

# Public Document Pack



Hinckley & Bosworth  
Borough Council

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
Chief Executive

**Date: 23 January 2025**

**To: Members of the Ethical Governance and  
Personnel Committee**

Cllr A Pendlebury (Chair)  
Cllr SL Bray (Vice-Chair)  
Cllr MB Cartwright  
Cllr MA Cook  
Cllr MJ Crooks

Cllr WJ Crooks  
Cllr CE Green  
Cllr C Harris  
Cllr KWP Lynch

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the De Montfort Suite, Hinckley Hub on **FRIDAY, 31 JANUARY 2025** at **10.00 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Manager

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- **Do not** stop to collect belongings.

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Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

## Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

**A G E N D A**

**1. APOLOGIES AND SUBSTITUTIONS**

**2. MINUTES OF PREVIOUS MEETING (Pages 1 - 10)**

To confirm the minutes of the previous meetings held on 8 October, 21 October and 12 November 2024.

**3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

**4. DECLARATIONS OF INTEREST**

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

**5. QUESTIONS**

To hear any questions received in accordance with Council Procedure Rule 12.

**6. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIR DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY**

As announced under item 3.

**7. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED**

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Schedule 12A of the 1972 Act.

**8. COMPLAINTS 2024/09 AND 2024/24 - INVESTIGATION REPORT (Pages 11 - 36)**

Report of the independent investigator.

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

8 OCTOBER 2024 AT 2.00 PM

PRESENT: Cllr SL Bray – Vice-Chair in the chair  
Cllr MB Cartwright, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks, Cllr CE Green,  
Cllr L Hodgkins (for Cllr A Pendlebury) and Cllr KWP Lynch

Also in attendance: Gordon Grimes, Independent Person and Gill Sinclair,  
investigator

Officers in attendance: Julie Kenny and Rebecca Owen

#### 200. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillor Pendlebury with the substitution of Councillor Hodgkins authorised in accordance with council procedure rule 10.

#### 201. **Minutes of previous meeting**

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

RESOLVED – the minutes of the meeting held on 17 September be confirmed as a correct record.

#### 202. **Declarations of interest**

No interests were declared.

#### 203. **Matters from which the public may be excluded**

On the motion of Councillor Bray seconded by Councillor Cartwright, 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.

#### 204. **Complaint 2024/01**

The Ethical Governance & 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 interviewed and / or received statements from all involved. The subject member was also in attendance.

The investigator presented the report and members proceeded to ask questions of the investigator.

The subject member was invited to respond to the investigator's report and stated that they had not received a copy of the agenda for the meeting. The chair offered to adjourn for the subject member to review the agenda pack but the subject member declined. It was acknowledged that the subject member had been informed of the complaints and had made a statement which they then signed and dated.

The subject member went on to refute the allegations contained within the complaint that they had shouted and were aggressive.

The investigating officer and subject member left the meeting at 2.50pm and members debated the report.

During consideration, members briefly discussed the report but were concerned that the subject member claimed not to have received a copy of the investigation report. Based on the Monitoring Officer's advice, it was agreed that the meeting would be adjourned to allow the subject member the opportunity to review the report.

The investigator and subject member returned to the meeting at 3.07pm whereby they were informed that the meeting would be adjourned to 21 October at 12pm. The subject member would then have the opportunity to address the meeting in response to the report or could submit a response in writing if they preferred.

RESOLVED – the meeting be adjourned and reconvened at 12pm on Monday, 21 October.

(The Meeting closed at 3.09 pm)

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CHAIR

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**  
**ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE**

**21 OCTOBER 2024 AT 12.00 PM**

PRESENT: Cllr MB Cartwright, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks,  
Cllr CE Green, Cllr KWP Lynch and Cllr L Hodgkins

Also in attendance: Gordon Grimes, Independent Person and Gill Sinclair,  
Investigator

Officers in attendance: Julie Kenny and Rebecca Valentine-Wilkinson

**205. Appointment of chair**

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

RESOLVED – in the absence of the chair and vice-chair, Councillor  
Lynch take the chair for this meeting only.

Councillor Lynch took the chair at this juncture.

**206. Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors Bray and  
Pendlebury with the substitution of Councillor Hodgkins for Councillor Pendlebury  
authorised in accordance with council procedure rule 10.

**207. Declarations of interest**

No interests were declared.

**208. Matters from which the public may be excluded**

On the motion of Councillor M Crooks seconded by Councillor Cartwright 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 1 of  
Schedule 12A of that Act.

**209. Complaint 2024/01**

For the record, it was stated that this meeting had been reconvened following  
adjournment of the meeting held on 8 October 2024 to allow the subject member  
the opportunity to review the report.

Members considered the report of the independent investigator into a complaint  
received about Councillor Boothby in his capacity as borough councillor.

The investigator was present via Teams and had not called any witnesses but had interviewed and / or received statements from all involved. Councillor Boothby was also in attendance via Teams.

The Chair asked if members wished the investigator to go through the report again, but members confirmed they were happy to continue.

The Chair invited questions of the investigator from members. Councillor Boothby was then invited to respond to the report, following which members proceeded to ask questions.

In answering questions, Councillor Boothby refuted the allegations contained within the complaint that he had shouted and was aggressive. He claimed that the complaints were politically motivated.

