

Complaint from Councillor MacCafferty

From: Phelim MacCafferty
Sent: 05 July 2011 17:04
To: mbmwilkinson@hotmail.com
Cc: Brian Foley
Subject: reporting the behaviour of a member

Dear Dr Mike Wilkinson

In your role as Chair of the Standards Committee, I wish to report the behaviour of an elected Member.

The elected Member is Councillor Dawn Barnett.

OVERVIEW

I had hoped that a complaint would not be necessary but I believe there appear to be a number of different circumstances in which I believe the behaviour of Cllr Barnett has been inappropriate:

- Cllr Barnett has been seen to act in a discriminatory fashion to a community in the City;
- that community has, in relation to the Equality Act 2010, a protected characteristic, viz race;
- Cllr Barnett has incited aggravated trespass in green spaces throughout the city- an offence according to the Criminal Justice and Public Order Act 1994^[1]
- that incited trespass has been consciously directed at the green spaces within wards with Green Councillors viz Brunswick and Adelaide, Hanover and Elm Grove and Queen's Park;
- Cllr Barnett has used the issue of race to make blunt, inflammatory political points at a time when tensions between the Gypsy, Roma and Traveller (GRT) community and that of the 'fixed' community are mounting in the city

COLLATION OF EVIDENCE

1. In relation to coverage in *The Argus* on Friday, June 10th re travelers Cllr Barnett stated:

"Coun Barnett suggested the group could also try Brunswick Lawns, off Western Road, which is also within a Green ward. She said: 'The Greens say the travellers have got to live somewhere. So they can live where the Greens are.'" (P5)

2. In an email to Cllr West, Cllr Barnett stated:

From: Dawn Barnett
Sent: 27 June 2011 07:11
To: Pete West; Geoffrey Theobald; Tony Janio
Cc: Jason.hazzard@sussex.pnn.police.uk; Nick Hibberd
Subject:

Good Morning to you all

[1] http://www.cps.gov.uk/legal/s_to_u/trespass_and_nuisance_on_land/

The travellers in Greenleas have been seen going to toilet in the bushes in the park also having bonfires in the park.

There are 2 residents living in the 2 flats in the park that are feeling intimidated because they are in their gardens

Also Pete please tell me how you think this smoke and toilet in the park where dogs and children play is good for the environment and please tell me Pete where to deliver the childrens shoes and clothes so that you can clean the filth off them

dawn

(my emphasis underlined)

3. Again in *The Argus*, on Tuesday 28th June, Cllr Barnett stated:

"I'm directing the travelers to Queen's Park, Brunswick Lawns and this time the Level. There must be ten or 15 caravans in Greenleas. Tony [Cllr Janio] and I do not give a monkeys about directing them elsewhere. They are practically in my back garden and I want them gone. If they cleared up their rubbish then I wouldn't mind but they don't. There is no respect. I've printed out spares of the directions and every time they turn up in Hangleton I am going to go down there and hand them out."

(P11)

THE CASE

Further to the evidence collated above, I believe that Cllr Barnett has:

--flouted the 7th General Principal of Public Life in the Authorities (General Principles) Order 2001 viz:

"Respect for Others- you should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race..."

--flouted the BHCC Code of Conduct for Members^[2] viz:

3. (1) *You must treat others with respect.*

5. *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

BHCC are bound by the Public Sector Equality Duty of the *Equality Act 2010* to eliminate discrimination but Cllr Dawn Barnett must have 'due regard' to the meaning of the Public Sector Equality Duty too:

(1) A public authority must, in the exercise of its functions, have due regard to the need to—(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).^[3]

CONCLUSION

Cllr Barnett is using increasingly alarmist language to refer to the issues of travellers- the use of language such as *"I want them gone"* in *The Argus* and *"please tell me Pete where to deliver the childrens shoes and clothes so that you can clean the filth*

[2] <http://www.brighton-hove.gov.uk/index.cfm?request=c1186954>

[3] <http://www.legislation.gov.uk/ukpga/2010/15/section/1>

off them” in an email to Cllr Pete West on the subject on the 27th June would suggest that this is not simply a flippant remark that has been misunderstood.

Council Barnett's comments come at a time when we already have guidance on the subject from the Local Authority's Travellers Strategy (2008) and proposals from the Department for Communities and Local Government to “*raise awareness amongst councilors of their leadership role in relation to traveller site provision.*”^[4]”

Aside from the serious matter of incited trespass in green spaces of the city, I believe that Cllr Barnett is using prejudice against the Gypsy, Roma and Traveller community to make political points. I believe that her behaviour deserves to be reported to Standards, not least because we *have 'due regard to the need to eliminate discrimination.'*

Your help is much appreciated
Best wishes

Phelim Mac Cafferty

Green Party Councillor for Brunswick and Adelaide
Chair of Planning, Brighton and Hove City Council
Member of Community Safety Forum & Staff Consultation Forum
Outside Bodies: B&H Music Trust; Citizens' Advice Bureau; East Sussex
Fire Authority.

e: phelim.maccafferty@brighton-hove.gov.uk

a: King's House, Grand Avenue, Hove, BN3 2LS

footnotes:

[1] http://www.cps.gov.uk/legal/s_to_u/trespass_and_nuisance_on_land/

[2] <http://www.brighton-hove.gov.uk/index.cfm?request=c1186954>

[3] <http://www.legislation.gov.uk/ukpga/2010/15/section/1>

[4] <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1886164.pdf>

Appendix 2 – Newspaper Articles

political by giving group directions to Green ward

THE Green Party is being urged to formulate a plan about how it deals with travellers and protestors in Brighton and Hove. As the Real Democracy Now Brighton camp enters its third week, protestors have finally announced they plan to leave. Meanwhile an opposition councillor has given directions to travellers to move on to a Green-run ward. ANNA ROBERTS and EMILY-ANN ELLIOTT looked at the issues which are causing heated debate in the city.

