

BRIGHTON & HOVE CITY COUNCIL

STANDARDS PANEL

10.00am 8 NOVEMBER 2012

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillor Lepper, Sykes and Wealls

Officer Present: Brian Foley (Standards & Complaints Manager), Oliver Dixon (Lawyer) and Ross Keatley (Democratic Services Officer).

PART ONE

1. TO APPOINT A CHAIR FOR THE MEETING

1.1 Councillor Lepper was appointed Chair for the meeting.

2. PROCEDURAL BUSINESS

2a Declaration of Substitutes

2.1 There were none.

2b Declarations of Interest

2.2 There were none.

2c Exclusion of the Press and Public

2.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Standards Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

2.4 **RESOLVED** - That the press and public not be excluded from the meeting.

3. HEARING OF ALLEGATION THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS - CASE BHC-008869

- 3.1 Before consideration of the item, Councillor Lepper explained that the Independent Person was a statutory appointee whose role was to advise the Council about alleged breaches of the Code of Conduct. He/she was co-opted to the Audit & Standards Committee, and, whilst able to ask questions or seek clarification, he/she was a non-voting Member of the Panel; however, the Panel would be required to seek his/her views and take these into account when making their decision.

Introduction from Complaints Manager and Questions

- 3.2 The Complaints Manager, Brian Foley, introduced the report and noted that an email had been received from a member of the public requesting changes to the report on the basis of factual inaccuracies in paragraphs 4.4 and 4.5 of the report; these comments were conveyed to the Panel so that they could give them due weight in their deliberations and when making their decision. The Complaints Manager then went on to provide a brief summary of the report and stated that the complaint focused on a meeting on 31 May 2012 where Councillor Hyde was leaving a meeting of the Saltdean Community Association (SCA) and was said to use the words 'they are only in it for themselves'. The SCA members felt this remark called into question their integrity, and took exception to the alleged remark as they had been working as volunteers under the threat of personal bankruptcy. The SCA had stated that the meeting was in closed session, and the three Ward Councillors – Hyde, Mears and Smith – and the four members of the public had all been told this before the meeting started. When the SCA was to consider the confidential item in relation to the financial matters the Ward Councillors and members of the public were asked to leave the meeting; which caused disruption as they left the room, and it was whilst leaving Councillor Hyde was heard to have made the alleged comment.
- 3.3 Councillor Hyde had said that there was much conversation when she left the meeting, and she had been talking to Councillor Mears, and she noted that her and her fellow Ward Councillors were surprised that they had been asked to leave the meeting as they had worked closely with organisations concerned with Saltdean Lido in the past. Councillor Hyde had also explained that she was repeating comments that had been made elsewhere, and had said to Councillor Mears, 'some people say they are only in it for themselves'. The Complaints Manager noted that Ms Lee (the lead complainant) had also stated that similar allegations had been made at the SCA's AGM, and when asked Councillor Hyde had said that she had heard the comments from two local residents after the Saltdean Residents Association (SRA) had made reference to this, and another resident had approached her in Rottingdean High Street. Reference was also made to the reaction of Councillor Hyde to the allegation when it was first raised in email by a member of the SCA (Mr Malia), at this point she had stated it was a mistake and went on to note the hard work the particular member had put into the community highlighting that she did not think he was in it for himself. Furthermore when the complaint had been formally made to the City Council Councillor Hyde had been willing to apologise if there was misunderstanding of what she had said when she left the meeting, but this had not been accepted by the SCA. In summary the Complaints Manager explained he could not determine with certainty what had been said, but concluded that the whole conversation may not have been accurately heard and noted Councillor Hyde's positive

action after the comment was raised and the complaint was submitted; he therefore concluded that there had been no breach of the Code of Conduct.

- 3.4 The Complaints Manager also highlighted that after the report had been produced it was shared with both parties for comments, and they were both able to submit a form summarising the areas of disagreement. Ms Lee had submitted that it was not difficult to hear as people left the meeting as the members of the SCA had been silent whilst others left; the Ward Councillors knew the meeting was in closed session as they had received an email to that extent, and the comment had not been part of a conversation, but a stand alone comment. Councillor Hyde had stated that the Ward Councillors and the members of the public did not 'leave pretty much together'. The Complaints Manager asked to Panel to consider to extent to which the alleged comment was audible; was it repetition of a comment heard elsewhere, and was it a stand alone comment or directed personally at members of the SCA.
- 3.5 In response to a query from Councillor Sykes it was explained that the meeting had been held in the Saltdean Community Centre.

