



**Brighton & Hove
City Council**

**STANDARDS COMMITTEE HEARING
PANEL
ADDENDUM**

10.00AM, TUESDAY, 20 DECEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

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STANDARDS COMMITTEE HEARING PANEL

Agenda Item 3

Brighton & Hove City Council

Subject:	Hearing of Complaint Against a Councillor for failing to comply with the Code of Conduct - Exempt Category 1		
Date of Meeting:	20 December 2011		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Liz Woodley	Tel: 291509
	Email:	Liz.woodley@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report deals with a complaint that Councillor Barnett has failed to comply with the Members' Code of Conduct.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine the complaint that Councillor Barnett has failed to comply with the council's Code of Conduct.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 5 July 2011 Councillor MacCafferty made a complaint about the conduct of Councillor Barnett in regard to newspaper articles that appeared in the Argus concerning Travellers.
- 3.2 The Standards Assessment Panel referred the complaint for investigation by the Monitoring Officer having considered that the conduct, if proven, would amount to a breach of the following provision of the Code of Conduct:-

Paragraph 3(1): You must treat others with respect.

Paragraph 3(2)(a): You must not do anything which may cause your authority to breach any of the equality enactments.

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

- 3.3 The Standards Consideration Panel considered the report at a meeting on 28 November 2011. Without making any finding that there had been a failure to comply with the Code, it determined that the matter should be considered at a meeting of the Hearing Panel in relation to Paragraph 5. That meeting should be

conducted in accordance with the council's adopted procedure for Local Determination Hearings. A copy of that procedure is included with the agenda papers (Item 2(d)).

3.4 The Investigating Officer's report is attached as Appendix 1. He concluded that there had been a breach of paragraph 5, but no breach of Paragraphs 3(1) and 3(2)(a).

3.5 In accordance with the agreed procedures, a pre-hearing summary will be produced and provided in advance of the Hearing Panel's meeting to the complainant, the subject member, members of the panel and the Investigating Officer. The summary is meant to highlight areas of agreement and disagreement between the subject member and the Investigating Officer.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 There has been no consultation on this report. None is envisaged by the council's Local Determination Hearings procedures.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are none.

Finance Officer Consulted: Anne Silley

Date: 12/12/11

Legal Implications:

5.2 The Local Government Act 2000 and the Standards Committee (England) Regulations 2008 set out a framework for dealing with complaints that members may have breached the Code of Conduct. By virtue of section 57A (6) of the 2000 Act, the Standards Board is entitled to issue guidance with respect to the conduct of investigations and hearings. The council's procedures have been drawn up having regard to that guidance, and this complaint has been processed in accordance with those procedures.

Lawyer Consulted: Liz Woodley

Date: 12/12/11

Equalities Implications:

5.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk or opportunity management implications arising from this report.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Investigating Officer's report together with appendices.
2. Pre-hearing summary (to be circulated).
3. Draft Minutes of the Consideration Panel held on the 28th November 2011.

Documents in Members' Rooms

1. None

Background Documents

1. None

Case Reference: BHC-006219

Subject Member: Councillor Dawn Barnett

Complainant: Councillor Phelim MacCafferty

This report represents the final findings of an investigation carried out under regulation 14 of The Standards Committee (England) Regulations 2008 by Brian Foley, Standards and Complaints Manager, on behalf of the Monitoring Officer for Brighton and Hove City Council into an allegation concerning Councillor Dawn Barnett, and will be presented to a Hearing Panel of the Standards Committee.

DATE: 16 November 2011

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1.0 **Executive Summary**

- 1.1 Councillor MacCafferty complained that Councillor Barnett has acted in a discriminatory way towards a community within the city and has incited aggravated trespass.
- 1.2 The complaint refers mainly to newspaper articles describing the action of Councillor Barnett.
- 1.3 The investigation found that Councillor Barnett tried 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.
- 1.4 She states that she directed them to Green wards because she believed community relations would have been better served if the travellers were staying on land in Green wards. She also stated that she was worried for the safety of the travellers' children.
- 1.5 Councillor Barnett made an unequivocal statement that she would always take similar action to direct travellers to other locations in green wards within the city at the earliest possible opportunity.
- 1.6 Councillor Barnett's actions and views were featured in articles in the Argus on 10 June and 28 June. Her comments were also reported in the same paper on 07 July, 27 July and 28 July 2010.
- 1.7 The finding of the investigation was that Councillor Barnett had not breached paragraph 3 of the code of conduct for Members (you must treat others with respect.)
- 1.8 Furthermore the investigation concluded that Councillor Barnett's statements and action could not be considered to have caused the Local Authority to be in breach of its duties under the Equality Act 2010. Therefore there has been no breach of paragraph 3(2)(a) of the code of conduct for members (you must not do anything which may cause your authority to breach any of the equality enactments.)
- 1.9 However, the arguments as to whether Councillor Barnett had breached paragraph 5 (you must not conduct yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute) are very finely balanced. The conclusion of the investigation, although marginal, is that Councillor Barnett has breached paragraph 5 of the members Code of Conduct.
- 1.10 The following report sets out the evidence gathered, the findings of fact and the reasoning whether there have been failures to comply with the code.