'Travellers can move to a Green ward' – councillor

THE issue of travellers has become political after a Conservative councillor urged a group to move to a Green Party-controlled ward.

About 20 caravans parked up near Portslade Cricket Club on Wednesday night.

By 8.30am yesterday the local

Tory councillor Dawn Barnett was at Benfield Valley Park handing out directions to Queens Park, in a Green Party-run ward.

Coun Barnett suggested the group could also try Brunswick Lawns, off Western Road, which is also within a Green ward.

She said: "The Greens say the travellers have got to live some-

where. So they can live where the Greens are.

"It is a fantastic cricket pitch. It's well run and chocablock with youngsters. The travellers being there will ruin it for them. They have already broken the locks to get into the pitch.

"So I went to the pitch and was everybody's friend. I've told them all

about Queen's Park. They didn't know about it. I told them it was just down the valley.

"It's got a play park and a duck pond."

Yesterday Coun Barnett insisted that the main reason she diverted the group was safety fears for the traveller children, adding that the cricket pitch was too close to two main roads.

She added: "The new Green administration is happy with them in the community.

"Caroline Lucas has stated they should be able to stay until a suitable site is available. By law, health and safety checks have to be made to make sure where they are staying is safe.

"I am very concerned about the traveller children being so close to the link road and the main road."

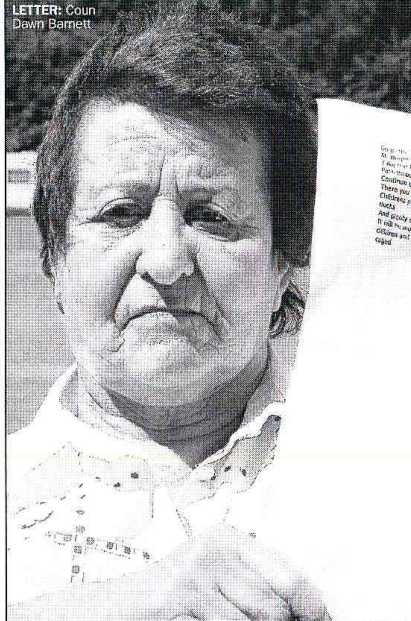
Ben Duncan, a Green Party councillor for Queen's Park and the council's cabinet member for communities, equalities and public protection, said: "I am really disappointed that Coun Barnett has directed a group of travellers to anywhere other than the council's official transit site at Horsdean.

"Let's be clear - Horsdean is not a suitable long-term solution for anyone, but at the moment it's all we've got.

"A priority for this Green Party administration is the establishment of a good permanent site for travellers, but until that's in place I think it's pretty irresponsible of Coun Barnett to be directing travellers to any of our city's parks."

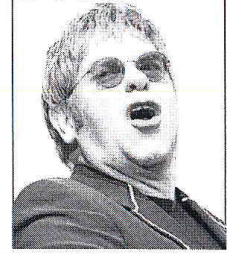
● SEE page eight to find out exactly what the city's policy on travellers is

LETTERS: Coun Dawn Barnett

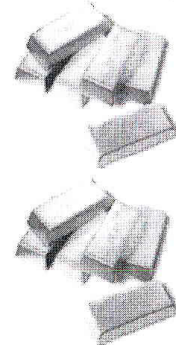


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Dismissed furniture workers awarded £25,000

FOUR furniture workers have been awarded more than £25,000 each after they were unfairly dismissed. The company formerly known as Teddy Francis withheld redundancy and notice pay after ending the employment of the affected workers. But, with the support of union officials from the GMB, the four workers successfully pursued unfair dismissal claims against the Hassocks-based firm and were

awarded a total of £105,204.55. It comes as staff dismissed without warning from Bodiam Manor School, near Robertsbridge, were successful in a similar claim against their former employer. The hearing against Teddy Francis took place in Southampton after the employees were dismissed by former director Stephen Chambers without notice or warning. Shortly after proceedings were issued, the company changed its name to

Mootas Enterprises Limited. Despite the difficulties presented by the name change, union officials tracked down the firm to pursue claims of unfair dismissal as well as a lack of redundancy payments, wages and holiday pay. A similar hearing in Ashford, Kent, about the incident at Bodiam Manor School has now formally confirmed that the claimants were unfairly dismissed in August 2010. It added the school was in

breach of collective consultation requirements in case of mass redundancy. Charles Harrity of the GMB, who pursued the case on behalf of the workers, said: "In pursuing these cases we have shown that we are determined to uphold the rights of working men and women by holding rogue employers to account whenever they attempt to deny their employees their statutory rights."

Woman led to safety after flat kitchen fire

A WOMAN was led to safety after a fire at her flat. Neighbours called 999 on Friday evening after a fire alarm sounded at a flat but they could not get hold of the woman inside. West Sussex Fire and Rescue Service was called at 6.04pm to the property in Shelby Road, Durrington, Worthing. Eventually they gained access to the first-floor flat and the woman was led to safety. A fire service spokeswoman said: "It was a small kitchen fire. "We sent three appliances and the female was checked over by paramedics."