Submissions by the Complainant and the Complainant's Witnesses and Questions

- 3.6 Ms Lee opened by stating that she was the lead complainant on behalf of the whole of the SCA. Ms Lee gave an overview of the SCA such that: the organisation was a registered charity; it was not a limited company; it operated through an executive committee and a council with representatives from affiliated groups and who used the community centre, and the meeting in question had been a council meeting with affiliated representatives present. The SCA had been involved in long running dispute with the previous landlord, and some details were given in relation to bankruptcy proceedings that been taken out against the members of the SCA, and the financial liability that was devolved to the trustees. The SCA had in the past worked with the Save Saltdean Lido campaign group (SSL) but relations had deteriorated and SSL had withdrawn from mediations session with the SCA; however, the SCA had a better working relationship with the SRA. The rationale behind the complaint was the notion that it denigrated the work of SCA, and it was vital that any community group operate with a degree of trust; these comments were thought to damage the SCA.
- 3.7 Ms Lee explained that the decision to pursue a formal complaint was not taken lightly, and on the morning of the 31 May 2012 Councillor Bowden (Chair of the Economic Development & Culture Committee) had been to invited the community centre in relation to the surrender of the lease to the City Council; it was noted Ms Rebecca Crook was also present at the Chair of SSL. At this time a Ms Fishly was asked by Ms Crook if she and others would be able to attend the meeting of the SCA that evening, and Ms Fishly explained it was not her decision, but that of the 'committee', but she would get back to her with a response. Ms Crook and others were later told it would not be appropriate for them to attend the meeting that evening due the nature of the matters being discussed. Ms Lee received an email later that day from Councillor Mears asking if there was meeting that evening to which she responded it was in closed session; Councillors Hyde and Smith were copied into both emails.

- 3.8 When residents arrived at the meeting that evening they were told they could not attend as it was to be held in closed session. When the residents asked to stay and observe they were told this would not be possible, but they remained present anyway, and the members of the SCA took the decision to go ahead with the meeting. Councillor Hyde arrived late with Councillor Smith, followed shortly after by Councillor Mears, and when the financial report was to be considered the Ward Councillors and members of the public were asked to leave which gave rise to mutterings and general disruption. Whilst people left the meeting the members of the SCA remained silent and general comments were heard relating to: the SCA being a 'closed shop'; the meeting being undemocratic and the alleged comment in relation to the members 'only being in it for themselves. These comments did not form part of the conversation, but instead were stand alone comments that were clearly audible.
- 3.9 When the Ward Councillors and members of the public had left the meeting the members of the SCA continued, and at the end of the meeting one of the affiliated representatives commented that he was shocked at the behaviour of those present and at the disruption caused; he also asked why Ward Councillors had attended if they knew the meeting would be held in closed session. Mr Malia had also been upset by the events, and took it upon himself to email Councillor Hyde in relation to the event, and Ms Lee noted that had the SCA received an apology at this point they would not have felt the need to take the matter further by way of formal complaint. A meeting was held shortly after this to specifically discuss the disruption and the alleged comment made by Councillor Hyde – after the email by Mr Malia – and it was at this point that the SCA took the decision to make a formal complaint the City Council. Ms Lee concluded that even if the comment was the repetition of gossip it was given additional authority and weight when repeated publically by an elected Councillor.
- 3.10 Councillor Sykes asked for more information on whether the meeting was to be held in open or closed session, and why Councillor Hyde and others had attended if they had been told the meeting was in closed session. In response Ms Lee explained that she could not say why Councillor Hyde and others decided to attend, but she stated that in the past Ward Councillors had attend SCA meeting by invitation; she also referenced anecdotal comments that Ward Councillors had felt less welcome under her chairmanship; however, she was of the view that they had attended the same number of meetings since she had been the chair of the SCA.
- 3.11 The layout of the room, size and acoustics were described in clarification for Councillor Wealls, and Ms Lee highlighted it was a small room. Following a further query Ms Lee also confirmed that she had emailed Councillor Mears explaining that the meeting was to be held in closed session and this had been copied to Councillors Hyde and Smith.
- 3.12 Councillor Sykes asked for any background or indication of financial interest that could have given rise to the alleged statement. In response the Complaints Manager explained that it had been clear in the investigation of the complaint by the City Council that there was no evidence of this, nor were they pursuing any investigation to this extent.
- 3.13 Dr Horne asked if the alleged comment had been directed at the whole of the committee, and in response Ms Lee stated that she felt it was directed at the Executive Committee and not the affiliated representatives. Following a further query Ms Lee