2.0 **Councillor Barnett's official details**

2.1 Councillor Barnett was re-elected to the Hangleton and Knoll ward and took up office on 09 May 2011.

2.2 Councillor Barnett serves on the following committees:

- Community Safety Forum
- Council
- Health Overview & Scrutiny Committee

2.3 Councillor Barnett has been appointed to the following outside body:

- Brighton and Hove in Bloom

3.0 **Relevant legislation**

3.1 The council has adopted a Code of Conduct for members, in accordance with section 51 of the Local Government Act 2000.

3.2 This investigation is carried out under regulation 14 of The Standards Committee (England) Regulations 2008.

3.3 Disclosure of information of parts of the report and of the documents in the schedule of evidence may be an offence under section 63 of the Local Government Act 2000.

4.0 **Background to the complaint and Decision of Standards Assessment Panel**

4.1 A complaint was received from Councillor MacCafferty by email on 05 July 2011 about alleged inappropriate behaviour by Councillor Barnett. (Appendix 1).

4.2 Councillor MacCafferty based his assertion on articles published in The Argus dated 10 June 2011, 28 June 2011, and 07 July 2011 plus an email to Councillor West dated 27 June 2011.

4.3 Councillor MacCafferty alleged that Councillor Barnett had acted in a discriminatory manner towards a community within the City.

4.4 Councillor MacCafferty said Councillor Barnett used the issue of race to make blunt inflammatory points at a time when what he described as: "tensions between Gypsy, Roma and Traveller (GRT) community and that of the 'fixed' community as mounting within the City".

4.5 Councillor MacCafferty said that Councillor Barnett had incited aggravated trespass in green spaces throughout the city.

4.6 In support of his complaint Councillor MacCafferty said BHCC have a

duty under the Equality Act 2010 to eliminate discrimination and this would require all Councillors to have due regard to the meaning of the Public Sector Equality Duty the relevant parts of which state:

- (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.

4.7 An Assessment Panel of the Standards Committee Standards Committee decided that if proven the allegation may amount to a breach of the Code of Conduct on the following grounds and referred the matter to the Monitoring Officer for investigation. The Monitoring Officer instructed the Standards and Complaints Manager to proceed with the investigation on his behalf.

Paragraph 3(1): You must treat others with respect.

Paragraph 3(2)(a): You must not do anything which may cause your authority to breach any of the equality enactments.

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

4.8 In considering the complaint the panel members could understand the frustration Councillor Barnett might have been expressing on a personal level, and on behalf of her constituents, regarding the behaviour of members of the Gypsy, Roma and Traveller community who were occupying council land in her ward. They were careful to note that this was a matter reported in the local press and that it was important to understand how accurately the article reflected what Councillor Barnett had actually said to the reporters.

4.9 The panel noted that trespass is a civil wrong and that aggravated trespass is a criminal offence. However they were of the view that if it were proven that Councillor Barnett had encouraged members of the Gypsy, Roma and Traveller (GRT) community to trespass there could potentially have been a breach of the code of conduct.

4.10 The panel then considered whether Councillor Barnett's reported

actions and statements might have amounted to a failure in her duties under the equalities enactments; particularly the Public Sector Equality Duty of the Equality Act 2010. The Panel members made reference to the duty of a councillor to 'foster good relations' between people who share a protected characteristic and people who do not share it.

- 4.11 The Panel were of the view that, if proven, the statements and actions of Councillor Barnett could legitimise illegal actions against members of the GRT community by others. This could constitute a breach of the code of conduct. The panel therefore decided this issue should also be referred for investigation.

5.0 The Evidence Gathered

Evidence in support of the complaint as supplied by Councillor MacCafferty

- 5.1 Councillor MacCafferty states that he originally hoped that a complaint would not be necessary but believed there were a number of circumstances where Councillor Barnett had acted inappropriately. He said:

- She had been seen to act in a discriminatory fashion to a community in the City.
- That community had a protected characteristic, namely race.
- Councillor Barnett had incited aggravated trespass in green spaces throughout the City which is an offence under the Criminal Justice and Public Order Act 1994.
- That the incited trespass had been consciously directed at wards with Green councillors.
- Councillor Barnett was using the issue of race to make blunt, inflammatory political points at a time when tensions between the GRT community and the settled community are mounting within the City.

- 5.2 Councillor MacCafferty said that in relation to the coverage in the Argus on Friday 10 June 2011 Councillor Barnett said "the Greens say the travellers have got to live somewhere. So they can live where the Greens are."

- 5.3 Councillor MacCafferty stated that in the Argus dated Tuesday 28 June 2011 Councillor Barnett reportedly said "I am directing the travellers to Queens Park, Brunswick Lawns and this time to the Level. There must be 10 or 15 caravans in Greenleas...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 directions and every time they turn up in Hangleton I am going down there and hand them out."

- 5.4 Councillor MacCafferty said Councillor Barnett had flouted the 7th General Principle of Public Life namely “you should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race...”.
- 5.5 Councillor MacCafferty said Councillor Barnett was using increasingly alarmist language and her email to Councillor West would suggest the articles in the newspaper were not simply flippant remarks that had been misunderstood.
- 5.6 Councillor MacCafferty said there is guidance on the subject from the Local Authority’s Travellers Strategy 2001 and proposals from the Department for Communities and Local Government to “raise awareness amongst councillors of their leadership role in relation to traveller site provision”.

