

Case Reference BHC-006219

To the Panel members, Subject Member and all interested parties

Pre-Hearing Process Summary

Date, Time and Place:

20 December 2011 at 10am in the Council Chamber, Hove Town Hall

Subject Member:

Councillor Dawn Barnett

Complainant:

Councillor Phelim MacCafferty

Panel Members:

Dr M Wilkinson, Independent Member

P. Rose, Independent Member

Councillor Lepper, Elected Member

Councillor Littman, Elected Member

Councillor Norman, Elected Member

Democratic Services Officer:

Mark Wall, Head of Democratic Services

Monitoring Officer and Panel's Legal Advisor:

Liz Woodley, Senior Lawyer, Brighton & Hove City Council

Investigating Officer:

Brian Foley, Standards and Complaints Manager, Brighton & Hove City Council

Allegation:

That Councillor Barnett acted in a discriminatory way towards a community in the city, and incited aggravated trespass, by trying to direct travellers to move from Greenleas Park and Benfield Valley to Queens Park, Brunswick Lawns and the Level, by handing out leaflets to the travellers.

Agreed facts:

The findings of fact in the Investigating Officer's report are not disputed.

The Code of Conduct:

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

The Hearing Panel, sitting as a Consideration Panel, accepted the Investigating Officer's findings and reasoning that there had been no breach of paragraph 3 (You must treat others with respect) or paragraph 3 (2) (a) (You must not do anything which may cause your authority to breach any equality enactments)

Attendances:

Both Councillor Barnett and the Investigating Officer have indicated that they will attend the hearing.

Representation:

Councillor Barnett will be represented by Councillor Geoffrey Theobald
The Investigating Officer will represent himself.

Names of witnesses who will be attending:

Councillor Barnett has advised that Pat Weller will be called as a witness to confirm Cllr Barnett's version of events and her intentions.

The Investigating Officer has indicated that he does not intend to call any witnesses.

In the light of the pre-hearing forms returned by Councillor Barnett, it is the Monitoring Officer's view that the Panel will not require the attendance of any additional witnesses at the hearing to enable it to come to a properly considered conclusion.

Procedure to be used:

The Standards Committee's Procedure for Local Determination Hearings of Allegations of Member Misconduct