explained that the alleged comment was not initially discussed by the committee, and it was not until Mr Malia personally emailed Councillor Hyde that it was agreed a special meeting would be held to discuss the alleged comment.

- 3.14 In clarification for Councillor Wealls it was explained by Ms Lee that the alleged comment was not part of a conversation between Councillors Hyde and Mears, but a stand alone comment.
- 3.15 Mr Doyle stated in his submission his belief that the alleged comment did not form part of a conversation, but it was said at high volume as Councillor Hyde passed behind him leaving the room; aimed at 'two or more' of the executive members and intended to cause offence and denigration.
- 3.16 Following a query from Councillor Wealls Mr Doyle confirmed where he had been sitting relative to layout of the room, and noted that the others members of the public had left the room when Councillor Hyde made the alleged comment; Councillor Smith had almost left and Councillors Hyde and Mears were leaving at the same time. Mr Doyle went onto explain that it was quiet in the room when people were leaving and there 9-10 people present at the time in the room. Councillor Lepper asked for these details to be clarified to give the Panel a better understanding, and it was confirmed that at the time the alleged comment was made there were less than 12 people present in the room; the members of the public had already left; Councillor Smith was in the process of leaving and the alleged comment was heard as Councillors Hyde and Mears passed behind Mr Doyle.
- 3.17 The Complaints Manager asked if Mr Doyle had heard Councillor Mears say anything as she left the room, and he stated that he heard the comment 'this is the second most undemocratic meeting I have ever attended', but this was another stand alone comment; not part of a conversation with Councillor Hyde. He believed the comment by Councillor Mears was in relation the SCA's AGM, and stated that he had not heard her make any other comments in relation to service to the community, and would have heard these had this been the case.
- 3.18 Councillor Hyde asked for confirmation that the email had been sent to Councillor Mears and copied to her and Councillor Smith stating that the meeting was to be held in closed session, in response Ms Lee said it was sent at 16.31 on the day in question.
- 3.19 Councillor Hyde asked for details in relation to SSL's withdrawal from mediation with the SCA and Ms Lee explained that she did not believe this was in relation to SSL becoming an interest group.
- 3.20 Councillor Hyde asked questions in relation to the café which had been operated at the community centre by Mr Malia, and his resignation from this. Ms Lee explained that the committee had not prevented him using the premises, but there had been health and safety problems in relation to a warped floor in the community centre and a risk assessment had judged it to be unsafe to allow a children's play area in the community centre, and this had consequently lead to the closure of the café.

