

BRIGHTON & HOVE CITY COUNCIL

STANDARDS PANEL

10.00am 19 DECEMBER 2013

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Deane (Chair), A Norman and Summers

Independent Persons & Co-opted Members: Dr Lel Meleyal

Also present: Councillors Barnett and Janio.

PART ONE

1. TO APPOINT A CHAIR FOR THE MEETING

- 1.1 The Head of Democratic Services opened the meeting and asked for nominations for the appointment of a Chair for the meeting.
- 1.2 Councillor A. Norman proposed Councillor Deane which was seconded by Councillor Summers.
- 1.3 The Head of Democratic Services confirmed that Councillor Deane had been appointed as the Chair for the meeting.

2. PROCEDURAL BUSINESS

(a) Declaration of Substitutes

- 2.1 There were no declarations of Substitutes.

(b) Declarations of Interest

- 2.2 There were no declarations of interest.

(c) 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 the consideration of the item listed on the agenda.
- 2.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the item contained in part two of the agenda.

PART TWO SUMMARY

- 3. HEARING OF ALLEGATION THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS - CASES BHC- 012702, 012751, 012777, 012843 - EXEMPT CATEGORY 1**
- 3.1 The Chair welcomed everyone to the meeting and introduced the Panel Members and noted that as one of the co-opted Independent Members to the Standards Committee, Dr. Meleyal, was present to hear the matter and give her views to the Panel during their deliberations, which the Panel would take into consideration, but she would not be party to the final decision of the Panel. The Chair also noted that Councillor Barnett was being represented by Councillor Janio and that it was intended to call Councillor Mears as a witness.
- 3.2 The Chair then outlined the process for the Hearing Panel, which would receive a presentation from the investigating officer in regard to the findings outlined in the report before having the opportunity to question the officer on the report. Councillor Barnett and/or her representative would then have the opportunity to question the investigating officer before making any submissions and calling on any witnesses. The Panel and the investigation officer would then have the opportunity to question Councillor Barnett and/or her representative. There would then be an opportunity for the investigating officer to summarise his findings and for Councillor Barnett or her representative to make a final submission. The Panel would then withdraw from the meeting to deliberate and reach any decisions on the finding of the report before returning and declaring their decision.
- 3.3 The Investigating Officer then proceeded to outline his report and answer questions from the Panel and Councillor Janio as Councillor Barnett's representative.
- 3.4 Councillor Janio then proceeded to outline the case for Councillor Barnett and as part of the process called on Councillor Mears to give evidence as a character witness for Councillor Barnett. Councillor Mears then retired from the meeting, and Councillor Janio and Councillor Barnett answered questions raised by the Panel.
- 3.5 The Chair noted that both the Investigating Officer and Councillor Janio felt that had put forward their respective evidence and did not need to summarise their positions.
- 3.6 The Chair then adjourned the meeting at 12.50pm and the Panel went into recess to consider the matter.
- 3.7 The Chair reconvened the meeting in open session at 2.55pm.
- 3.8 The Chair then stated the decision of the Panel, with reasons, as follows:
- (1) Councillor Barnett did NOT fail to comply with paragraph 3(1) of the Council's Code of Conduct for Members ('You must treat others with respect');

- (2) Councillor Barnett did NOT fail to comply with paragraph 3(2)(a) of the Council's Code of Conduct for Members ('You must not do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010'); and
- (3) Councillor Barnett DID fail to comply with paragraph 5 of the Council's Code of Conduct for Members ('You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute').

With regard to the decision over whether Councillor Barnett brought her office into disrepute, this was difficult and the Panel spent a great deal of time considering the point in fine detail. We find that on balance, there was a very fine line, which resulted in a breach of paragraph 5 of the Code of Conduct. We accept that this was inadvertent and that it was not intended to cause offence.

We are also mindful of the work that Councillor Barnett has done and continues to do in her community, including with residents from a BME background, such as the Bangladeshi Women's Community.

We have also taken into account the fact that Councillor Barnett has agreed to apologise and to undertake equalities training, and offered to meet with members of the BME Workers Forum. We support those proposals and would recommend them to Councillor Barnett with the help of the Authority.

Finally, the case has highlighted the need for training and awareness raising among all councillors on equalities issues. We therefore recommend that equalities training be a mandatory part of Member Development training.

4. PART TWO PROCEEDINGS

- 4.1 **RESOLVED:** That the item considered in Part Two of the meeting and the associated papers and minutes remain exempt from disclosure to the press and public but that the decision of Panel in respect of the complaints made against Councillor Barnett be made public.

The meeting concluded at 3.00pm

Signed

Chair

Dated this

day of

2014