**Notes of Interview with Cllr Ted Kemble (TK) – complainant**

**Re: Cllr Jason Kitcat (JK) – subject member**

**Case ref: SCT 070 STDS**

**Date- 26 August 2009**
**Interviewer- Oliver Dixon (OD)**
**Note Taker- Caroline Hart**

OD began the meeting by outlining the history of the case:

- the formal complaint was submitted at the end of February 2009
- the Standards and Complaints team acknowledged the incident in March
- The Assessment Panel met on 1 April and found that if proven the actions that caused the complaint would be a breach of the code of conduct due to 1) failure to treat others with respect, 2) not using the authority's resources in accordance with their reasonable requirements 3) using council resources improperly for political purposes. They decided that disrepute was not an issue.
- The Assessment panel issued their decision on 2 April
- There was then a delay until end of July when Brian Foley wrote to TK and JK asking if they had anything further they wished to submit- OD asked whether TK got that letter and whether he submitted anything (as Brian Foley had received no response). TK confirmed he got the letter but had nothing further to submit as all evidence is on You Tube.

OD went on to explain the purpose of the meeting:
To further establish the nature of the complaint.

OD pointed out that the interview notes may form part of the final report for consideration by the Standards Panel.

Interview

OD- The clips are 2 fold. 1) Set of 5 clips on You Tube and 2) one clip on JK's personal website where the question about communal bins is repeated.
Most clips relate to meetings of Full Council at the end of January 2009. When did you first become aware of the clips?

TK- about the beginning of February

TK asked his colleagues whether anyone knew if JK had the permission of those featured, to use the clips. Cllr Theobald told him that he had not given permission and until then he had not known about the clips.

TK felt that this was an abuse of power so decided to bring it to the attention of the Standards Board.

OD- asked- was Cllr Theobald minded to make a complaint?

TK- Don't know- although JK is new and inexperienced as a councillor, he should be aware of the protocols. TK feels this was a step too far.

OD- referred to the protocol for web casting of meetings, issued in Sept 2008. There is a section within the protocol about promoting web casting, encouraging promoting on letter heading etc. Did JK's conduct in posting clips onto YouTube fall within that protocol in your opinion?

TK- no. it was completely out of order. Had he asked for the consent of those shown it would have been ok.

OD- asked- Is it the fact that the clips were shown externally that is upsetting?

TK- no. JK was doing it for political gain, as he was looking to stand as an MEP. He was trying to ridicule Cllr Theobald and Cllr Mears- JK had been raising the issue of the communal bins for some time.

OD- with reference to "ridicule"- OD made reference to the 12 second clip of Cllr Theobald wherein he is heard briefly saying "I wish I could answer these questions". He also made reference to the clip showing Cllr Mears chairing cabinet and asked in what way were they ridiculed?

TK- states they were not ridiculed as such, but JK was trying to make a point.

OD- asks- at the bottom of your letter you state the actions were "underhand and devious"- what do you mean?

TK- JK did not seek the consent of the people concerned and in doing what he did he did not treat his colleagues with respect. If he had got the consent, this complaint would not have happened.

OD- the record of the assessment panel shows they "agreed that the question of disrespect raised a serious concern particularly in relation to short edited clips" eg- The Mayor invited Cllr Theobald to make a statement and Cllr Theobald says "I wish I could answer these questions". Do you feel that the very abridged/ out of context nature of the clip is fundamental to your complaint?

TK- no. more the fact that he put them on there without their consent, it is a break of trust regardless of your political party.

OD- asks- What do you mean by the allegation that JK abused the use of the councils facilities?

TK- He lifted images from the council website and used them elsewhere. I assume that the council has copyright (OD- yes) and that he had not asked permission of the council to copy to an external source.

OD- do you have any concern about which equipment he used?

TK- no- I don't know what equipment he used.

OD- I ask about the equipment as JK has confirmed that he used his own home personal computer and broadband and that he does not have the use of a council owned computer at home.

TK- no it is the copyright that is the issue

OD- closing- I am seeing Cllr Theobald on Friday re the disrespect issue. In your opinion, is there also merit in speaking with Cllr Mears?

TK- yes probably, best to speak with Mary although she is off this week.

OD- the process now is that once all the evidence is amassed, we will speak to JK last as we will be better informed about the complaint.

OD- we have established the basis of the complaint- respect and use of resources, do you have any other issues?

TK- no- how long is it likely to take, is there a time limit?