- 3.21 Councillor Hyde asked if Ms Lee has suggested in her submission that the room was quiet when she and others left the room, in response Ms Lee explained that in her submission she had stated the comment was clearly audible.
- 3.22 Ms Trigg stated in her submission that she was the secretary of the SCA and had held this position since early November 2012. On the evening of the meeting in question she had arrived at approximately 18.45; she had arrived early to help set up, and concurred that it had been a significant day for the SCA as the lease had been surrendered back to the City Council. When members of the public arrived at the meeting Ms Lee had explained that the meeting was to be held in closed session, and politely asked them to leave. In response the members of the public said they had the right to stay and Ms Lee asked them a further two times to leave; adding that she had spoken to Ms Fishly and emailed about this matter. When the members of the public did not leave the decision was made to go ahead with the meeting; when the committee reached the item on the confidential financial matters the Ward Councillors and members of the public were asked to leave the meeting, and there was generally muttering as people left. Ms Trigg then said she heard Councillor Smith make comments that the meeting was undemocratic and Councillor Mears agreed with this; she also heard comments relating to the meeting being a 'closed shop', and then she heard Councillor Hyde make the alleged comment that 'they were only in it for themselves'. When everyone left the meeting continued.
- 3.23 Councillor Wealls noted that he heard conflicting views in relation the comments about the undemocratic nature of the meeting as Mr Doyle had stated that Councillor Mears had made these comments, and Ms Trigg stated it was Councillor Smith. Ms Trigg confirmed that Councillor Smith had made comments in relation to the undemocratic nature of the meeting when he was still in his seat. The four members of the public left the meeting first; Councillor Mears left in front of Councillor Hyde and Councillor Hyde left last, and the alleged comment was the last to be heard. Councillor Wealls then asked for confirmation that Councillor Hyde had not been talking to Councillor Mears when she left the room, and in response Ms Lee confirmed that Councillor Hyde was directly behind Councillor Mears, and not in conversation; it was also highlighted that there was not enough room for two people to walk side by side.
- 3.24 Following a further query from Councillor Wealls it was confirmed that there was no reaction from the committee after the Councillor Hyde left the meeting; Ms Trigg stated she had been shocked by the 'unprofessional' alleged comment, and she did not have a great deal of experience with elected Councillors having only recently joined the SCA and this being the second occasion she had met them.
- 3.25 Dr Horne asked if the committee had been 'disturbed' at the initial point the alleged comment was made; in response Ms Trigg stated that the committee had been in a good attitude and they would then be working with the City Council. Following a further query Ms Trigg explained that no one had challenged the comment at the time as they were 'so stunned' and wanted to continue the meeting. It was confirmed that the committee then met on 4 June 2012 - after Mr Malia's email to Councillor Hyde which the committee had been copied into.
- 3.26 Councillor Hyde noted that Ms Trigg had stated there was muttering when people left the meeting, and Ms Lee had stated that the room was quiet; in response Ms Trigg

confirmation that there was muttering but the alleged comment was audible. Ms Lee added that she had heard Councillor Mears make the comments in relation to the undemocratic nature of the meeting and it being a 'closed shop'; she had not heard any comments from Councillor Smith.

Submissions by the Subject Member and the Subject Member's Witnesses and Questions

- 3.27 Councillor Hyde stated that a lot of meetings took place in Saltdean across the three principle groups (the SCA, the SRA & SSL) and she had contacted Councillor Mears a couple of days before 31 May to ask if she was attending the committee meeting of the SCA; at the time they both agreed to attend the meeting. Councillor Hyde discussed the email from Ms Lee stating that the meeting was to be held in closed session and explained that she could not account for how she had missed the email, but suggested that if it was sent at approximately 16.30 she would not have seen it before coming home that day and going to the meeting.
- 3.28 Councillor Hyde went on to highlight that she had made a comment in a private conversation with Councillor Mears who was walking slightly ahead of her, but still in conversation. At the time there had been other people talking, and other comments being made as people were unhappy about being asked to leave the meeting; she also stated that she had heard the comment on two other occasions. As Councillor Mears was leaving the room there were still other people in front of her, and as they were approaching the door she could hear the disruption; it was at this point that Councillor Mears said to her: 'we are meant to be here for the community', and Councillor Hyde responded by saying: 'yes and people say they are only in it for themselves'. It would have been hard for people to hear clearly and it was possible the committee only heard part of the sentence; the comment had also been repetition of what had already been said in the public arena and to her personally.
- 3.29 Councillor Hyde stated that the meeting had been disorderly, and found the experience 'very alien' as she was used to being welcome at residents and community meetings, but she had not felt so welcome at the SCA with some of the new committee members. She stated that many residents were upset at how the community centre was being run, and Councillor Smith had resigned because of concern in relation to how the business was conducted.
- 3.30 In response to a query from Councillor Sykes it was explained that Councillor Hyde did not recall any comments from the seated members of the committee as people were leaving.
- 3.31 Councillor Hyde explained in response to a query from Councillor Sykes that she had arrived late to the meeting under the impression that the meeting was in open session and she was otherwise welcome to attend. When people were leaving the noise had from the doorway to the room and from people outside; she could not specifically recall where Councillor Smith was when she was leaving the room, and the whole incident was over in approximately 10 seconds. Councillor Hyde also confirmed that she had heard the comments about the undemocratic and closed shop nature of the meeting; which she thought had been said whilst people were leaving.

