

MINUTES OF THE MEETING OF THE DETERMINATION SUB-COMMITTEE HELD AT THE COMMITTEE ROOM - COUNCIL OFFICES, STATION ROAD, WIGSTON ON WEDNESDAY, 20 FEBRUARY 2019 COMMENCING AT 6.30 PM

PRESENT

Councillor Mrs L M Broadley (Chair)

COUNCILLORS

E R Barr
R F Eaton

OFFICERS IN ATTENDANCE

D M Gill (Head of Law & Governance/Monitoring Officer)
S Tucker (Democratic & Electoral Services Manager/Deputy Monitoring Officer)

11. ELECTION OF CHAIR

UNANIMOUSLY RESOLVED THAT:

Councillor Mrs L M Broadley be appointed Chair.

12. APOLOGIES FOR ABSENCE

None.

13. DECLARATIONS OF INTEREST

None.

14. EXCLUSION OF THE PRESS AND PUBLIC

By affirmation of the hearing, it was

UNANIMOUSLY RESOLVED THAT:

The press and public should not be excluded from the remainder of the hearing, as the report and discussions thereon did not involve the likely disclosure of exempt information, and the public interest in disclosing the information outweighed Councillor Thakor's interest in maintaining confidentiality.

15. REPORT FOR DETERMINATION

The Sub-Committee gave consideration to the report as set out on pages 1-34 of the agenda, which asked it to adjudicate on Councillor Thakor's alleged breach of the Code of Conduct and subsequent failure to provide an apology to Councillor M L Darr and Ms Veronika Quintyne at the request of the Monitoring Officer.

The Monitoring Officer provided the Sub-Committee with a summary of the report and outlined the possible sanctions available to the Sub-Committee, should they be satisfied that a breach of Code of Conduct had occurred.

The Sub-Committee noted that to their knowledge this was the third occasion on which a Determination hearing had been convened to consider matters relating to Councillor Thakor's failure to adhere to the Members' Code of Conduct. This provided the Sub-Committee with a clear indication that the extensive advice provided by the Monitoring Officer and the range of sanctions previously imposed (which had included censure, mandatory training and temporary removal from Committees) had not brought about any improvement in the standard of conduct demonstrated by Councillor Thakor towards fellow Members and Officers of the Council. The Sub-Committee also felt that Councillor Thakor's non-attendance at the hearing and general lack of engagement with the standards process demonstrated a distinct lack of accountability and moral and ethical principles.

In terms of the email sent by Councillor Thakor to Ms Quintyne, the Sub-Committee unanimously agreed that the choice of wording used within the email was not only defamatory and abusive towards a number of Liberal Democrat Councillors attending the Forum, but also particularly disrespectful and misinformed with regard to the comments directed at Ms Quintyne. The Sub-Committee concurred with the view of the Independent Person that whilst within a political environment there is legitimate scope for fair comment and criticism of the behaviour of others, the comments made by Councillor Thakor unquestionably crossed the line of acceptability and as a consequence brought his office, his political party and the Authority into disrepute. As a standard, the Sub-Committee agreed that the type of language used by Councillor Thakor would not be tolerated in Parliament, and added no purpose or value to the quality of any debate.

The Sub-Committee noted that since September 2018 the Monitoring Officer and his Deputy had invested a significant amount of time and effort in seeking to resolve the matter informally by offering Councillor Thakor the opportunity to withdraw his comments and make a written apology to Councillor Darr and Ms Quintyne. It was suggested by the Sub-Committee that Councillor Thakor's subsequent refusal to apologise outside of the emotive meeting environment only provided further evidence of a lack of respect towards Officers and contemptuous attitude towards the Code of Conduct and the Monitoring Officer's role in upholding its integrity.

The Sub-Committee concluded that based on the evidence it had seen, all bar one of the sanctions available under the current Code of Conduct should be imposed, to send the clearest possible message that conduct such as that displayed by Councillor Thakor cannot be tolerated and should result in meaningful consequences. The Sub-Committee also expressed disappointment that a more punitive sanctions regime did not currently exist, as it was felt that only the potential for stronger sanctions would be likely to encourage a significant change in Councillor Thakor's attitude. The only sanction which the Sub-Committee did not consider appropriate was the option of instructing the Monitoring Officer to arrange further training, as this sanction had previously been imposed upon Councillor Thakor with no proven effect.

Having considered the report, the advice of the Independent Person and the advice of the Monitoring Officer, the Sub-Committee unanimously agreed that the complaint into Councillor Thakor's alleged breach of the Code of Conduct should be upheld. Specifically, it was found that the derogatory comments made by Councillor Thakor towards fellow Councillors were in breach of Paragraph 3.1 of the Code, which requires that "you must treat others with respect and strive to establish respectful and courteous relationships with everyone you come into contact with as a Member". In addition, the Sub-Committee found that Councillor Thakor had made unreasonable demands towards Ms Quintyne which demonstrated a lack of respect and understanding in regards to her role in providing impartial administrative support to Oadby Residents Forum, thus breaching Paragraph 3.2.4 of the Code, which requires that "you must not do anything which compromises or is

likely to compromise the impartiality of those who work for, or on behalf of, the Authority”.

It was moved by the Chair, seconded by E R Barr and

UNANIMOUSLY RESOLVED THAT:

The following sanctions be imposed to appropriately address the breaches of the Code:

- i. A formal letter of censure be sent to Councillor Thakor;**
- ii. The findings of the Sub-Committee be reported to Full Council and published on the Council’s website;**
- iii. Councillor Thakor be excluded from Council premises other than Council meeting rooms when necessary for the attendance at Council/Committee meetings;**
- iv. Councillor Thakor’s iPad be withdrawn;**
- v. A recommendation be made to Council that Councillor Thakor be removed from Oadby Residents Forum, until such time as a satisfactory apology has been made to the Chair and Ms Quintyne; and**
- vi. Inform the leader of the Oadby & Wigston Conservative Group that the Sub-Committee recommend that Councillor Thakor be removed from Committees.**

THE MEETING CLOSED AT 7.10 PM



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Chair
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(Date)
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