

STANDARDS HEARING DECISION

Council - 13 October 2016

Report Author	Monitoring Officer
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Previously Considered by	Standards Hearing Sub Committee – 7 September 2016
Ward:	n/a

Executive Summary:

A complaint was received against Cllr Larkins in respect of comments she made on a Facebook page. The complaint was considered by the Standards Hearing sub-Committee on the 7 September 2016.

The Sub-Committee found that Councillor Larkins had breached the Members Code of Conduct and made five recommendations to the Monitoring Officer the two that are the responsibility of Council being:

- That Thanet District Council issue a formal censure by motion to Councillor Larkins for bringing her role as councillor into disrepute. (A censure is the issue of an unfavourable opinion or judgement or reprimand)
- That Councillor Larkins prepares an unequivocal public apology for her conduct. The apology should be published and read out at a council meeting at Thanet District Council.

The matter of imposing a formal censure is a simple decision which Members can either support or reject. It is not a matter for debate or discussion, since to do so, runs the risk of re-opening the decision of the Standards Hearing Sub-Committee which would be wholly inappropriate.

Recommendation(s):

1. The Chairman of Council reads out Cllr Larkins apology which is to be published in the minutes of this meeting.
2. That this council agrees the following:
'The council censures Councillor Larkins for bringing her role as Councillor into disrepute.'

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications
Legal	The standards process was enacted in the Localism Act 2011 and the Councillor's code of conduct and the Council's agreed arrangements. Section 27 of the Localism Act 2011 says that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority.

Corporate	There are no specific risks								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td>X</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td>X</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td>X</td> </tr> </table> <p>The complaint against Councillor Larkins relates to religious intolerance. Addressing and dealing with religious intolerance supports all three limbs of the public sector equality duty.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X	Foster good relations between people who share a protected characteristic and people who do not share it.	X
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Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X								
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X								
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CORPORATE PRIORITIES (mark those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	x

CORPORATE VALUES (mark those relevant)✓	
Delivering value for money	
Supporting the Workforce	x
Promoting open communications	x

1.0 Introduction and Background

- 1.1 A total of six complaints were received from members of the public concerning comments made by Cllr Larkins on a publicly available UKIP LGBTQ Facebook page. The nature of the complaints were that Cllr Larkins displayed an intolerance towards someone of a particular religious group and were offensive in nature.
- 1.2 In referring to the candidates for the London Mayoral election, Cllr Larkins wrote '*Anyone but a Muslim*' there was then a comment from a third party who said '*Cllrs should be very careful what they say*' in response, Cllr Larkins wrote in response '*Je suis Brussels (sic) et Paris*'
- 1.3 The complaints were considered by the Standards Assessment Sub-Committee on the 13 April 2016 and the Sub-Committee recommended to the Monitoring Officer that the complaints be investigated.
- 1.4 Following the completion of the investigation, the matter was considered by a Standards Hearing Sub-Committee on the 7 September 2016.

2.0 The Standards Hearing Sub Committee

2.1 The Standards Hearings Sub Committee accepted the investigator's conclusions and agreed that there was a case to answer.

2.2 The formal decision from the Standards Hearings Sub Committee was:

That Councillor Larkins failed to comply with the requirements of Paragraph 2.2 and 3(2)(f) of the Code of Conduct for elected and co-opted members of Thanet District Council for the reasons given by the Standards Hearings Sub Committee and the Monitoring Officer be informed accordingly.

That the Monitoring Officer be recommended to impose the sanctions set out below, as recommended by the Standards Hearings Sub Committee.

2.3 Paragraph 2.2 says: a Member must comply with this code whenever acting in the capacity of a member of the authority

2.4 Paragraph 3(2)(f) says: you must not conduct yourself in a manner which reasonably could be regarded as bringing your office or the Authority into disrepute

2.5 The Sub Committee recommended that the following sanctions should be imposed:

1. That Thanet District Council and Ramsgate Town Council issue a formal censure by motion to Councillor Larkins for bringing her role as Councillor into disrepute.
2. Given the role of the Deputy Mayor in representing both the Ramsgate Town Council and the town in all sections of the community that Councillor Larkins resigns from the office of Deputy Mayor immediately.
3. That Councillor Larkins prepares an unequivocal public apology for her conduct. The apology should be published and read out at a council meeting at both Ramsgate Town Council and Thanet District Council.
4. That Councillor Larkins for a period of six months, be removed from all committees, sub-committees and outside appointments to which she has been appointed or nominated by either Council.
5. That Thanet District Council issues a press release of the decision in respect of the complaints against Councillor Larkins and the recommended sanctions.

3. Actions Following the Decision

3.1 The Monitoring Officer has accepted all the recommendations from the Standards Hearing Sub Committee. In respect of the recommended sanctions, the following steps have been taken.

1. This report has been prepared for this meeting and a similar report will be forwarded to Ramsgate Town Council.
2. The recommendation for resignation has been passed to Cllr Larkins.
3. The recommendation for an apology has been passed to Cllr Larkins and it has been suggested that it could be read out at this meeting.
4. The recommendation for removal from committees and outside bodies has been passed to her group leader.
5. A press release has already been issued.

Contact Officer:	Tim Howes, Monitoring Officer ext 7071
Reporting to:	Madeline Homer, Chief Executive

Annex List

<i>Annex 1</i>	Standards Hearing Sub Committee Decision Notice
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Corporate Consultation

Finance	Tim Willis, Director of Corporate Resources and S.151 Officer
Legal	Timothy Howes Director of Corporate Governance and Monitoring Officer