Summary of Councillor Barnett’s statements in newspaper articles

- 5.7 The following is a summary of articles in the Argus newspaper. (Appendix 2).
- 5.8 Copies of the direction notices handed out by Councillor Barnett are provided at Appendix 3.
- 5.9 On Friday 10/06/2011 the Argus reported that on Wednesday night about 20 caravans were parked up near Portslade Cricket Club. The article stated that at 8:30 a.m. the next morning Councillor Dawn Barnett was handing out directions to Queens Park. The report states Councillor Barnett also suggested the group could try Brunswick Lawns. Both are within Green wards.
- 5.10 In that same article Councillor Barnett is quoted as saying “the Greens say the travellers have got to live somewhere. So they can live where the Greens are.”
- 5.11 Councillor Barnett reportedly said “it is a fantastic cricket pitch. It’s well run and is chocablock with youngsters. The travellers being there will ruin it for them”.
- 5.12 Councillor Barnett said the travellers had “broken the lock to get in”. “She went there and was everybody’s friend”. She said she “told them all about Queens Park, they didn’t know about it”. She told them “it was just down the valley and had a play park and a pond”.
- 5.13 Councillor Barnett reportedly said she diverted the group because she was concerned for the safety of the traveller children as the cricket pitch was close to the main roads.
- 5.14 She is quoted as saying “the new Green administration is happy with them in the community”.

- 5.15 The newspaper article includes a photograph with Councillor Barnett holding a copy of the directions she handed out.
- 5.16 In response to the complaint she said community relations would have been better served if the travellers moved to an area of the city represented by green party members.
- 5.17 In The Argus Tuesday 28 June 2011 it was reported that Councillor Barnett had visited travellers who had parked at Greenleas Park and suggested they move to The Level in Brighton instead.
- 5.18 The article said this was the second time Councillor Barnett had handed out directions to travellers in less than a month and again included a picture of Councillor Barnett holding the printed directions she was handing out.
- 5.19 Councillor Barnett is quoted as saying she was “fuming to discover caravans at the Hangleton recreation ground on Saturday morning”. She said she was “directing them to Queens Park, Brunswick Lawns and The Level”. Councillor Barnett is pictured with a second notice giving directions to those locations.
- 5.20 Councillor Barnett reportedly reacted immediately towards the travellers who had arrived at a park in her ward.
- 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”.

On this point Councillor Barnett commented to the investigating officer that “they threw dirty nappies, knickers, men’s pants and shoes in her back garden and broke fences.”

- 5.22 Councillor Barnett reportedly said “if they cleared up their rubbish 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”.
- 5.23 This appears to be a very clear statement from Councillor Barnett about the way she will deal with all travellers who arrive in Hangleton regardless of how they conduct themselves.

Councillor Barnett told the investigating officer it was not true that she would treat all travellers in the same way.

- 5.24 On Thursday 07 July 2011 the Argus ran an article about Travellers. Alongside this item was an inset with a picture of Councillor Barnett. It was reported that Councillor Barnett has vowed to continue to direct

any travellers in her ward to Green areas of the city.

- 5.25 The article repeated that Councillor Barnett had printed off directions to The Level, Queens Park and Brunswick Lawns and that these have been distributed to travellers who were illegally parked on the Greenleas Recreation Ground and Victoria Park in Portslade.
- 5.26 In the Argus Wednesday 27 July 2011 it was reported that a group of about 30 caravans had moved onto Greenleas recreation ground on Friday 22 July 2011. The article said that after a weekend of complaints from residents BHCC was working on obtaining a possession order.
- 5.27 The report stated the group were camped only yards from Councillor Barnett's home. The article described Councillor Barnett as one of the most outspoken critics of travelling groups in the city.
- 5.28 The Argus quoted Councillor Barnett as saying "they have been a disruption all weekend". "How can they be allowed to stay when it is the start of school holidays? The caravans surround the park and stop anyone else from using it". She said "I understand they have a right" but asked "what about the rights of residents".
- 5.29 The report said residents had been complaining about litter being left in the park and about being kept awake by loud music. It was reported by the paper that there had been a fight involving about 30 people on Sunday morning.
- 5.30 In The Argus on Thursday 28 July 2011 there was an article describing how 50 people attended a public meeting in the car park at Greenleas Park to speak with the local MP.
- 5.31 Councillor Barnett attended and was reported as saying "I think they are just down here on a cheap holiday as if going to a caravan park". Councillor Barnett wanted the registration numbers of the vehicles to be taken to find out where the owners lived and to prove they are not travellers but are holiday makers.
- 5.32 It was reported that the Local Authority was seeking a possession order in the county court the following day.

Councillor Barnett's written response to the complaint and associated documents

- 5.33 Councillor Barnett's written response is provided at Appendix 4.
- 5.34 Councillor Barnett denied having failed to treat any member of the travelling community with respect. She commented that the travellers should not have moved onto the sites in her ward and this could be verified because the Council took action to remove them.

