

BRIGHTON & HOVE CITY COUNCIL
STANDARDS COMMITTEE HEARING PANEL

10.00am 13 DECEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors: J Kitcat and A Norman

Independent Members: , Dr M Wilkinson

PART ONE

1. PROCEDURAL BUSINESS

(a) Appointment of Chair

1.1 The Head of Democratic Services noted that an Independent Member of the Standards Committee was required to Chair the Hearing Panel, and therefore sought agreement from the Panel Members that Dr. Wilkinson should be appointed Chair.

1.2 The Panel agreed.

(b) Declarations of Substitutes

1.3 There were no declarations of Substitutes.

(c) Declarations of Interest

1.4 There were no declarations of interest.

(d) Exclusion of the Press & Public

1.5 The press and public were not excluded from the meeting.

2. CONSIDERATION OF A COMPLAINT MADE AGAINST A MEMBER CASE
REFERENCE: BJC-005376

2.1 The Chair welcomed everyone to the meeting and introduced the Panel Members and officers present, before outlining the procedure for the Hearing Panel and then inviting the Investigation Officer to present his report.

- 2.2 The Investigating Officer presented his report and summarised the investigation of the complaint made against former councillor Older, which related to her actions and the taking of photographs at the Budget Council meeting on the 3rd March 2011. He stated that the complainant, Ms. Smith believed that photographs were taken which were intrusive and antagonistic in what was a highly charged atmosphere. She stated that former councillor Older had been asked to stop taking photos but had ignored the request and continued to take them during one of the many breaks in proceedings.
- 2.3 The Investigating Officer stated that Ms. Smith had been unable to confirm during which break the incident had taken place and whilst she had been given the opportunity to ask others present at the time to verify the actions of former councillor Older, no other submissions had been made.
- 2.4 The Investigating Officer stated that former councillor Older had accepted that one photo had been taken and that following the request to stop she had not taken any other pictures. She had acknowledged that the action of taking pictures could have been regarded as being intrusive and stated that she had been caught up in the heat of the moment. There had been a number of disruptions to the meeting and she had felt the need to record what was happening although it was not something that she usually did. She had willingly provided a copy of the picture which was included with the papers and had confirmed that she did not intend to use it for any purpose.
- 2.5 With regard to the possible breach of the Code of Conduct, the Investigating Officer stated that in relation to paragraph 3(1), you must treat others with respect. He had concluded that there was a breach resulting from former councillor Older's actions in taking pictures, or appearing to take pictures of members of the public without their permission and after being asked to stop doing so, as it was antagonistic and disrespectful to those people affected. In regard to paragraph 5, you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute; he believed there was no breach. It had been an isolated incident and there was no evidence to suggest that former councillor Older's actions affected either the public perception of her role as an elected councillor or the reputation of Members in general.
- 2.6 The Chair thanked the Investigating Officer and opened the session to questions.
- 2.7 The Panel Members asked a number of questions to seek clarification of the actions of former councillor Older and in regard to the environment in which the Council meeting was being conducted.
- 2.8 The Investigating Officer confirmed that there were a large number of people present at the Budget meeting and that a number of breaks had been caused by disruptions, which had led to various Members going across to the public gallery to try to alleviate the situation. He acknowledged that it was difficult to confirm whether members of the public had found the taking of pictures unreasonable, although former councillor Older had agreed that a request to stop taking photos had been made.
- 2.9 The Chair then invited former councillor Older to address the Panel.

- 2.10 Ms. Older stated that she did not have anything to add to what was contained in the report. She had taken one photograph because she had become frustrated and annoyed that the council meeting was being continually disrupted. However, she had only taken the one picture and did not take any others as she had been asked to stop by a member of the public.
- 2.11 The Chair thanked Ms. Older and opened the session to questions.
- 2.12 The Panel Members sought clarification of Ms. Older's intentions to use the photo and whether she felt that her actions could have been confused with other Members who may have also been in the vicinity of the public gallery during one of the breaks.
- 2.13 Ms. Older stated that she had no intention of using the photo and had simply taken it as a reaction to the situation she found herself in. She was unsure as to whether any other Members had taken photos or appeared to have been taking photos and accepted that she should not have done so.
- 2.14 The Chair thanked Ms. Older and noted that there were no other questions and therefore adjourned the meeting so that the Panel could retire to consider the matter.
- 2.15 The meeting was adjourned at 10.40am.
- 2.16 The Chair reconvened the meeting at 10.55am and gave the Panel's findings as follows:
- 2.17 The Panel accepted the findings of fact set out in the Investigating Officer's report. It noted that the findings were not disputed by the former councillor.
- 2.18 **REASONS FOR THE DECISION – Findings as to whether the former Member failed to follow the Code of Conduct, including the reasons for that finding:**
- (1) On the alleged breach of paragraph 3(1) "You must treat others with respect," the Panel found unanimously that the evidence submitted was not sufficient to justify a finding of a breach of the Code.
 - (2) On paragraph 5, "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute," the Panel unanimously accepted the Investigating Officer's reasoning that there had been no breach of the Code.
 - (3) The Panel recommends that at the beginning of public meetings of the Authority, clear guidance be given by the Chair on the use of all recording devices during the meeting.
- 2.19 The Chair thanked everyone for their attendance and closed the meeting.

The meeting concluded at 11.05am

Signed

Chair

Dated this

day of