

BRIGHTON & HOVE CITY COUNCIL

STANDARDS PANEL

11.00am 18 MARCH 2013

COMMITTEE ROOM 2, HOVE TOWN HALL

MINUTES

Present: Councillors: A Norman, Lepper and Sykes

Independent Persons & Co-opted Members: Dr David Horne

PART ONE

4. TO APPOINT A CHAIR FOR THE MEETING

4.1 Councillor Lepper was appointed Chair for the meeting.

5. PROCEDURAL BUSINESS

5a Declaration of Substitutes

5.1 There were none.

5b Declarations of Interest

5.2 There were none.

5c Exclusion of the Press and Public

5.3 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).

5.4 **RESOLVED** - That the press and public are not excluded from the meeting.

6. HEARING OF ALLEGATION THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS - CASE BHC-BHC-009921

6.1 Before consideration of the item Councillor Lepper explained that the Independent Person was a statutory appointee to advise the Council in relation to alleged breaches

of the Code of Conduct. They were co-opted to the Audit & Standards Committee, and, whilst they were able to ask questions during the hearing, they were a non-voting Member of the Panel; however, the Panel would be required to seek their views and take these into account when making their decision.

Introduction from Complaints Manager and Questions

- 6.2 The Complaints Manager, Brian Foley, introduced the report and explained that the complaint related to the way Councillor Wealls chaired a meeting on 3 October 2012 between Council Officers, Police Officers, residents of St Aubyns and managers of the EF International Language Centre (EF) that discussed noise nuisance in the street allegedly caused by students staying at the EF Centre, and what actions could be taken by the Police and Environmental Health Officers. Ms Pereira complained that Councillor Wealls:
- a) Had formed an opinion that only the EF students were responsible for causing noise disturbance at St. Aubyns.
 - b) Did not react well to any interjections made by EF Managers during the meeting.
 - c) At one point said to Ms Pereira “you keep quiet”.
 - d) Did not give Ms Pereira an opportunity to speak when she raised her hand.
 - e) Knew the residents of St Aubyns on a personal level.
 - f) Had an accusatory tone towards her and showed a lack of professionalism.
- 6.3 The Complaints Manager had interviewed most people present at the meeting as far as possible. On the whole the officers interviewed had been consistent in their views and recollection of the events. In relation to point a) of the complaint, the Complaints Manager summarised that residents had given their views about the disturbances in the street and the source of that nuisance; but the material presented at the meeting suggested the students were not the primary cause, and it was considered there was nothing to sustain the allegation that Councillor Wealls held that view. In relation to point b) there was a consensus from the statements of those present that all those in attendance had been able to properly put their views forward. Several people interviewed had recalled something similar to the statement at point c) that Councillor Wealls said to Ms Pereira ‘you keep quiet’, but it was clear that there was a context in which this was said. The request was made during a heated and emotionally charged section of the meeting. It was considered that Councillor Wealls’s approach during such this period – and towards Ms Pereira in particular – had been polite but reasonable given the context.
- 6.4 In relation to point d) the Complaints Manager had concluded that it had not always been possible to allow Ms Pereira to contribute when she raised her hand due to time constraints that were placed on the meeting; however, overall she had been able to contribute and disallowing her to speak at specific times had not been detrimental to the meeting or the ability of the EF Centre Managers to put their points across properly. It was also noted that the actions carried out since the meeting had helped reduce some

of the problems in the neighbourhood. There was no evidence to substantiate the complaint at point e) and even if Councillor Wealls did know the residents on a personal level, he did not appear to show undue favour to them at the meeting. Lastly in relation to point f) the consistent views of those at the meeting were that Councillor Wealls had acted in a firm, fair and professional nature. It was summarised that the complaint could not be substantiated in relation to points a), b), e) and f), it was agreed that there was some basis for the points at c) and d) but it was considered neither of these areas reached the threshold that would constitute a breach of the Code of Conduct.

- 6.5 Dr Horne asked how soon after the meeting had Ms Pereira submitted her complaints, and in response the Complaints Manager explained he did not have the exact date before him but thought it was one or two days after the meeting.
- 6.6 Dr Horne also asked the Complaints Manager about Ms Pereira declining the opportunity to meet with him to discuss the complaint, and it was explained that Ms Pereira had been contacted but had not taken up the opportunity to meet. It was also confirmed that she would have been contacted early in the investigation process.
- 6.7 Councillor Sykes asked why the Complaints Manager interviewed all the people requested by Councillor Wealls that he speak to, and it was explained that the final decision was at his discretion as the Investigating Officer, but in this instance the request was reasonable and prudent for a proper consideration of the complaint.
- 6.8 Councillor Lepper noted that some of the residents were members of the LAT and asked if Councillor Wealls was also the Chair of the LAT; in response it was explained that he was not, and some of the residents were new to the LAT having only attended once or twice. Councillor Lepper asked about the status of the meeting and it was explained that it was a private meeting which had been instigated by Councillor Wealls and Councillor Hawtree (the other Local Ward Councillor) to give residents, Officers and representatives from the Police a means to discuss the issues and try to reach a resolution. It was neither a public nor a LAT meeting. Councillor Lepper went on to ask why Councillor Wealls had chaired the meeting, and it was clarified that as he had suggested the meeting it seemed appropriate for him to Chair as his role at the meeting was considered to be one of a neutral party.
- 6.9 Councillor Lepper asked why Bev Garth listed as present had not been interviewed, and it was explained that the Complaints Manager had not had her contact details, and Ms Pereira could have forwarded these on if she wanted to be interviewed as part of the investigation.
- 6.10 Councillors Sykes asked for more information in relation to point e) and it was explained that it had not been clear in the summing up of the investigation if there was a difference of attitudes on Councillor Wealls' part in his treatment of the two different parties at meeting – EF Officers and residents. It was noted that although residents had spoken for longer at the meeting the quality of the information given by EF Officers was of a great value to the meeting, and that Councillor Wealls had helped to bring out the necessary issues for proper discussion.

Summaries

- 6.11 The Complaints Manager noted that Councillor Wealls had stated that regardless of the investigation he hoped the EF Officers could put the complaint aside and go forward in a positive way.
- 6.12 The Panel retired to deliberate the matter and make their decision.
- 6.13 **RESOLVED** - The Panel have read the report by the Monitoring Officer, and after close questioning of the report they concurred with the Monitoring Officer's conclusion and reasons that there had been no breach of the Code of Conduct. Whilst the Panel would have preferred both parties to be present at the hearing to answer questions, their non-attendance did not affect the deliberations or unanimity of the Panel's decision that there had been no breach of the Code of Conduct.

The meeting concluded at 11.59am

Signed

Chair

Dated this

day of