Arrest after cars set alight

A 20-YEAR-OLD man has been arrested on suspicion of arson after 20 cars were set alight. The man, who has not been named, was bailed until July 16 following the fires in Wick, near Littlehampton. Meanwhile Thomas Bierne, 20, of Griffin Crescent, Wick, has been charged with arson and theft of a motor vehicle following a car fire on the A259 at Wick at 3.40am on Saturday, May 28. He has been released on conditional bail to appear at Worthing Magistrates' Court on July 4. A 23-year-old man from Rustington also arrested in connection with the fire has been bailed until July 23 pending further inquiries. Detective Constable Duncan Peake, of West Sussex CID, said: "These fires have caused much distress and cost for the owners of the vehicles that have been targeted."

Firefighters to the rescue

TWO off-duty firefighters came to the rescue of a man having a fit in the street. Newhaven crew members Tom Harvey and Rickie Botwright were returning from an incident in High Street, Newhaven, on Sunday evening when they came across a man in distress. They used their first aid skills to protect the man, called an ambulance and ensured he did not fall into the A259. They remained with him until paramedics arrived at the scene. Watch manager Phil Swallow praised the pair, adding: "They had just finished working hard at an incident and it just shows they are never off duty and always there to help."

Sainsbury's keen on town

SUPERMARKET giant Sainsbury's has admitted it is interested in opening a new store in Burgess Hill. A spokeswoman confirmed it would like to open a branch in the town. Residents fear the multinational could take over the site of the popular Orion Cinema in Cyprus Road. The spokeswoman said: "Sainsbury's is very keen to have a presence in Burgess Hill and has been looking at opportunities for opening a new store in the town. "We do not have any firm plans in place at this stage but we would fully consult the community should any new store proposals emerge."

Tory pair hand directions to other wards

PICTURE: SAM STEPHENSON

SS110627C-3

ANGRY: Dawn Barnett



Travellers moved on by councillors

COUNCILLORS have been directing travellers away from their wards. Conservative councillors Dawn Barnett and Tony Janio, for Hangleton and Knoll, visited travellers who had parked at Greenleas park in Hove and suggested they move to the Level in Brighton instead. It is the second time in less than a month that Coun Barnett has handed out directions to travellers. Coun Barnett previously suggested travellers move to Queens Park and Brunswick Lawns, which

by ANNA ROBERTS are both in Green-run wards. Now she, and Tory colleague Coun Janio, suggested they move to the Level, which is in council leader Bill Randall's Elm Grove and Hanover ward. Coun Barnett said she was fuming to discover caravans at the Hangleton recreation ground on Saturday morning. She said: "I'm directing the travellers to Queens Park, Brunswick Lawns and this time the Level. "There must be ten or 15

caravans in Greenleas. "Tony and I do not give a monkeys about directing them elsewhere. "They are practically in my back garden and I want them gone. "If they cleared up their rubbish then I wouldn't mind but they don't. There is no respect. "I've printed out spares of the directions and every time they turn up in Hangleton I am going to go down there and hand them out." Travellers were also reported to have set up a camp at Horsdean Recreation Ground in Vale

Avenue, Patcham, on Saturday. The site is just across the A27 from the council's designated traveller site, off Braypool Lane, Patcham. A council spokesman confirmed there were travellers at Greenleas Recreation Ground and the Horsdean cricket ground in Patcham. He said: "In both instances we're working closely with the police with a view to reclaiming the sites for residents as soon as possible." anna.roberts@theargus.co.uk

Nurse suspended

A NURSE has been suspended for 18 months after forging someone's initials on a syringe. Mary Arcenas was working in the Coronary Care Unit in Worthing Hospital when she administered an unprescribed dextrose and insulin infusion. A senior member of staff then noticed that she had written someone else's initials on the syringe. A disciplinary panel at the Nursing and Midwifery Council ruled it was necessary to ban Arcenas from working with patients for 18 months "to protect the public and in the public interest".

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Special ceremony for opening of new play area

A NEW play area has been unveiled. The site in Coldharbour Road, Upper Dicker, near Hailsham, was opened at a special ceremony. Mike Garner, the chairman of Upper Dicker Parish Council, said councillors had wanted the equipment because there were not

enough areas for children aged two to 12 to play in. He said: "I'm especially pleased that some of the children's own ideas have been built into the new play-ground. "We've also been very lucky to get generous support from the Big Lottery Fund, which gave us £10,000 of

the £25,000 we needed, and made us determined to get the new play area up and running before this summer holiday. "Now there is talk of extending the play area in a Phase 2 scheme to include something for the teenagers, plus picnic tables for the parents and grandparents."

Emergency services event

AN EMERGENCY services event was held at the University of Western Australia on Tuesday night to celebrate the 10th anniversary of the establishment of the Western Australian Fire Services Association (WAFFSA). The event was held at the University of Western Australia's Perth campus and was attended by WAFFSA President, South Coast Fire Services Association President, and Chairman of the Association, Alan Smith. The event was held at the University of Western Australia's Perth campus and was attended by WAFFSA President, South Coast Fire Services Association President, and Chairman of the Association, Alan Smith.

Travellers in Brighton and Howe yesterday said they are more 'inclusive' to their needs

TRAVELLERS in Brighton and Howe yesterday said they are more 'inclusive' to their needs than their predecessors. They said that Brighton and Howe is fast becoming a key city for travellers. Another traveller, a woman in her 20s, said she was surprised to find that Brighton and Howe is fast becoming a key city for travellers. She said that Brighton and Howe is fast becoming a key city for travellers.