- 5.35 Councillor Barnett denied that she had acted without due regard to the public sector equality duty.
- 5.36 Councillor Barnett explained she had two main reasons for directing the unlawful traveller encampment away from Greenleas Park and Portslade Cricket Club.
- 5.37 Firstly she had genuine concern for the safety of traveller children with the site being so close to the main road and the link road.
- 5.38 Secondly, given the strength of feeling that existed among a large number of residents about the state of unlawful encampments she said she genuinely felt community relations would be better served if the travellers moved to an area of the city represented by Green Party members.
- 5.39 Councillor Barnett believed Green Party members had made it very clear that unlawful encampments should not be moved on unless there were suitable official alternatives.
- 5.40 Councillor Barnett argued that ward councillors are there to reflect public opinion and she said she assumed there was bound to be less community tension if the travellers moved to those wards represented by Green party members.
- 5.41 Councillor Barnett argued that the Administration must have used a similar reasoning when they decided to open up the 19 Acres site in Withdean Ward as a tolerated encampment. She said the Administration must have felt that if the travellers were on this site which is not in a residential area there would be less problem than if they had remained in Hangleton, for example.
- 5.42 Councillor Barnett denied that her conduct could reasonably be regarded as bringing her office or authority into disrepute. She did not accept the allegation that her actions might legitimise illegal actions against the GRT community by others.
- 5.43 Councillor Barnett said she was not aware of any such illegal actions taking place but if they did she would condemn them wholeheartedly.
- 5.44 Councillor Barnett seemed to have the support of many of her constituents. She supplied many letters supporting the action she had taken. Those people also commented on how helpful Councillor Barnett was as a ward councillor.
- 5.45 She is described as a person who is very industrious, does not shy away from her responsibilities and always expresses her opinions and beliefs.
- 5.46 One person said she felt indebted to Councillor Barnett for the work

she has done to protect her and completely admired all the work she did.

- 5.47 Another person said Councillor Barnett gives selflessly of her time and energy and we owe her a great debt of thanks.
- 5.48 Someone said Councillor Barnett works tirelessly to engage with the community of residents. They added that Councillor Barnett was relaying the thoughts of all residents regarding the influx each year and several times a year of travellers to Greenleas Park.
- 5.49 There were many positive references supplied by residents living in the ward represented by Councillor Barnett.

Summary of interview with Councillor Barnett

- 5.50 The Investigating Officer met with Councillor Barnett on 22 August 2011 and the notes of that interview were agreed on 24 August 2011.
- 5.51 Councillor Barnett's interview notes are provided at Appendix 5.
- 5.52 Councillor Barnett wanted to stress that she had absolutely nothing against Travellers or Gypsies. She said Gypsies are people who look after and protect the countryside and are very clean people. She said there had been some New Age Travellers staying in the area the year before. Councillor Barnett described how she was very welcoming to them and visited them every day.
- 5.53 However, Councillor Barnett 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.
- 5.54 Councillor Barnett believed this to be true because one of them asked a resident whose house backed 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.
- 5.55 Councillor Barnett's view was that the people camping in Greenleas were not genuine travellers.
- 5.56 Councillor Barnett said that on the morning the travellers arrived she drove her car around to the entrance of the park and blocked it with her car. There were already in the region of 15 vehicles on the site at that time.
- 5.57 The Police arrived and they told Councillor Barnett that she should move her car because it was causing an obstruction. They told her they were not prepared to move the travellers on because at that stage

there was no anti-social behaviour being caused. Later more vehicles arrived.

- 5.58 Councillor Barnett said that three men came up to her and said “you’re the MP and you said we would be welcome here”. Councillor Barnett explained that she was not Caroline Lucas.
- 5.59 Councillor Barnett said she talked with a woman who promised that they would keep the park clean and they would be quiet. Councillor Barnett asked if instead of camping all around the park they would move to one corner. She said they didn’t.
- 5.60 Councillor Barnett said that 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. Councillor Barnett 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. Councillor Barnett said that group of travellers did not, however, leave the site.
- 5.61 One of Councillor Barnett’s main concerns was that the unauthorised 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.
- 5.62 Councillor Barnett 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 at the time of the interview had still not had a response.
- 5.63 Councillor Barnett was not satisfied with the responses she has from the Police, from the administration or from officers. Councillor Barnett thought the Police were exceptionally tolerant of the travellers.
- 5.64 Councillor Barnett said she called the Argus very soon after the travellers had arrived. She said it was common for local councillors to get in touch with the Argus whenever gypsies or travellers arrive.
- 5.65 Councillor Barnett was asked if the quotes in the Argus were accurate and if they had accurately reported her view. Councillor Barnett said it was an accurate representation.
- 5.66 Councillor Barnett was asked if she thought the articles might influence people to think worse of the travellers, or to take matters into their own hands.

- 5.67 Councillor Barnett said people were frightened and were highly unlikely to take these people on. Councillor Barnett 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.
- 5.68 Councillor Barnett 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.
- 5.69 Councillor Barnett 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. She said the police were called daily and there was a large fight between about 20 or 30 travellers at 1:30 a.m. on a Sunday morning.
- 5.70 Councillor Barnett said residents are fed up with the taxpayer having to spend thousands each year clearing up the mess they leave and residents are not able to let their children use the park.
- 5.71 Councillor Barnett 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. Councillor Barnett thinks there is a need for more official sites along the coast including at Brighton and Hove.
- 5.72 Councillor Barnett said she asked the travellers to move from Greenleas as soon as they had arrived. Councillor Barnett admits she suggested they should go to Queens Park and Brunswick lawns. She also suggested the Level as an option.
- 5.73 Councillor Barnett said the Level was probably not very safe for the young children because of the amount of traffic nearby. However, Councillor Barnett thought Queens Park would be very good as there were no organised games there. But there were toilets, swings and a fenced-off duck pond.
- 5.74 Councillor Barnett said there was no point sending them to Horsdean as it was already full.
- 5.75 Councillor Barnett 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. Councillor Barnett said that at the time she gave out the notices there was no mess. The travellers had only

just arrived.

