

Pre-Hearing Process Summary

Date, Time and Place

Friday 9 July 2010 at 10.00 am Committee Room 1, Hove Town Hall.

Subject member

Councillor Jason Kitcat, Brighton & Hove City Council, representing himself.

Complainant

Councillor Ted Kemble, Brighton & Hove City Council.

Panel members

Doctor M Wilkinson, Independent Member and Chair of Standards Committee
Councillor Jeane Lepper
Councillor David Watkins

Clerk

Penny Jennings, Democratic Services Officer.

Panel's Legal Adviser

Liz Woodley, Senior Lawyer for the Monitoring Officer.

Investigating Officer

Brian Foley, Standards and Complaints Manager assisted by Oliver Dixon, Lawyer.

Allegations

- 1 That Councillor Kitcat had failed to treat his fellow councillors with respect by posting 5 clips on YouTube without the prior knowledge or express permission of Councillor Theobald or Councillor Mears.
- 2 That in posting the said clips Councillor Kitcat had abused Council facilities by infringing the copyright in the webcast images.

The Code of Conduct

3 (1) You must treat others with respect.

6(b) You must, when using or authorising the use by others of the resources of your authority -

act in accordance with your authority's reasonable requirements

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes)

Findings of fact in the Investigating Officer's (IO) report that are agreed

The summary of material facts as set out in section 6 of the IO's report is not disputed.

Findings of fact in the Investigating Officers' report that are not agreed

Not applicable – all material facts are agreed.

However, Councillor Kitcat takes issue with the wording of the following paragraphs of section 7 of the report.

7.13, 7.14, and 7.16 - see Form A (i) attached.

The Investigating Officer's response is attached as Form A (ii).

Names of witnesses

None notified by either Councillor Kitcat or Investigating Officer.

Procedure to be used

The Council's adopted Procedure for Local Determination Hearings of Allegations of Member Misconduct – see attached extract.