

NORTH YORKSHIRE COUNTY COUNCIL

ETHICAL FRAMEWORK

**RECORD OF ASSESSMENT OF COMPLAINT**

Localism Act 2011 and Associated Legislation

<b>COMPLAINT No: NYCC/SC/67, 68, 69, 71</b>
<b>COMPLAINANT:</b>
Four complainants: one County Councillor, two members of the public, one anonymous.
<b>SUBJECT MEMBER(S)</b>
County Councillor Karl Arthur
<b>ASSESSMENT BY:</b>
<b>Assessor:</b> Barry Khan, Monitoring Officer
<b>Consultee:</b> Hilary Gilbertson MBE, Independent Person for Standards
<b>Others present:</b> Moira Beighton, Senior Lawyer (Governance)
<b>DATE OF ASSESSMENT:</b> 19 June 2019
<b>DETAILS OF COMPLAINT:</b>
Written complaints have been submitted by the various Complainants to the Monitoring Officer (and anonymously to the Chief Executive Officer) in relation to the same issue - an alleged racist Facebook post by the subject Member.  The issue was subsequently reported in the press.
<b>POTENTIALLY RELEVANT PROVISIONS OF THE MEMBERS' CODE OF CONDUCT</b>
The subject Member is alleged to be in breach of paragraphs 1, 2, 7 of the Members' Code of Conduct:

**1. You must not treat others with disrespect.**

**2. You must not do anything which may cause the County Council to breach any equality enactment.**

**7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Member into disrepute.**

**JURISDICTION:**

**Is the complaint within the jurisdiction of the Standards Committee?**

The complaint is within the jurisdiction of the Standards Committee as the complaint is against a named Member of the authority; the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and the complaint falls within the scope of the Code.

**CONCLUSION OF ASSESSMENT:**

That the complaint be resolved by way of informal resolution. The Council does not condone racism or the appearance of it in any form.

**REASONS FOR DECISION:**

The Monitoring Officer and Independent Person for Standards considered the various complaints raised and the response from the subject Member.

They noted that the subject Member had shared the post/meme, his reasoning being to "...call out some of these individuals on the derogatory words they have used in the past about white people which themselves may be construed as being racist" and therefore being hypocritical. The subject Member has reflected on the post and acknowledges that it may have been a poor example to use and he has confirmed to the Monitoring Officer that "...all forms of racism needs to be kicked out of politics regardless of where it comes from."

The subject Member has apologised if there was any implication in him sharing the post that he "wanted ethnic minorities to be kicked out of politics" as that is not the case and he has, over time, encouraged diversity in politics. He has acknowledged that he was wrong to publish the item and will ensure that he is more careful in the future with what he publishes.

The subject Member has also acknowledged that he should have removed the post earlier than he did and that he was wrong to make certain comments in response to the post but that they were posted in anger following the abuse he had received. The subject Member felt that some of the complaints may be politically motivated.

The subject Member has also discussed this issue with the Leader of the Council and the political group and has agreed to be more careful about publishing such controversial items in the future.

The Monitoring Officer and Independent Person noted that the post clearly had the

appearance of racist overtones. Whilst the subject Member may not have posted it with those intentions, it was an unacceptable post to be published, was likely to cause offence and was an irresponsible thing to do.

The Council does not tolerate racism in any form and considers that the post/meme was offensive and below the standard of behaviour expected from a Member of the Authority. It is noted that the subject Member has attempted to explain his reasoning and has apologised for the way in which it has been perceived which was not what he intended.

In the circumstances, the Monitoring Officer and Independent Person agreed that there was nothing to be gained from referring this matter for a formal investigation as this was unlikely to uncover any further relevant information and there would be a significant cost to the public purse. They did, however, agree that it was appropriate to deal with this matter and issue certain directions under informal resolution.

The Monitoring Officer will liaise with the subject Member to see if he would be prepared to issue a formal apology and to undergo suitable diversity training as directed by the Monitoring Officer.

The Monitoring Officer and Independent Person were grateful that this matter had been raised as a standards issue. As stated in the Council's Equality and Diversity Policy Statement, the County Council welcomes and celebrates diversity and the strengths this brings to communities and the workforce. This commitment is documented in the Council's Equality and Diversity Policy Statement at :

[https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Equality\\_and\\_diversity\\_policy\\_statement\\_2018.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Equality_and_diversity_policy_statement_2018.pdf)

The Monitoring Officer and Independent Person agreed that diversity training should form part of a future Members' seminar for all Members of the Council.

It was also thought appropriate in this case that the Assessment Record should be published on the Council's website to publically show that the Code of Conduct for Members does not permit any forms of racist actions or language to be used by County Councillors.

**PLEASE NOTE:** There is no right of appeal in relation to this assessment.

**BARRY KHAN**

**Monitoring Officer  
North Yorkshire County Council**

Date: 26 June 2019