- 3.32 Councillor Sykes asked for more information in relation to Councillor Hyde's comments that she had not felt as welcome to the meeting, and asked what kind of attitude she had attended the meeting in. In response she explained that the SCA held two types of meeting and she mistakenly thought this would be the larger of the two that was held in the bigger hall with residents; she was surprised it was the smaller meeting and had just sat down to listen when she arrived late. In response to a query from Councillor Wealls she explained she had sat next to Councillor Smith, but could not remember specifically where this was in the arrangement of the seating.
- 3.33 Councillor Wealls asked for confirmation on who had made which comments: Councillor Hyde said that she could not remember Councillor Smith making any; Councillor Mears had made the comment in relation to the undemocratic nature of the meeting, but she could not recall where Councillor Mears specifically was when she had said this.
- 3.34 Councillor Lepper asked when Councillor Hyde had read the email from Ms Lee explaining that the meeting was in closed session, and Councillor Hyde replied that she had not seen it at all, and could not account for why this was. Following a further query she explained that had she seen the email before the meeting she would have spoken with Councillors Mears and Smith and taken a view about whether or not to attend the meeting.
- 3.35 Mr Horne asked if the remarks Councillor Hyde made were directed or intended to be directed at the committee members; Councillor Hyde confirmed that they were not, and the comment was in response to Councillor Mears as part of their conversation; it was possible that the comments might have been heard, but she was not aware of any reaction from the committee until she received the email from Mr Malia, and in response she had confirmed that she did not consider him to be in it for himself.
- 3.36 Ms Lee pointed to Councillor Hyde's statement that the complaint had a political dimension, and asked for an explanation of what this meant. Councillor Lepper noted, from the Chair, that moving the questions into a political discussion would not be helpful to the proceedings. Councillor Hyde added that she felt that there was a political dimension as Ms Lee had stood in Saltdean as a candidate for the Liberal Democrat Party; whereas she was a member of the Conservative Party. Ms Lee stated that she had only asked about the political dimension as she had never stood against Councillor Hyde in any election; but stood in Saltdean for election in another local authority.
- 3.37 Ms Lee asked if Councillor Hyde had sought to dispel comments that members of the SCA were in it for themselves when she had heard them from other people or make the SCA aware of them; in response Councillor Hyde replied that she did not consider it to be her prerogative to challenge these comments nor she did not add to them.
- 3.38 Ms Lee asked if Councillor Hyde considered the complaint to be 'petty' in nature, and she responded by saying that she would not consider it petty if she had made the comment, and she appreciated the position of the SCA as they believed the comment had been made, but she felt it was petty to have reached the point of formal investigation by the City Council.
- 3.39 Ms Lee asked Councillor Hyde if she had considered extending her remarks in her email back to Mr Malia - that he was not in it for himself - to the whole committee, and if

response Councillor Hyde explained that as the email came from him she was only responding to his points he raised; she also stated she was shocked by the email and had taken it upon herself to respond the same day.

- 3.40 Ms Lee noted that Councillor Hyde had said she did not see the email explained that the meeting was to be held in closed session, but asked why Councillor Mears had not communicated this information to her. In response Councillors Hyde explained that all the three ward Councillors had separate lives and schedules; she went on to state that she had gone to meeting with the intention of undertaking her public duties, and not to cause any aggravation to any groups.
- 3.41 Ms Lee asked why Councillor Hyde had not responded to a request from the SCA to meet with Ward Councillors in May 2012, and Councillor Hyde explained that she did not know anything about matter this until now.
- 3.42 Ms Lee stated that Councillors Mears and Smith had continued to attend as many meetings, even when Councillor Hyde had said she would attend less due to her previous role as Chair of the Planning Committee. Councillor Hyde commented that she would attend any community when possible, and would not stay away for reasons in relation to personalities.
- 3.43 Ms Gallagher opened her submission by clarifying information in relation to the size and the lay out the room, and went on to state that she had lived in Saltdean for 22 years and been involved in community matters since 2007 – serving as treasurer of the SCA from 2007 to 2010, and treasurer of SRA from 2011 – 2012; she had attended some of the mediation sessions, but noted she was not a member of SSL nor any political party, and she was not a constituent of Councillor Hyde. She had attended most public and private community meetings since 2007, and stated that Councillor Hyde was a prominent public figure who conducted herself with integrity.
- 3.44 Ms Gallagher had attended the meeting in question and taken a set of her own notes; which she had circulated after the meeting. She stated that she had read the Investigating Officer's report, and thought it to contain conflicting and incorrect information. She stated that she had two letters from the SCA solicitor to confirm that trustee insurance was in place and the City Council had underwritten the liability. She explained. She had attended most of the SCA meetings in the last three years and had no knowledge before she arrived that it was to be held in closed session; she was surprised to be told that it was in closed session and felt that other members of the public – such as Ms Crook – would have useful information for the SCA that evening. Ms Crook suggested to her that they wait until the affiliated representatives arrived and then leave if they also requested them to; one of the representatives was heard to say he had no objection to the members of the public being there, but the decision was with Ms Lee as the chair.
- 3.45 The meeting started and the members of the public were not asked to leave again; the Ward Councillors arrived late to the meeting. When the committee was to consider the financial item they were asked to leave, and members of the public asked why in response to this; Ms Gallagher then explained that Ms Lee and Mr Doyle 'aggressively' told them to leave again; she not surprised that members of the public were asked to leave but surprised this was also extended to the three Ward Councillors. Ms Gallagher

