmed as a correct record.

367. Declarations of interest

No interests were declared.

368. Matters from which the public may be excluded

On the motion of Councillor Cartwright seconded by Councillor J Crooks, 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, 2 and 10 of Part I of Schedule 12A of that Act.

369. Complaints 2024/09 and 2024/24 - investigation report

The Ethical Governance and Personnel Committee considered the report of the independent investigator into a complaint about a borough councillor.

The investigator was present and had not called any witnesses but had taken statements from all involved. Councillor Boothby, the subject member, was in attendance remotely.

Following introductions, the investigator presented the report and members asked questions of him. Councillor Boothby then put his case forward and members asked questions.

In answering questions on complaint 2024/09, Councillor Boothby denied sharing confidential information about someone who had come to him for assistance. In response to complaint 2024/24, Councillor Boothby acknowledged that he had passed on an email from a resident, containing their contact details, to the person about whom they were complaining, but stated that he hoped it would lead to them being able to resolve the matter between themselves.

Shortly before 10.57am, Councillor Boothby stated that he had to leave the meeting as he had another appointment. The chair asked whether he was happy for the meeting to continue in his absence, which he confirmed and subsequently left the meeting.

It was noted that the person who submitted complaint 2024/24 had complained to the Information Commissioner's Officer (ICO) about the breach of data protection and, whilst the ICO had not taken any action against Councillor Boothby, they had confirmed that it was likely that he had unfairly disclosed personal data and provided advice to him and stated they would keep the case on record to build up a picture about the organisation's compliance.

Members queried the comment in the report about attendance at safeguarding and data protection training and it was noted that Councillor Boothby had not attended data protection training since the General Data Protection Regulation came into effect in 2018 and had never attended the safeguarding training, both of which had been provided to members as part of the induction programme for several years.

The meeting adjourned at 11.18am and the investigator left the meeting. The committee reconvened at 11.23am in order to deliberate.

In relation to complaint 2024/09, a member suggested that despite the view of the investigator (which had been accepted by the committee) that Councillor Boothby hadn't disclosed the full detail of the case, the information he had shared could have put the complainant in a vulnerable position.

It was noted that whilst Councillor Boothby said he had apologised to the complainant in complaint 2024/24, the complainant claimed not to have received an apology. It was suggested that Councillor Boothby had mistaken the complainant's identity as he claimed to have seen them in the local shop, yet the complainant did not live locally and had never met Councillor Boothby in person for him to be able to recognise them. It was noted that person to whom Councillor Boothby had forwarded the complainant's email and personal data was a friend of his and the matter presented a conflict of interest and he should have asked his fellow ward councillor to take up the case.

It was moved by Councillor Cartwright and seconded by Councillor J Crooks that Councillor Boothby had been acting in an official capacity at the time of the incidents raised in complaints 2024/09 and 2024/24 and his actions had breached paragraph 2.14.1 (a) and (b) of the code of conduct by revealing information that was given to him in confidence or in circumstances which he believed or ought reasonably to have been aware was confidential in nature. Upon being put to the vote, the motion was unanimously CARRIED.

Members then considered whether the actions amounted to a breach of paragraph 2.16 of the code of conduct by bringing the role of councillor or the Council into disrepute. It was moved by Councillor Cartwright and seconded by Councillor Green that Councillor Boothby had brought the role of councillor and the Council into disrepute by his actions in both cases 2024/09 and 2024/24. Upon being put to the vote, the motion was unanimously CARRIED.

In discussion sanctions, it was noted that sanctions had been imposed previously but behaviour had not been modified, however members felt it important to give full consideration to imposing sanctions in support of the complainants.

Members agreed that Councillor Boothby should provide a written apology to both complainants, that Councillor Boothby should be required to attend both data protection and safeguarding training and that a formal letter be sent to him highlighting the failings in his conduct. Members considered whether a recommendation should be put to Council recommending his removal from the one remaining committee of which he was a member (the Appeals Panel), but noted that he had never attended an Appeals Panel so such a sanction would not serve as a penalty. Furthermore, he had not attended any statutory meetings for several months, with the exception of the Ethical Governance and Personnel Committee as a subject member.

Consideration was given to issuing a press release and members were assured it could be drafted in a way that indicated the nature of the complaints but did not release any details that would identify the complainants or the matters about which they had contacted Councillor Boothby. It was moved by Councillor J Crooks and seconded by Councillor Cartwright that a press release be issued, the details of which be delegated to the Monitoring Officer in consultation with the chair of the Ethical Governance and Personnel Committee. Upon being put to the vote, the motion was CARRIED.

Members then considered whether it would be appropriate to recommend to Council that Councillor Boothby be censured. It was felt that a report to Council in this vein would not be necessary. Consideration was also given to limiting the councillor's access to officers or services, however members felt that, as this complaint was not about behaviour towards officers or use of the Council's facilities or resources, it was not appropriate to limit Councillor Boothby's access.

It was moved by Councillor Pendlebury, seconded by Councillor W Crooks and

RESOLVED – the following sanctions be imposed:

- (i) Councillor Boothby be requested to issue a written complaint to both complainants (2024/09 and 2024/24), with a copy sent to the Monitoring Officer;
- (ii) Councillor Boothby be required to attend data protection and safeguarding training;
- (iii) A letter be sent to Councillor Boothby on behalf of the Ethical Governance and Personnel Committee highlighting the failings in his conduct;
- (iv) A press release indicating the nature of the complaints be issued, the wording of which be delegated to the Monitoring Officer in consultation with the chair.

(The Meeting closed at 12.08 pm)

CHAIR