Pram stolen from car

APRA was stolen from a car in Northbridge last night. The car was parked in a car park in Northbridge. The pram was stolen from the car. The car was parked in a car park in Northbridge.

Profits up at business park

THE WESTERN BUSINESS PARK has seen a significant increase in profits. The park has seen a significant increase in profits. The park has seen a significant increase in profits.

Event hore health scare

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Council stance

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MAIN PICTURE: Travellers at Westport recreation ground. INSET LEFT: Sam and Pat from Green of Four's Big, the Gyproh Wedding.

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'Having a house is rubbish, I love travelling'

LIKE many from across Britain, Meggie and Sam from Green of Four's Big, the Gyproh Wedding, are carrying on their travels. They said that having a house is rubbish and they love travelling. They said that having a house is rubbish and they love travelling.

Council stance

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Weekend of discontent for residents as travellers move in

TRAVELLERS occupying a popular park are to be evicted as soon as possible.

A group of about 30 caravans moved onto Greenleas recreation ground in Hangleton, Hove, on Friday morning.

But after a weekend of residents' complaints, Brighton and Hove City Council said yesterday it was working to obtain possession of the land through the courts.

However it will not be using a Section 61 order which, under criminal law, allows the immediate eviction of people from public land.

The local authority added it would continue to monitor the site along with Sussex Police. The group is camped just yards from the home of ward councillor Dawn Barnett who has been one of the most outspoken critics of travelling

groups in the city. Coun Barnett said: "They have been a disruption all weekend."

"How can they be allowed to stay when it is the start of the school holidays?"

"The caravans surround the park and stopping anyone else from using it."

"I understand they have a right but what about the rights of residents."

Neighbours have com-

plained about litter being left in the park and being kept awake by loud music.

A fight involving about 30 people was also reported in the park on Sunday morning.

It is the third group in four weeks to move onto the recreation area.

Lisa Goodman, of Hangleton Way, urged the authority to make the park more secure.

Residents will meet Hove MP Mike Weatherley and Coun Barnett today at 4.30pm in Greenleas' car park to discuss issues.

The council's Green administration said it was maintaining its "firm but fair" approach to illegal encampments.

A further encampment remains at 19 Acres, near Devil's Dyke Road, Brighton.

One-stop shop for council information

A 'ONE-STOP' place for inquiries about council tax, housing and free bus passes has opened.

Brighton and Hove City Council yesterday opened a new customer services centre on the ground floor of Bartholomew House in Brighton.

The modern centre, which has individual booths, will give residents access to information about all services while saving the local authority money on office space.

The centre will be open Monday to Friday from 8.45am to 4.30pm.

It will replace nearby Priory House which closes its customer service area tomorrow.

The official launch of the new centre is expected to be held next month.

Mayor opens walking trail

VISITORS to Eastbourne seafront are being invited to follow a new murder mystery walking trail.

Treasure Trails will be officially opened by the town's mayor at 10am today on the promenade.

The packs of clues are available to buy from the seafront kiosk on the lower promenade near the pier for £5.

Bosses say the 1.8-mile trail will take about two hours to complete. For more details visit www.treasuretrails.co.uk.

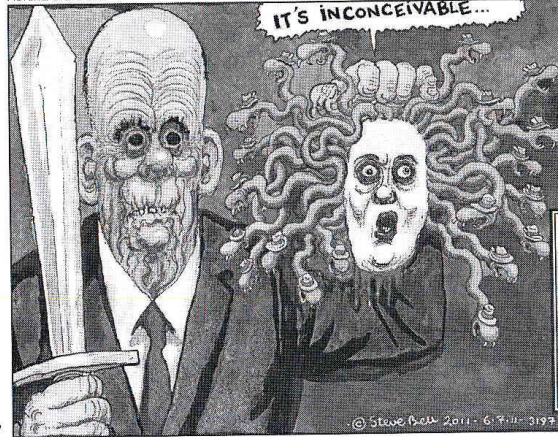
Cartoonist collects degree

CARTOONIST Steve Ball was among students collecting their degrees yesterday. The Guardian cartoonist received an honorary doctorate of arts at the University of Brighton graduation ceremony at Brighton Dome.

Speaking after collecting his award Mr Ball said his job over the past few weeks had been made "delightfully simple" by the national phone-hacking scandal.

He said: "It has been all the more satisfying in that the recent catastrophic downfall of the Emperor Murdoch and his henchpersons has been so richly deserved and so long overdue. All I've had to do is ride the huge wave created by the patient diligence of my fellow journalists at The Guardian, who really do deserve all the honours going, while I simply provide a lunatic visual commentary on it all. It has been a hugely significant few weeks for journalism and the media, for the police, and especially for the government and politics in general."

PICTURE: STEVE BELL



HONOUR: Steve Bell, below, collected his degree yesterday. Left, one of his recent cartoons



Your holiday events listings

ARE you struggling to think up new ways to entertain your children during the summer holidays? If so, look no further.

The Argus will be running a daily column of Sussex activities for people of all ages to enjoy throughout the summer.

We want to hear from you. If you have discovered a walk or park which you think is ideal, please let us know about it.

Email details of your event or idea for a day out to news@theargus.co.uk or call us on 01273 544519.



Conservation for youngsters

SUSSEX Wildlife Trust wants people aged between 12 and 16 to take part in practical conservation work in Brighton during the school holidays.

Led by Renzo Spano, the free sessions will be held every Tuesday in August from 10am to 3pm. Lessons include bushcraft, trees and flowers, habitats, surveying and monitoring wildlife. Lunch and all transport costs will be reimbursed.

