

**BRIGHTON & HOVE CITY COUNCIL**

**STANDARDS PANEL**

**2.00pm 6 FEBRUARY 2017**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE,  
BN3 3BQ**

# **DECISION RECORD**

## **Part One**

---

### **HEARING OF AN ALLEGATION THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS**

**Panel Membership: Councillors Druitt, Robins and A. Norman**

**Independent Person: Diane Bushell**

**Legal Advisor: Elizabeth Culbert**

**Independent Investigator: Victoria Simpson appointed on behalf of the Monitoring Officer, Abraham Ghebre-Ghiorghis**

**RESOLVED** – The decision of the Panel, together with the reasons and the imposed sanctions on the Subject Member, is as follows:

#### Decision

In relation to the allegations, the Panel determined that:

Through his comment on Twitter on 19.7.16, Councillor Nemeth–

- a) Did fail to comply with paragraph 1(1) of the council's Code of Conduct for Members ('You must treat others with respect');
- b) Did fail to comply with paragraph 1(2) 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');

In relation to Cllr Nemeth's conduct during the investigation, the Panel made no findings.

## Reasons

### 1) The Post on Twitter on 19 September 2016

The Panel considered the allegations that Cllr Nemeth had failed to comply with the council's Code of Conduct for Members, specifically paragraphs 1.1 'you must treat others with respect' and paragraph 1.2 'you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

The Panel noted that the facts of case were not in question insofar as the tweet was in the public domain and Councillor Nemeth did not dispute being responsible for posting it. The Panel was satisfied that it was reasonable for members of the public to assume that by issuing his tweet under the name of 'Cllr Robert Nemeth', Councillor Nemeth was not acting solely as a member of the public but as a councillor, and therefore that the Code applied.

The Panel noted the complaint which the tweet had generated from Councillor Morgan, and the grounds on which he considered it breach the Code of Conduct.

The Panel considered the post made on twitter by Councillor Nemeth. The Panel noted that tweets are published comments capable of a wide circulation and that – as is noted in the Social Media Protocol – they are capable of amounting to a breach of the Code.

The understanding to be applied to the reference to 'lying' was also explored in detail by the Panel. It agreed that the term is commonly understood to describe conduct involving untruthful conduct which is necessarily carried out with intent to mislead or deceive.

While the context of the complaint was noted, the Panel wished to be clear that they were interested in the context of the post only insofar as it was relevant to the complaint. The Council's decision-making regarding future library provision was a separate matter, which was outside the Panel's remit.

Having heard from Councillor Nemeth and his witnesses, the Panel concluded that Cllr Nemeth had not substantiated the claims he made in his tweet of 19<sup>th</sup> July 2016. In addition the Panel considered that the use the language of 'liar' or 'lying' is disrespectful and of itself is a breach of the Code. The Panel also considered that if Cllr Nemeth believed Cllr Morgan had lied, that was a matter that could have been brought through the Council's Code of Conduct as a Standards complaint to be formally investigated.

### 2) Conduct During the Investigation

The Panel considered the allegations that Cllr Nemeth had failed to

comply with the council's Code of Conduct for Members, specifically paragraphs 1.1 'you must treat others with respect' and paragraph 1.2 'you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

The Panel made no findings in regard to these allegations as the Panel's view was that any such complaint would need to be brought as a separate complaint under the Code.

### Sanctions

Having made its findings, the Panel offered the opportunity to Councillor Nemeth to make representations in relation to any sanctions that the Panel may wish to make. Councillor Nemeth made no representations.

The Panel considered the range of sanctions available to it and determined the following in respect of both breaches of the Code of Conduct.

- i) That Councillor Nemeth deletes the post of 19 July 2016;
- ii) That Councillor Nemeth be offered the opportunity for training in relation to the Code of Conduct for Members and Social Media Protocol for Members.
- iii) The Panel recommends that the Social Media Protocol for members be reviewed to include the importance of enabling a right to reply, for example through tagging.