- 5.76 Councillor Barnett said she was concerned for the safety of their children because the very busy link road is nearby.
- 5.77 Councillor Barnett 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.

Chronology of unauthorised encampments in Hangleton

- 5.78 The Investigator checked with the Travellers Liaison Team what encampments there had been in June and July 2011 in the Hangleton and Knoll ward and how the groups had been moved on.
- 5.79 There are three methods for removing people who are occupying land without authority. Council officers will have daily liaison with the Police to decide the most appropriate way of removing unauthorised occupants.
- 5.80 Section 61 of the Criminal Justice and Public Order Act 1994 gives powers to the senior police officer present to direct the occupiers to leave the land and remove their vehicles and property. Those powers may be applied where any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, or where those persons have between them six or more vehicles on the land. It will be a criminal offence to return within 3 months.
- 5.81 Section 62a of the Act gives the Police powers to instruct the person(s) to leave the land but will direct them to an official site where there are available pitches or will direct them to leave the City.
- 5.82 The Council can apply to the County Court for a Possession Order and if successful the eviction will be carried out by bailiffs.
- 5.83 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 told the investigating officer that the travellers then went to Victoria Park and ruined it for the cricket teams playing there.
- 5.84 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 this group of travellers went to 19 Acres.

5.85 On 22 July 2011 at Greenleas Park there were initially 30 trailers, this increased to 36, and then to 40. A Possession Order was sought and eviction was scheduled to take place on 02.08.2011. The travellers left the park on 01.08.2011.

Forms of trespass

5.86 In modern law the word trespass is used most commonly to describe the intentional and wrongful invasion of another's real property. An action for trespass can be maintained by the owner or anyone else who has a lawful right to occupy the real property.

5.87 Every unlawful entry onto another's property is trespass, even if no harm is done to the property. A person who enters property with permission but stays after he has been told to leave also commits a trespass.

5.88 The action of trespass exists to prevent breaches of the peace by protecting the quiet possession of real property.

5.89 The offence of aggravated trespass is committed when a person trespasses on land when a lawful activity is taking place on that land or land nearby and he or she does anything intending to intimidate, obstruct or disrupt that activity.

The Equality Act 2010

5.90 An extract from the Equality Act 2010 is provided at Appendix 6.

5.91 Section 149(1) of the Equality Act sets out the public sector equality duty, which requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

5.92 In this context 'having due regard' means consciously thinking about the public sector equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

- 5.93 Having due regard to the need to advance equality of opportunity involves considering the need to:
- remove or minimise disadvantages suffered by people due to their protected characteristics;
 - meet the needs of people with protected characteristics; and
 - encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- 5.94 Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.
- 5.95 Section 149(2) states that 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).

6.0 Summary of the findings of facts

- 6.1 This section of the report describes the conclusions arising from the evidence recorded in the previous section.
- 6.2 Councillor Barnett prompted the articles in the newspaper which portrayed her as one of the most outspoken critics of travellers groups in the city. Councillor Barnett has accepted that the articles in the Argus have accurately quoted her.
- 6.3 Councillor Barnett is clearly very concerned that the rights of members of the settled community living in the ward she represents were being affected by the actions of the travelling community.
- 6.4 For example she states that people would not be able to plan for fetes or involve themselves in organised games and that local children would be unable to play in the park. Besides having their access to local amenities reduced Councillor Barnett believed local taxpayers would bear the cost of clearing up after the travellers had left.
- 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 these instances.
- Councillor Barnett disagrees with this view however. She says the effects were not minimal.
- 6.6 A third unauthorised encampment at Greenleas Park starting on 22 July lasted for 10 days. The Argus article appeared on 27 July 2011 and included brief descriptions of anti-social behaviour caused by the

travellers.

- 6.7 It is highly likely that local residents were affected by the behaviour of the travellers during this period.
- 6.8 The first two Argus articles featuring Councillor Barnett handing out direction notices. Those notices were given out immediately the travellers arrived.
- 6.9 Councillor Barnett argued that she wanted to move the travellers on because the area was unsafe for their children and because their needs would be better served in wards represented by Green councillors.
- 6.10 When the travellers first arrived Councillor Barnett asked some of them to keep the park clean and to use only a section of the park so that local people could also use it.
- 6.11 So there may have been some attempt to foster good relations on this occasion.
- 6.12 However, in the newspaper articles Councillor Barnett was very clear that she did not want any travellers to stay in her ward. She handed out notices directing travellers to open spaces in wards represented by Green councillors as soon as they arrived. This was before any mess had been created or before any anti-social behaviour had taken place.
- 6.13 Councillor Barnett publicly vowed that she would always do this. (see para 5.22 from the Argus 28 June). She later retracted that statement when speaking to the investigating officer and said she would destroy the remaining printed notices.
- 6.14 Councillor Barnett had however made a very clear public statement about the way she will deal with travellers regardless of how they conduct themselves. It is a blanket approach that describes the way she intended to react to all travellers regardless of their behaviour.
- 6.15 Such action indicates a level of intolerance toward travellers per se rather than in reaction to specific behaviours.
- 6.16 Councillor Barnett understood that the Green administration had said unauthorised encampments should not be moved on unless there were suitable alternatives (para 5.39) so it is not entirely clear why Councillor Barnett attempted to direct travellers to the locations in her leaflets.
- 6.17 On a wider perspective Councillor Barnett firmly believes there should be more official campsites along the south coast and in Brighton. She thinks Horsdean could be extended. She did not think travellers should be allowed to stay in public parks. It is then questionable why she directed the travellers to Queens Park and The Level.