For more details call 07795 528312 or email renzospa@sussexwt.org.uk

Family in shock after baby dies

by NAOMI LOOMES

THE devastated parents of a baby girl who died suddenly have paid tribute to their daughter, saying she is now "the brightest star in the sky".

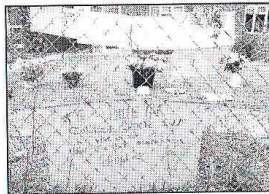
Billy and Michelle Davies told how their hearts are "truly broken" after seven-week-old Gracie was discovered not breathing at home.

Mrs Davies heard her husband and daughter's screams following the discovery at the family home in Ifield Road, Crawley.

Family members desperately tried to resuscitate her while emergency services arrived and Sussex Air Ambulance landed in nearby Goffs Park.

Paramedics treated Gracie at the scene on Saturday morning but she was pronounced dead on arrival at East Surrey Hospital in Redhill, Surrey.

Mrs Davies described her desperate attempts to



TRIBUTES: Messages outside the house where Gracie, right, died



revive her daughter.

She said: "We have since been told that it is likely she had been dead for a couple of hours. Although we are awaiting the results of tests it is looking like cot death. I would never wish this on any parent."

"She was the most beautiful, happy baby who had just got to that lovely phase where she had started smiling. She was so healthy, there was no sign there was anything to be worried about."

Mrs Davies said she and her husband were now concentrating on being there

for their other children.

In a statement they said: "We're absolutely devastated at the loss of our baby daughter Gracie. Our hearts are truly broken but our loss is heaven's gain. She is now the brightest star in the sky. At this time we are trying to remain strong for all our family."

Neighbours described Gracie's mother and father as "brilliant parents" and told how the community was in shock. One said: "We really want them to know we are here. They live for their children and are fantastic parents."

Floral tributes and cards have filled the front garden of the family home. One sign made for the front railings reads: "To a little girl called Gracie who was in this life, now she has gone to the angels". Another read: "Gracie, I miss you".

Sussex Police are investigating the incident but are not treating Gracie's death as suspicious.

◆ If you have experienced the sudden death of a baby and want to talk about it call the FSD on freephone 0800 802 6868. ◆ Leave your tribute to Gracie at theargus.co.uk/news

Hurt or Injured? Let us help

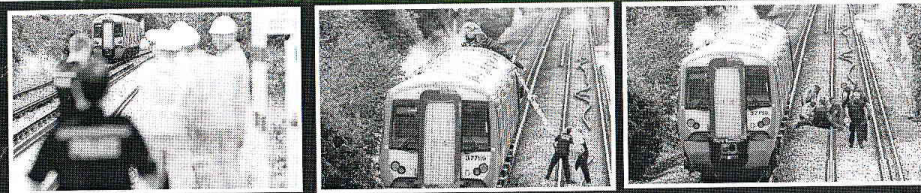
- Road Accidents
- Work Accidents
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Commuter chaos as man climbs on train

A MAN climbed on top of a train causing rail chaos across Sussex yesterday.

The 39-year-old man, from Worthing, pranced on the roof of the train for an hour until he was talked down by police.

Trains were delayed and thousands of passengers faced disruption in the wake of the incident close to Durrington railway station in Worthing yesterday afternoon.

The man is believed to have climbed onto the train as it stopped just outside the station. The man drank from a bottle and carried a whip-style object as he stood on the roof.

Witnesses described the man, who was arrested on suspicion of trespass, as sweating heavily.

He was eventually talked down and taken to Worthing Hospital. He was last night undergoing medical tests.

Passengers on board the 1.37pm Southern service from Haywards Heath to Littlehampton and other affected services said they were

stunned to hear an announcement over the tannoy which said: "This train is delayed due to a drunken man on the roof at Durrington."

Sales consultant Chris Forte, 29, from Hove, was travelling from Hove to Worthing when he was delayed at Shoreham.

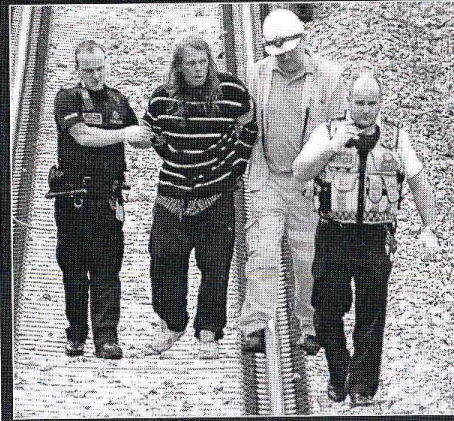
He said: "The announcer was French and kept telling us what was going on. There were a lot of sniggers going around the carriage. "He eventually told everyone to get off the train."

Nicole Child, of Worthing, was stuck at Worthing West station where there was a crowd of about 100 people.

She said: "There were huge delays. Still it is better he is on the roof of the train than under it."

A British Transport Police spokeswoman said the man was thought to have been in a nearby garden and wandered along the tracks before climbing onto the train.

The train did not move while the man was on the roof.



MISSING: Gary Hampson

Suspects' bail is extended

TWO people arrested on suspicion of murdering Gary Hampson have had their bail extended.

A 48-year-old man from Brighton has had his bail date adjourned until September 7.

A 66-year-old woman from Brighton has had her bail adjourned until September 6.

They are accused of killing 43-year-old Mr Hampson, of Old Shoreham Road, Portslade, who was last seen on January 6 when he dropped off his daughter at school. Blood was discovered in the garage he managed in Little Preston Street, Hove.