The investigating officer and Councillor Boothby left the meeting at this juncture and members debated the report.

Members were in agreement that Councillor Boothby had been acting in an official capacity and that his interactions with the teacher and the coach driver had breached the code of conduct by failing to treat them with respect. Members felt, however, that Councillor Boothby's behaviour had not reached the threshold for bullying and harassment on this occasion as the test for this was at a higher level.

In discussing possible sanctions, members expressed their concern that they had imposed sanctions on Councillor Boothby previously, but the behaviour had continued. It was felt that a letter should be sent to Councillor Boothby highlighting the failings in his conduct, he should be asked to apologise to the teacher and the school, he should be required to attend additional training on the code of conduct, recommendations be put to Council to remove him from Planning Committee for a period of 12 months and that he be censured, and the decision of the committee in relation to the complaint be published on the council's website.

It was moved by Councillor M Crooks, seconded by Councillor Lynch and

RESOLVED –

- (i) Councillor Boothby had been acting in an official capacity as borough councillor at the time of the incident;
- (ii) The actions of Councillor Boothby had breached the code of conduct;
- (iii) Councillor Boothby had failed to treat the teacher and the bus driver with respect;
- (iv) Councillor Boothby's actions did not constitute bullying;
- (v) The following sanctions be imposed:



- (a) A formal letter be written to Councillor Boothby highlighting the failings in his conduct;
- (b) Councillor Boothby be requested to write a formal apology to the teacher and the school;
- (c) Councillor Boothby be requested to undertake additional training on the code of conduct;
- (d) A recommendation be put to Council to remove Councillor Boothby from Planning Committee for a period of 12 months;
- (e) A recommendation be put to Council that Councillor Boothby be censured;
- (f) The nature of the complaint and the Ethical Governance and Personnel Committee's decision be published on the council's website.

(The Meeting closed at 1.30 pm)

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CHAIR

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**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**  
**ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE**

**12 NOVEMBER 2024 AT 6.30 PM**

PRESENT: Cllr A Pendlebury - Chair

Cllr MB Cartwright, Cllr MJ Crooks, Cllr WJ Crooks, Cllr C Gibbens (for Cllr SL Bray), Cllr CE Green, Cllr C Harris and Cllr KWP Lynch

Also in attendance: Gordon Grimes, Independent Person

Officers in attendance: Julie Kenny, Rebecca Owen and Julie Stay

**240. Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors Bray and Cook, with the substitution of Councillor Gibbens for Councillor Bray authorised in accordance with council procedure rule 10.

**241. Declarations of interest**

Councillor Cartwright stated he would not be taking part in the discussion or vote on the Local Government pension scheme employer discretions policy as he was a member of the Local Pension Committee managed by Leicestershire County Council.

**242. Right to Request Flexible Working**

Members received the updated Right to Request Flexible Working and the Hybrid Working policies following statutory changes to the former.

A member expressed concern that not all roles were suitable for flexible working. In response it was reported that very few flexible working applications were received and a business reason would have to be set out in order to refuse an application.

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

RESOLVED –

- (i) The Right to Request Flexible Working policy be approved;
- (ii) The Hybrid Working policy be approved.

**243. Local Government Pension Scheme Employer Discretions Policy**

Consideration was given to the updated Local Government Pension Scheme Employer Discretions policy. It was moved by Councillor W Crooks, seconded by Councillor J Crooks and

RESOLVED –

- (i) The Local Government Pension Scheme Employer Discretions policy be approved;
- (ii) The existing discretions currently in place remain unchanged;
- (iii) The policy template be adopted as required by Leicestershire County Council as the Leicestershire pension scheme administrator.

**244. People Strategy**

The People Strategy 2024 to 2028 was presented to the committee. A member asked about recruitment outside of the borough and it was explained that the priority was appointing the best person for the job, regardless of their location. It was moved by Councillor Gibbens, seconded by Councillor W Crooks and

RESOLVED – the People Strategy be approved.

**245. Matters from which the public may be excluded**

On the motion of Councillor Cartwright seconded by Councillor W 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 and 10 of Part I of Schedule 12A of that Act.

**246. Complaints update**

Members received an update on complaints in progress. It was reported that the recommendations arising from the recent hearing would be put to the next meeting of Council, but the subject member had made it clear that he did not recognise the decision of this committee and would not apologise.

**247. Complaint 2024/25**

Members received a complaint about a borough councillor which was directed to the committee as it was felt informal resolution would not be possible.

Members felt there was no evidence to back up the allegations and in fact they were aware that the subject member had shown support and helped the complainant previously.

It was moved by Councillor Pendlebury that no further action be taken in respect of the complaint. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – No further action be taken.

248. **Complaint 2024/26**

Consideration was given to a complaint about a parish councillor. Concern was expressed that this was not the first complaint about the subject member. It was noted that the subject member had not responded to the complaint but had requested further information, however no further information was available at this stage in the process. Members felt there was sufficient information to be able to determine the complaint.

It was moved by Councillor J Crooks and seconded by Councillor Cartwright that the matter be referred for investigation. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the matter be referred for investigation.

(The Meeting closed at 7.46 pm)

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CHAIR

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