then heard Ms Lee declare that the meeting was closed and Councillor Smith comment that they should leave; they then headed towards to door and at this time others were talking amongst themselves, and she did not hear Councillor Hyde say anything above the general noise of people leaving the room. The official minutes of the meeting had stated that there was further complaining and mutterings. She felt that SCA were concerned the alleged comment could be damaging so instead of settling the matter privately they had brought into a public forum. Ms Gallagher closed by saying that a lot of similar comments had been made in the community over the last two years.

- 3.46 In response to a query from Councillor Lepper it was explained that Ms Gallagher had been leaving the meeting behind Councillors Mears and Hyde as she had been talking to one of the affiliated representatives on the committee, she then overtook them and left ahead of them. Ms Gallagher clarified that she did not hear any of the remarks that had been discussed as there was a lot of noise and cross conversation.
- 3.47 Ms Lee stated that as a previous executive member of the SCA Ms Gallagher should know that meetings were often held in closed session, and in response Ms Gallagher explained that this had never been the practise, and previously the committee had been happy for members of the public to attend.
- 3.48 Ms Lee asked Ms Gallagher if she thought the comment was damaging, and she replied that she had 'no idea' if it was damaging.
- 3.49 Councillor Wealls asked if there was a network of personalities and 'bad blood' between some of the groups and individuals involved in the various community groups. In response Ms Gallagher explained that people restrained themselves in public meetings, but there was a lack of trust and this had been aggravated by closing the membership and blocking new membership at the AGM.
- 3.50 Ms Crook opened her submission by stating that she was a local resident of East Saltdean, and she known as the chair of SSL, and had attended the meeting in question as a local resident. She pointed to what she considered to be inaccuracies in the report at paragraphs 4.4 & 4.5 and stated that she had asked Ms Lee on the morning of 31 May if she could attend the meeting and Ms Lee had responded that she was unsure and would need to check; Councillor Bowden had been present during this conversation. Ms Crook had not heard anything back from Ms Lee that day and assumed she would be able to attend the meeting feeling that if it was crucial she not be able to attend this would have been conveyed to her. She went on to note that in 2011 the SCA had taken the decision to operate in a closed manner and rejected ballot nominations at their AGM; which was when Councillor Smith had resigned from the SCA. There was a general feeling in the community that the SCA operated a 'closed door policy', and this had been the first opportunity for 6 months to attend an SCA meeting.
- 3.51 Ms Crook felt certain that Ward Councillors had been welcome to attend the meeting, and in her mind it was 'outrageous' to ask them to leave, and this had not happened in the past. The Ward Councillors had arrived late to the meeting and Ms Lee was not happy about the additional people being there, and they were asked to leave when the committee came to consider the financial item as Ms Lee would not continue with them all present. Ms Crook stated that this was an unpleasant situation, and it felt

disrespectful. She described the acoustics of the room and explained that it would have been difficult for anyone to hear a whole conversation amongst the general noise, and she had not heard any of the comments that had been discussed at the meeting; during this time she stated that Ms Lee and Mr Lee keep repeatedly asked people to leave the room.