His body has not been found despite extensive searches.

Daniel Alexander, 61, of no fixed address, has already been charged with Mr Hampson's murder and conspiracy to pervert the course of justice.

Roy Bartup, 57, of Natal Road, Brighton, has been charged with conspiring to pervert the course of justice.

Anyone with information is urged to call the police on 0845 6070999 quoting Operation Jubilee.

Woman took her own life

A WOMAN who died when she was hit by a train took her own life, a coroner has ruled.

Jacquelyn Saunders, 40, from Wivelsfield, near Burgess Hill, was seen jumping off the platform at Iver railway station in Buckinghamshire and lying down on the track before being struck by a fast train heading to London Paddington on May 9.

The inquest took place at High Wycombe Magistrates' Court in Buckinghamshire yesterday and heard from witnesses including the driver of the train and a passenger.

The coroner recorded a verdict of suicide.

Champagne con artist

A CONMAN was arrested when the investigating officer spotted him on her way to work.

John Clugston, from the Southwick area, was caught on Tuesday when he was spotted on a bus at Clapham Junction.

He pleaded guilty to six counts of fraud and appeared at the City of Westminster Magistrates' Court yesterday.

Clugston visited offices, telling victims that he had bottles of Bollinger Champagne which he could sell to them at a relatively cheap price. Once they handed over the money, Clugston would disappear. He raked in more than £18,000. Clugston was remanded in custody and will be sentenced later.

'We are scared of travellers'

by RUTH LUMLEY

RESIDENTS have said they feel frightened and intimidated by travellers who have taken over a park.

More than 50 people attended a public meeting in the car park at Greenleas recreation ground in Hangleton yesterday afternoon to talk to Hove MP Mike Weatherley about their concerns.

A dozen caravans are currently in the park after arriving last week.

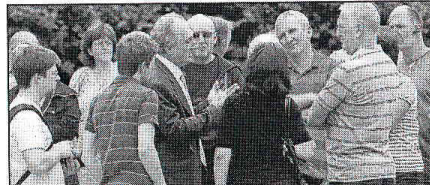
One resident, who did not wish to be named, said: "This is depriving local people of the use of this park. There are dogs all over the place and the human excrement is a public health matter."

A 43-year-old said: "I will not allow my kids down here now. My nephew, who is only five, cannot understand why he is not allowed in the park. If they had a barrier here then they would not be able to get in."

Victoria Wood, who lives nearby, said: "The generators keep me awake. I am tired. It's stressing me out."

Mr Weatherley told the residents they should email him all their concerns.

He said: "It is in my view illegal. I



FEARS: Worried residents question Hove MP Mike Weatherley

am not anti-travellers at all. I totally respect their way of life and I actually envy it in some respects.

"But what I am is pro parks. The residents pay their rates and taxes and want to enjoy the park as it is. If I park a couple of inches over a white line in Brighton and Hove I would get a ticket but it seems to be OK to drive a car in here and it takes a week to remove it. We need to change that type of law."

Conservative councillor Dawn Barnett, representing Hangleton and Knoll, said: "I think they are just down here on a cheap holiday as if going to a caravan park."

"We should take the registration numbers, find out their home addresses and prove they are not travellers, they are holidaymakers."

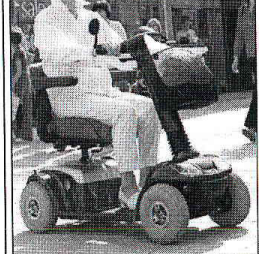
A Brighton and Hove City Council spokesman said a possession hearing for the land would take place at Brighton County Court tomorrow.

Superintendent Steve Whitton, from Sussex Police, said officers had received few reports of problems at the site.

Green council leader Bill Randall said: "The shortage of permanent and transit sites for travellers and gypsies is a national problem, which Conservative and Labour governments have failed to address."

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Appendix 3 – Direction Notices handed to travellers

Go to the sea front turn left
At Brighton pier go around the roundabout
Take the top road to the traffic lights turn left
Pass through 2 sets of traffic lights
Continue up a short hill to the arch at the top of the road
There you will find queens park where there are toilets hand basins
Childrens play area a fenced in duck pond where the children can feed the ducks
And plenty of parking space
It will be much safer for the children and with a play area much nicer for the children and space for the dogs to run around so they will not have to be caged

RECEIVED STANDARD
CITY OF BRIGHTON

24 AUG 2011

BRIGHTON & HOVE CITY COUNCIL

Hi BRIAN

THIS is the other letter
I gave this one out when they
were at the CRICKET CLUB
They had small dogs and Puppies
in cages because of the Link RD
and old sharnham RD I found
this one indoors

Dawn Barnett

Agenda Item 3 - Investigating Officer's Report – Appendix 1

Queens Park
Take the seafront road
Turn towards the Brighton Pier
Turn around the roundabout take the top road
Go to the traffic lights turn left
Then go through 2 sets of traffic lights
Turn left then first left up Park Street that goes straight into the park
THE PARK HAS TOILETS WASH BASINS SWING PARK
DUCK POND THAT IS FENCED OFF AND PLENTY OF SPACE FOR THE DOGS
TO RUN
THE OTHER OPTION IS THE LEVEL ON THE LEWES ROAD BUT THIS IS
QUITE DANGEROUS AS IT IS NEAR THE MAIN ROAD
ANOTHER OPTION IS Brunswick lawns opposite the beach
You will not be moved from these areas as they are not areas that have
sports ie cricket football and school playing fields