- 6.18 Councillor Barnett stated that she thought travellers would be better tolerated in Green wards than in Hangleton and Knoll. This adds support to the view that in general Councillor Barnett gave the impression of being intolerant of travellers, particularly if they intend staying in her ward.
- 6.19 In a later Argus report (28 July 2011) Councillor Barnett describes the travellers as people on a cheap holiday.
- 6.20 During her interview with the investigating officer it became clear how she had gained that view but it does appear that Councillor Barnett was prepared to overlook or disregard the travellers' cultural heritage.
- 6.21 However, despite her outspoken comments Councillor Barnett was resolute that she would not condone illegal action against the travellers. She said she did not want to incite violence or racial hatred.
- 6.22 The issue of travellers visiting and camping in the city is deeply sensitive and opinions are divided about what should or can be done. Councillor Barnett has made a number of highly publicised provocative remarks about travellers.
- 6.23 Turning now to the allegations that Councillor Barnett incited trespass.
- Councillor Barnett commented to the investigating officer that she thought the Greens had incited trespass at 19 Acres.
- 6.24 Councillor Barnett admits that she directed travellers to camp at unauthorised locations within the city and accepted during her interview that she should not have done so.
- 6.25 Councillor Barnett was not in a position to give the travellers permission to camp at Elm Grove, Queens Park or Brunswick Lawns. It is unknown whether the travellers thought she had the authority to direct them to these locations but it would seem unlikely.
- 6.26 Had the travellers camped at any of the locations Councillor Barnett directed them to they would undoubtedly have been trespassing. An option available to her, would have been to have referred the matter to the Traveller Liaison Team who work with the Police and to have suggested the travellers move to Horsdean or the tolerated encampment at 19 Acres provided spaces were available.
- 6.27 A conclusion of the investigation is that there is clear evidence to support the allegation that Councillor Barnett has encouraged trespass by issuing directions that encouraged the travellers to camp at unauthorised locations throughout the city.
- 6.28 With regard to the allegation that Councillor Barnett incited aggravated

trespass.

- 6.29 As a matter of principle Councillor Barnett had no intention of encouraging travellers to cause damage to Council land or to allow them to intimidate others or disrupt people going about their day to day activity.
- 6.30 Councillor Barnett argues that the problem with travellers is their failure to clear up their mess. Councillor Barnett appears to publicly apply this statement to all travellers. She considered this a problem and it was not behaviour she would encourage.
- 6.31 The investigation finds little evidence to suggest that Councillor Barnett may have incited aggravated trespass. It is recognised that aggravated trespass is a criminal offence and it would therefore be beyond the scope of a complaints investigation to determine if this has occurred.
- 6.32 With regard to findings relating to the Equality Act 2010.
- 6.33 The public sector equality duty, given effect by section 149(1) of the Equality Act, places particular requirements on the council.
- 6.34 Among those is the requirement to foster good relations which involves tackling prejudice and promoting understanding between people who share a protected characteristic and others who do not.
- 6.35 Section 149(2) of the Equality Act 2010 states that 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).
- 6.36 Councillor Barnett was not performing the corporate role of a 'public authority' during the conduct complained of, but the question arises as to whether Councillor Barnett can be considered to have exercised a public function.
- 6.37 There is a considerable body of case law as to the type of business entities that are deemed to perform a public function but whether and in what circumstances an individual person can perform such a function remains open to argument.
- 6.38 The investigation concludes that it would be counter intuitive to suggest that an elected member does not perform a public function. Ward councillors, even backbench opposition councillors are democratically elected to represent the constituents within their ward.
- 6.39 On this interpretation, section 149(2) of the Equality Act 2010 does apply, making it a requirement of all ward councillors that they adhere to the public sector equality duty.

- 6.40 The investigation concludes that ward councillors do have a duty to foster good relations between people who share a protected characteristic and people who do not share it.
- 6.41 The investigation noted that Councillor Barnett has on one occasion tried to persuade travellers to take account of the settled community who use the park where they had set up their encampment.
- 6.42 However, that action is outweighed by the public statements made by Councillor Barnett in the local newspaper which were outspoken against the traveller community and which polarised public opinion.
- 6.43 Councillor Barnett made it very clear that she thought people living in Green wards would be more tolerant of travellers (than residents of Hangleton and Knoll). She thought community relations would be better served if the travellers moved to an area of the city represented by Green party members.
- 6.44 A finding of the investigation is that Councillor Barnett did not pay due regard to the requirement to foster good relations between people who share a protected characteristic and people who do not.

7.0 Reasoning as to whether there have been failures to comply with the Code of Conduct

7.1 The sections of the Code of Conduct which relate to this complaint are:

- Paragraph 3(1): You must treat others with respect.
- Paragraph 3(2)(a): You must not do anything which may cause your authority to breach any of the equality enactments.
- Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing you office or authority into disrepute.