- 3.52 Ms Crook stated that she felt Councillors Mears, Smith and Hyde had the integrity to behave appropriately at meetings, and she stated her view that the complaint that was an attempt to try and discredit Councillor Hyde and the SSL campaign; Councillor Hyde had been drawn into this when she had attended the meeting to represent local residents. Ms Crook also explained that after the meeting in question she had received a letter from the SCA terminating her membership with immediate effect under a clause in relation to anti-social behaviour, violence or damage to the building.
- 3.53 Councillor Lepper asked if she had left the room before Councillors Hyde and Mears, and Ms Crook explained that she was one of the last people to leave the room.
- 3.54 Ms Crook confirmed in response to Councillor Wealls that as people were leaving the committee members were talking amongst themselves. There was also confusion from the committee members as to whether the meeting had ended.
- 3.55 In response to a query from Dr Horne she explained that she was not aware any comments in the room had been directed at anyone as there was a series of private conversations going on as people were leaving.
- 3.56 Ms Lee asked Ms Crook to confirm that she had asked members of the public to leave before the financial item was considered, and in response Ms Crook said that they had been told if they didn't leave the meeting was terminated, and she unsure of Ms Lee instructions or intentions.
- 3.57 The Complaints Manager asked Ms Crook to confirm that she did not hear any part of the alleged statement, and Ms Crook confirmed that this was the case.
- 3.58 Councillor Mears gave her submission and stated that it was important that the Ward Councillors stayed neutral as they were aware of the mediation across the various groups. In the past she had attended most of the meetings even when they were not open to the public. When she had asked Ms Lee if the meeting was in closed session she had assumed that any meeting in closed session would include Ward Councillors. She had arrived late to the meeting, but was pleased with the positive events of that day for the SCA; there had been friction between the groups and Ward Councillors had tried to work across this. When they were leaving the meeting she had said to Councillor Mears: 'we're all supposed to be here to serve the community' and in response Councillor Hyde said: 'people are saying they are in it for themselves'. This was heard by the committee members, but it was not a new statement. In closing Councillor Mears stated she was sad the complaint had reached this point.
- 3.59 In response to Councillor Wealls it was confirmed that it was noisy when people were leaving the room; Councillor Mears also stated that this was the first time she had been asked to leave a community meeting as a Ward Councillor.

3.60 In response to Dr Horne she explained that the remarks were made in conversation between her and Councillor Hyde, and not with the intention of being overheard. She was not aware of any reaction as they left the room, and was not aware of the issue until the email had been received from Mr Malia.

Summaries

3.61 In summary Ms Lee reiterated that the decision by the SCA to officially complain had not been taken lightly. If Councillor Hyde had offered to apologise at the beginning then they would not have felt the need to pursue the complaint. It was felt that the comment was damaging, and she did not understand why Councillor Hyde had not dispelled the comments when she had heard them from local residents and she considered this to be part of the duty of a local Councillor. Ms Lee stated there was no political dimension to the complaint; the meeting had been in closed session and attendance was by invite only, and the previous chair had written to this effect. She stated that since the new chairmanship Ward Councillors had continued to attend the same number of meetings. She had emailed Councillor Mears to explain the meeting was in closed session, and stated that there were things at the meeting they did not want discussed in the public realm. The SCA was clear in their view that the alleged comment was a stand alone comment, and not part of a conversation. In closing she stated that all the SCA had wanted was an apology from Councillor Hyde and the appropriate degree of respect.

3.62 In summary Councillor Hyde noted that she had offered to apologise to the SCA if they thought she had made the alleged comment - but she would not apologise for something that she had not said – and this offer had been rejected. She had always attended these meetings in the past, and was not aware that Ward Councillors would not be able to attend the meeting in question. She reiterated that she had not seen the email from Ms Lee explaining that the meeting was in closed session, and that the comments she made to Councillor Mears were part of a conversation between the two of them. When people were leaving the room it had been noisy, and she would not make such a comment in these circumstances. In closing Councillor Hyde said that she was repeating a comment heard elsewhere, and noted Ms Crook's comments that she had been drawn into ongoing disagreements between the various community groups.

3.63 The Panel retired to deliberate and make their decision.

3.64 **RESOLVED** – That 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.

3.65 The Panel determined that on the 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 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.

- 3.66 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.

The meeting concluded at 1.30pm

Signed

Chair

Dated this

day of