OD- Guidance shows that it should take 3 months*

OD- all notes will be added to the report that goes to the Monitoring Officer. We aim to have the report ready for the Monitoring Officer by the end of September and then the Standards Panel will convene to consider the report, which should take place by mid October.

** Following this interview, OD checked the accuracy of this statement and, as a consequence, issues the following correction based on guidance issued by the Standards Board in 2008:*
*"The Standards Board would recommend that most investigations are carried out, and a report on the investigation completed, within six months of the original complaint being assessed by the initial assessment sub-committee".*
*In view of this, the aim in respect of the present case brought by TK is to complete the investigation by 1 October 2009, being 6 months after the BHCC Standards Committee Assessment Panel considered the matter*

**Notes of Interview with Geoffrey Theobald (GT)**

Subject: Standards complaint by Cllr Ted Kemble against Cllr Jason Kitcat in relation to postings of clips from council webcast meetings onto YouTube

Date of interview: 28 August 2009

Interviewer: Oliver Dixon

Key points

1. GT had not seen the video clips complained of but was aware that certain members of his political group were aggrieved at them appearing on YouTube.

2. From a personal perspective, GT was not especially concerned about the clips which featured him appearing on an external website. As a high profile politician, he knew that media coverage was part of the job. He was, however, concerned about two more general aspects of posting edited clips from council webcast meetings to sites such as YouTube:

(i) the possibility that a member of the public might feature in the clip, either in the background or mentioned by the speaker, without that person's knowledge. GT considered this would be particularly unfair if the clip was heavily edited or had been posted purely for political gain; and

(ii) the risk that what a Member said on the webcast might be edited and taken out of context in such a way as to portray them as disrespectful of equality laws. Given the very high viewing figures that a site like YouTube attracts, and the high standards of conduct expected of public figures, a clip distorted on this way could be extremely damaging to the speaker's reputation

3. If the webcast protocol or any relevant standing orders in force at the time had prohibited the posting of webcast material onto external sites, then what Cllr Kitcat (JK) had done was wrong in GT's view. Equally, he said, it was wrong of JK to have infringed the council's copyright in the webcast images.

**Notes of Interview with Mary Mears (MM)**

Subject: Standards complaint by Cllr Ted Kemble against Cllr Jason Kitcat in relation to postings of clips from council webcast meetings onto YouTube

Date of interview: 2 September 2009

Interviewer: Oliver Dixon

Also in attendance: Brian Oxley (BO)

Key Points in relation to Cllr Kemble's allegations

**1. Failure to treat others with respect**

1.1 MM said in her view it was unacceptable and disrespectful that Cllr Kitcat (JK) had posted the clips without her or Cllr Theobald's (GT) consent. On other occasions she had been approached by third parties outside the council seeking permission to use a council webcast image on YouTube, which at least gave her the opportunity to say yes or no. This was not the case with the clips posted by JK, however, as he had not even told her he was intending to or that had posted the clips. As a result, she felt ignored and to some extent insulted.

1.2 MM considered the edited 12-second clip of GT saying "I wish I could have answered these questions" made him look stupid; hence this too was disrespectful. The edited nature of the clip was deceitful in creating a false impression of council proceedings, as the clip was taken completely out of context; the viewer saw nothing of the debate that took place before or afterwards, or of the prevailing atmosphere or "mood". Furthermore, its presence on JK's YouTube channel offered GT no opportunity to respond to or debate the matter.

BO added that the whole purpose of webcasting was to inform viewers of the true content and style of those meetings covered; publishing a very short clip out of context represented a distortion of the proceedings.

In response to JK's contention that the postings have helped to make council proceedings more open and accessible, MM's view is that any images of council meetings should comprise the entire item under debate, leaving the viewer to decide which parts to watch.

**2. Not using the authority's resources in accordance with their reasonable requirements; and using these resources improperly for political purposes**

2.1 BO considered JK's conduct an abuse of council facilities (i.e. the webcast archive system). JK may well have used his own PC and broadband connection but first had to establish a link to the council's webcast database, which is council owned. Further, the images displayed on JK's YouTube channel were originally captured using council hardware and software, and there was nothing in the webcast guide in

force at the time that allowed for this. Hence, to use the images in this way was inappropriate.

2.2 On the issue of potential copyright infringement, MM considered that copying council-owned images without the copyright holder's consent was wrong; it was worse still if the images were edited to suit the copier's own purposes, as appeared to be the case here.