With regard to treating others with respect, paragraph 3(1):

- 7.2 In the guidance given by Standards for England it is stated that comments aimed at a person or their personal characteristics might be considered to be disrespectful.
- 7.3 However, an Adjudication Panel hearing decided that conduct directed against a general class or type of person, none of whom were present to witness it would not be a breach of this paragraph of the code.
- 7.4 The guidance suggests that depending on the circumstances another paragraph of the Code might be engaged. In this instance paragraphs 3(2)(a) and 5 have been applied.

- 7.5 It is not alleged that Councillor Barnett has made a disrespectful comment to any specific individual.
- 7.6 For this reason the finding of the investigation is that there has been no breach of paragraph 3 of the code of conduct.

With regard to the equality enactments, paragraph 3(2)(a):

- 7.7 This paragraph of the code states that a member must not do anything which may cause your authority to breach any of the equality enactments.
- 7.8 The emphasis in this paragraph is on causality and the question arises whether the member has done something which has caused the local authority (and not the member herself) to breach the equality enactments.
- 7.9 Councillor Barnett is a back bench member of the opposition. The statements she has made to the local newspaper about travellers and her actions towards travellers who stayed on land in Hangleton and Knoll have not changed or affected Council policy or practice in any way.
- 7.10 There has been nothing in the evidence to suggest that the local authority has breached the equality enactments.
- 7.11 Therefore Councillor Barnett cannot be considered to have caused **her authority** to breach any of the equality enactments.
- 7.12 Consequently there has been no breach of paragraph 3(2)(a) of the code of conduct.

With regard to bringing your office into disrepute, paragraph 5:

- 7.13 In deciding if Councillor Barnett has conducted herself in a manner which could reasonably be regarded as bringing her office or authority into disrepute the investigation has to distinguish between conduct causing damage to her reputation as an individual and that which reaches the threshold sufficient to damage her reputation as a member.
- 7.14 The Standards for England Case Review 2007 gives examples of situations that might tip that balance.
- 7.15 It suggests that where a member defies important and well established rules of authority for private gain that balance will be tipped in favour of disrepute to the office of member.
- 7.16 The arguments for and against whether Councillor Barnett has brought her office into disrepute are finely balanced.

Arguments against Councillor Barnett having brought her office into disrepute:

- 7.17 Under the Human Rights Act, Councillor Barnett is entitled to the right to freedom of expression. Article 10 of the European Convention on Human Rights, incorporated into English law by the Human Rights Act 1998, accords the right to freedom of expression, including freedom to hold opinions and to impart information and ideas without interference by public authority. However, the right is a qualified right and may be subject to conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of (amongst other things) public safety, the prevention of disorder or crime, and for the protection of the reputation or rights of others. She is a ward councillor and she has articulated the frustrations experienced by people she was democratically elected to represent in exercise of her rights, among others, under the Human Rights Act. The presumption under the Act is that people are entitled to express views, no matter how divergent they may be from the accepted norm, unless the circumstances are such that interference with that right is both necessary and proportionate. One point of view is that interference with that right by finding a breach of the code is not proportionate.
- 7.18 Councillor Barnett genuinely felt the incidence of unauthorised occupations of recreational spaces in her ward had reached an unacceptable level.
- 7.19 Councillor Barnett believed her actions were targeted not at travellers per se but at the effect of the behaviours of the people who camped at Greenleas Park and Benfield Valley without authority.
- 7.20 Councillor Barnett was concerned for the welfare of the traveller children in that they were camped so near to the busy main roads.
- 7.21 Councillor Barnett is a back bench councillor and was therefore not speaking on behalf of the decision making cabinet, the council, or any of its committees.
- 7.22 Councillor Barnett had a democratic mandate to represent the views of residents in the ward even if her method for doing so may not have been the best choice. She has supplied many supporting statements that indicate she works tirelessly and selflessly for her constituents.
- 7.23 Councillor Barnett has accepted that the approach she took was not right and recognises the need for designated traveller campsites. She said she will destroy remaining direction notices.
- 7.24 Councillor Barnett has made an unambiguous statement that she is not racist and she would not condone criminal behaviour against the travellers.

Arguments supporting the view that Councillor Barnett has brought her office into disrepute:

- 7.25 As a democratically elected representative Councillor Barnett carries out a public function and as such has a duty to foster good relations between people who share a protected characteristic and those who don't.
- 7.26 Councillor Barnett acted immediately when travellers arrived at open spaces in the ward she represents. It appears her mind was already made up about the course of action she would take and her actions could not have been dependent on the behaviour she observed.
- 7.27 There are well defined procedures for removing unauthorised occupants from Council land which Councillor Barnett did not try to use.
- 7.28 There is evidence to support the view that by directing travellers to occupy open spaces within the city Councillor Barnett did encourage them to commit the civil wrong of trespass.
- 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.

However, it is noted that Councillor Barnett said she did not say that.

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

It is noted that in response to this paragraph Councillor Barnett commented that the travellers had told local people they were on holiday. She therefore took the view they were holiday makers rather than travellers.

- 7.31 Councillor Barnett referred to the travellers as holiday makers. This denial of their heritage was potentially offensive.
- 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.

It is noted that Councillor Barnett wished to clarify that the travellers were next to the back gardens of between 20 and 30 households.