Appendix 4 - Councillor Barnett's written response to the complaint



COUNCILLOR DAWN BARNETT

13 Greenleas
Hangleton
Hove BN3 8AD

RECEIVED BY STANDARDS
AND COMPLAINTS
18 AUG 2011
19
BRIGHTON & HOVE CITY COUNCIL

Dear Brian

Thank you for your letter of 27th July asking for further information in relation to the complaint that has been made against me. In particular, you have asked me to comment on the breaches of the Code of Conduct that I am accused of carrying out. I will take each of these in turn:

1) You must treat others with respect

I deny that I have failed to treat any member of the travelling community with respect. The Council must agree that the travellers should not have moved onto the sites in my ward because they sought possession of those sites through the courts. If the complainant has any evidence from travellers that I have not treated them with respect then I would be interested to see it.

2) You must not do anything which may cause your authority to breach any of the equality enactments

I deny that I have acted without due regard to the public sector equality duty. There were two main reasons I had for directing the unlawful traveller encampment away from Greenleas Park and Portslade Cricket Club. Firstly, I did have genuine concern for the safety of the traveller children, with the site being so close to the link road and the main road. Secondly, given the strength of feeling which I know exists amongst a large number of the residents in my ward about the recent spate of unlawful encampments, I did genuinely feel that community relations would have been better served if the travellers had moved to an area of the city represented by Green Party members. After all, they had made it very clear on a number of occasions that they didn't feel that unlawful traveller encampments should be moved on unless there were suitable official alternatives. As ward councillors are there to reflect public opinion in their wards, my assumption was there was bound to be less community tension if the travellers moved to those wards. This is presumably the same reasoning as the Green Administration followed when deciding to proactively open up the 19 Acres site in Withdean Ward for a 'tolerated' encampment. They must have felt that if the travellers were on this site, which is not in a residential area, there would be less problems than if they had remained in Hangleton for example.

3) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

I deny that my conduct could reasonably be regarded as bringing my office or authority into disrepute. I note that the Panel were of the view that my

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Email: dawn.barnett@brighton-hove.gov.uk

Conservative Member for HANGLETON & KNOLL Ward

Agenda Item 3 - Investigating Officer's Report – Appendix 1

statements and actions could 'legitimise illegal actions against members of the GRT community by others'. I refute this allegation completely. I am not aware that any such illegal actions have taken place but, if they did, I would condemn them wholeheartedly and would encourage the Police to bring those responsible to justice. An illegal action is an illegal action and nothing that I say or do can in any way change or 'legitimise' that.

I hope that this addresses the points which you raise in you letter.

Kind regards



Councillor Dawn Barnett
Hangleton & Knoll Ward

Appendix 5 – Notes of interview with Councillor Barnett

Notes of meeting between Councillor Dawn Barnett and Brian Foley

22 August 2011

1. Councillor Dawn Barnett (DB) explained that she has no issues with Gypsies, she said they are people who look after and protect the countryside. She said they are very clean people.
2. DB said the people who were camping in Greenleas were holiday makers. DB believed this to be true because one of them asked a resident backing onto the park if they could plug their generator into her power supplies. During that conversation the traveller reportedly said they all had homes in Ireland, and that their children go to school and to church there.
3. DB's view was that the people illegally camping in Greenleas were not genuine travellers.
4. On the morning they arrived DB drove her car around to the entrance of the park and blocked it with her car. There were already in the region of 30 caravans on the site.
5. DB said that three men came up to her and said "you're the MP and you said we would be welcome here". DB explained that she was not Caroline Lucas.
6. DB talked with a woman who promised that they would keep the park clean and they would be quiet.
7. DB asked if instead of camping all around the park they would move to one corner. They didn't.
8. The Police arrived and they told DB that she should move her car because it was causing an obstruction. They were not prepared to move the travellers on because at that stage there was no anti-social behaviour being caused.
9. Prior to this group of travellers arriving there had been another group with 25 caravans who had smashed the locks and driven onto the local cricket pitches. DB had asked those people not to stay there because the pitches were in constant use by young people in the area who were either playing or practicing for organised cricket and football matches. However, that group of travellers did not leave the site.
10. One of DB's main concerns was that the illegal encampment in the amenity parks meant that local people could not organise their

upcoming fetes and that various projects could not run. Also the young people were prevented from playing games in the parks.

11. DB was asked if she had contacted any officers about getting the travellers moved on. She said she had emailed Councillor West asking what he defined as Anti-Social Behaviour. She had no reply and asked the question again at Council on 21 July 2011. She said she only received a vague response. She said she emailed him again during w/c 15 August but has still not had a response.

She said she had spoken with Nick Hibberd and his response was that there was no where for them to go.
12. DB was not satisfied with the responses she has from the Police, from the administration or from officers. DB thought the Police were exceptionally tolerant.
13. DB said she called the Argus, she did so very soon after they had arrived. She said it was common for local councillors to get in touch with the Argus whenever Gypsies or Travellers arrive.
14. DB was asked if the quotes in the Argus were accurate and if they had had accurately reported her view. DB said it was an accurate representation.
15. DB was asked if she thought the articles might influence people to think worse of the travellers, or to take matters into their own hands.
16. DB said people were frightened and were highly unlikely to take these people on.
17. DB was confident that none of the things she was quoted as saying which appeared in the paper would have incited violence or hatred against travellers.
18. DB said she had only said what people themselves were thinking. She said she is not being racist, she was commenting on the specific behaviour of the particular group of people who were occupying Greenleas Park.
19. DB wanted to stress that she had absolutely nothing against Travellers or Gypsies. She said there had recently been some New Age Traveller's staying in the area. DB described how she was very welcoming to them and visited every day.
20. However, DB felt strongly that the people who camped in Greenleas Park on this occasion were simply 'holiday makers' who were not prepared to pay to stay on an official campsite.

