

Case Ref No: BHC-008869

STANDARDS PANEL HEARING DECISION NOTICE

DATE OF HEARING:	8 November 2012
SUBJECT MATTER:	Allegation that a Member failed to comply with the Code of Conduct for Members.
COMPLAINANT:	Saltdean Community Association Committee
CHAIRMAN:	Councillor Lepper
HEARING PANEL MEMBERS:	Councillors Lepper, Sykes and Wealls
CO-OPTED MEMBER:	Dr. David Horne
INVESTIGATING OFFICER:	Brian Foley, Standards & Complaints Manager
DEMOCRATIC SERVICES OFFICER:	Ross Keatley

THE DECISION

The Panel determined that Councillor Hyde did NOT fail to comply with the Council's Code of Conduct for Members, and it is satisfied that there has been no breach of paragraph 3(1) of the Code of Conduct.

REASON FOR THE DECISION

The Panel noted Councillor Hyde's acceptance that she had repeated comments that included the words complained about. The Panel noted that there were conflicting views about the level of noise in the room and about the circumstances in which people were leaving at the time the remarks were made. The Panel considered carefully whether the remarks were directed at the Saltdean Community Association Committee ('the committee') or were part of a conversation with another Councillor. The Panel determined that on balance, the remarks were not made directly at the committee, but that some of the words were audible to some of those in the vicinity.

The Panel determined that on balance of probability, the comment made by Councillor Hyde when leaving the committee meeting was not directed at the committee. One inference that could be drawn from this is that the comment could not have been disrespectful to the committee. Nonetheless the Panel considered

the possibility that even if the comment was not directed at the committee, it was taken as being directed at them, and the Panel noted the swift response from Councillor Hyde to an email from a committee member which refuted the allegation and confirmed that Councillor Hyde did not believe the committee member was 'in it for himself'. Even if the committee took the comment as being directed at them, the Panel considered that the words were not disrespectful in the context of the Code of Conduct as they did not meet the required threshold for such conduct to amount to a breach.

Whilst the Panel finds there was no breach of the Code of Conduct, it did consider that Councillor Hyde's remarks were indiscreet, and councillors should always exercise discretion when making comments in a public meeting.

RELEVANT SECTION OF THE CODE OF CONDUCT

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

RIGHT OF APPEAL

There is a right of appeal for the complainant and the subject member against the decision of the Standards Panel. This is without prejudice to the right of the complainant to refer the matter to the Local Government Ombudsman.

If either person wished to exercise this right, they should write to the Council's Monitoring Officer*, stating they wish to appeal the Standards Panel decision, with reasons for doing so. A request for an appeal must be received within 10 working days of the 8th November 2012.

*Address: Brighton & Hove City Council, Kings House, Grand Avenue, Hove, BN3 2LS

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Council's procedure for determining an allegation that a Member has failed to comply with the Code of Conduct for Members.

Chairman:
Councillor Jeane Lepper

Proper Officer:
Mark Wall, Head of Democratic Services

Signed:



Date: 08 November 2012

Signed:



Date: 08 November 2012