Balance of arguments for and against:

- 7.33 There are a similar number of factors to take into consideration when reflecting on the arguments for and against a finding of a breach of the code.
- 7.34 The arguments for and against whether Councillor Barnett has breached paragraph 5 of the code of conduct are finely balanced and the decision is consequently very marginal.
- 7.35 Those arguments which fall in favour of Councillor Barnett having breached this paragraph of the code do appear weightier.
- 7.36 After taking account of all the factors the conclusion of this report is that Councillor Barnett's highly publicised actions and statements regarding the travelling community has gone beyond what was necessary to discharge her functions as a ward Councillor.
- 7.37 Given the overall local context, the delicate state of community relations, Councillor Barnett's choice of provocative ways and means to raise the issue and the likely impact of that approach on community relations, coupled with the apparent encouragement to commit a civil wrong it is difficult to escape the conclusion that, on the balance of probabilities, her actions have brought her office into disrepute.
- 7.38 For the reasons outlined above the finding of the investigation is that there has been a breach of paragraph 5 of the code of conduct.

8.0 Finding

- 8.1 The finding of this investigation is as set out in section 7 above
- 8.2 The conclusion of the investigation is that there has been no breach of:
- Paragraph 3 of the Code:
You must treat others with respect.
 - Paragraph 3(2)(a):
You must not do anything which may cause your authority to breach any of the equality enactments.
- 8.3 There has been a breach of:
- Paragraph 5 of the Code:
You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

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."

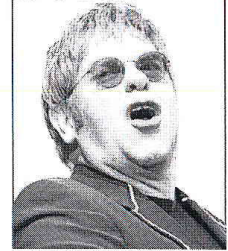
● SEE page eight to find out exactly what the city's policy on travellers is

LETTERS: Coun Dawn Barnett

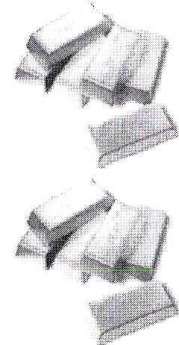


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Dismissed furniture workers awarded £25,000

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

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."

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.

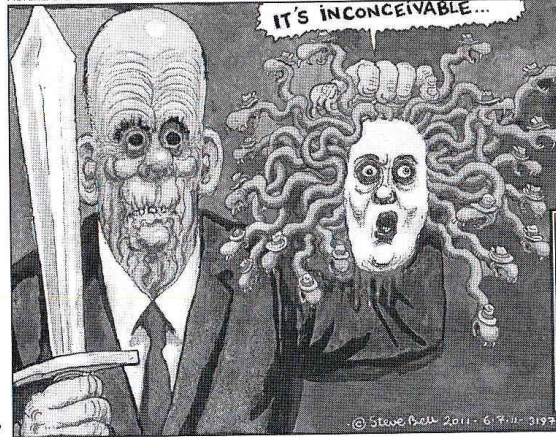
Cartoonist collects degree

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".

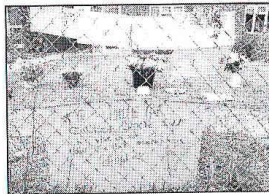
Billy and Michelle Davies told how their hearts are "truly broken" after seven-week-old Gracie was discovered not breathing at home.

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

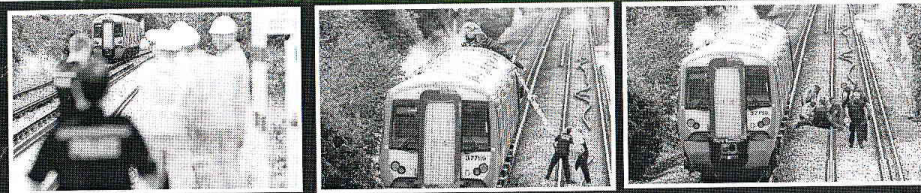
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Commuter chaos as man climbs on train

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.

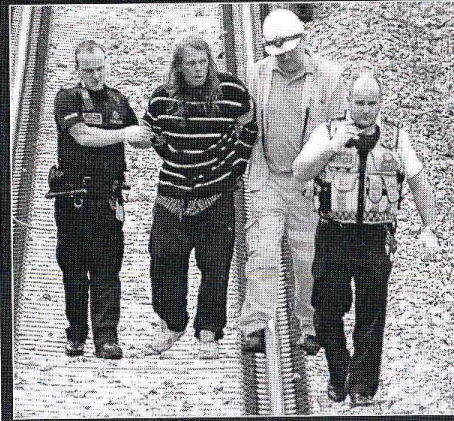
He said: "The announcer was French and kept telling us what was going on. There were a lot of sniggers going around the carriage. "He eventually told everyone to get off the train."

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.

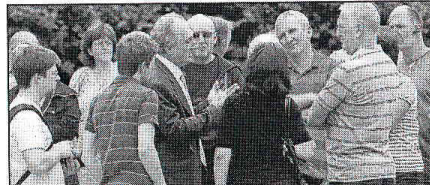
One resident, who did not wish to be named, said: "This is depriving local people of the use of this park. There are dogs all over the place and the human excrement is a public health matter."

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."

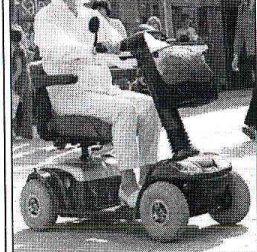
A Brighton and Hove City Council spokesman said a possession hearing for the land would take place at Brighton County Court tomorrow.

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

Telephone: (01273) 291198

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.

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