21. DB was extremely upset and angry for local residents. The park had been left in a horrid state and one of the pathways had been blocked off and used as a toilet. The residents who lived adjacent to the park were affected by violent conduct, threatening and intimidating behaviour, constant noise, loud music and cars tearing up the grassed areas.
22. DB said that Gypsies and Travellers should not be allowed to stay in public parks. She strongly suggested that Horsdean should be extended to accommodate more travellers. However, she understood there may be problems in doing so because some groups of travellers will not tolerate others.
23. DB thinks there is need for more official sites along the coast including at Brighton and Hove.
24. DB said she asked the travellers to move from Greenleas as soon as they had arrived. DB admits she suggested they should go to Queens Park and Brunswick lawns. She also suggested the Level as an option.
25. DB said the Level was probably not very safe for the young children because of the amount of traffic nearby. However, DB thought Queens Park would be very good as there were no organised games there. But there were toilets, swings and fenced off duck pond.
26. DB said there was no point sending them to Horsdean as it was already full.
27. DB was asked if she had considered that by suggesting they move to another park this would simply double the cost of clearing up that the council would incur. DB said that at the time she gave out the notices there was no mess. The travellers had only just arrived.
28. DB said she was concerned for the safety of their children because the very busy link road is nearby.
29. DB accepted that she should not have given them directions to land they could camp on other than an official site. She said she would destroy the remaining direction notices she had.

Amendments from Councillor Barnett

30. The New aged travellers were last year. And there were only a few vans when I blocked the entrance maybe 15 I had to move my car so the rest could come in. Also I did say that residents are fed up with the taxpayer having to spend thousands each year clearing up the mess they leave Also I cant remember if you mentioned the tax payers not being able to let their children use the park.

31. You did not mention the fact that the police were called daily and the fact that there was a large fight between about 20 or 30 at 1 30 on a Sunday morning

I confirm that the above is an accurate representation of our conversation

Councillor Dawn Barnett

Date:

Appendix 6 – Extract from the Equality Act 2010



Equality Act 2010

CHAPTER 15

CONTENTS

PART 1

SOCIO-ECONOMIC INEQUALITIES

- 1 Public sector duty regarding socio-economic inequalities
- 2 Power to amend section 1
- 3 Enforcement

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

- 4 The protected characteristics
- 5 Age
- 6 Disability
- 7 Gender reassignment
- 8 Marriage and civil partnership
- 9 Race
- 10 Religion or belief
- 11 Sex
- 12 Sexual orientation

CHAPTER 2

PROHIBITED CONDUCT

Discrimination

- 13 Direct discrimination

- (b) persons who apply for employment, or
 - (c) persons the employer considers for employment.
- (8) “Trade organisation”, “qualifications body” and “relevant qualification” each have the meaning given in Part 5 (work).

PART 11

ADVANCEMENT OF EQUALITY

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Appendix 7 – Councillor Barnett's comments on the Draft Report

Councillor Barnett commented on paragraphs within the report which are repeated below.

- 5.21 *In this article Councillor Barnett was quoted as saying "there must be ten or fifteen caravans in Greenleas". She said she did not "give a monkeys about directing them elsewhere". "They are practically in my back garden and I want them gone".*

Councillor Barnett added to this saying "they threw dirty nappies, knickers, men's pants and shoes in her back garden and broke fences".

- 5.23 *Councillor Barnett made a very clear statement about the way she will deal with all travellers regardless of how they conduct themselves.*

Councillor Barnett said this was not true.

- 5.84 *On 08 June 2011 the Portslade Cricket Club at Benfield Valley was occupied by travellers. A Section 61 Order was issued. The people camped on the site were requested to leave on 09 June 2011 and did so on that day.*

Councillor Barnett said the travellers went to Victoria Park and ruined it for the cricket.

- 5.85 *On 17 July 2011 at Greenleas Park there were 11 trailers. A Section 62a Order was issued. The travellers were instructed to move to Horsdean or to leave the City. It is not certain where they went but they left Greenleas Park on 18 July 2011.*

Councillor Barnett said the travellers moved to 19 Acres.

- 6.5 *Setting the matter in perspective, there were two unauthorised encampments, one at Benfield Valley and one at Greenleas Park that were each moved on within 24 hours. The effect on local residents would have been minimal in both instances.*

Councillor Barnett said the effects were not minimal.

- 6.23 *With regard to the allegations that Councillor Barnett incited trespass.*

Councillor Barnett said the Greens incited trespass at 19 Acres.

- 7.29 *Councillor Barnett has implied that people living in her ward are generally less tolerant of people with different ethnicity than people living in wards represented by Green councillors.*

Councillor Barnett said that she did not say that.

- 7.30 *Councillor Barnett's choice of language in statements to the press regarding a controversial high profile issue were highly provocative when arguably the matter should have been treated with sensitivity in terms of language and action.*

Councillor Barnett said "the travellers told us they were on holiday".

- 7.32 *Councillor Barnett said the travellers were practically in her back garden and she wanted them gone. Whilst this may have been a figure of speech it could give the impression that her actions were in part for personal gain.*

Councillor Barnett described how the travellers were next to the back gardens of between 20 and 30 households.

