

<b>Subject:</b>	<b>Hearing of Allegation that a Councillor has failed to comply with the Code of Conduct for Members - Case BHC-008869</b>		
<b>Date of Meeting:</b>	<b>8 November 2012</b>		
<b>Report of:</b>	<b>Report of the Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Brian Foley</b>	<b>Tel: 29-1229</b>
	<b>Email:</b>	<b>Brian.foley@brighton-hove.gov.uk</b>	

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report deals with an allegation that Councillor Hyde has failed to comply with the Members' Code of Conduct.

**2. RECOMMENDATIONS:**

- 2.1 That the Panel determine the allegation that Councillor Hyde has failed to comply with the council's Code of Conduct for Members.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 This report concerns a comment said to have been made by Councillor Lynda Hyde when leaving a meeting of the Saltdean Community Association on 31 May 2012, resulting in an allegation that Councillor Hyde had breached the Members' Code of Conduct.
- 3.2 The allegation was initially considered by an Assessment Panel of the Standards Committee on 26 June 2012, which referred the allegation to the Monitoring Officer for investigation. He appointed an Investigating Officer, whose full report on the matter is at Appendix 1. A summary of the key points from that report are as follows.
- 3.3 The complaint was raised by all members of the Saltdean Community Association Committee ('the Committee'). Ms Elizabeth Lee, Chair of Association, has been the point of contact with the council's Investigating Officer and has spoken on behalf of and with the support of her fellow Committee members.
- 3.4 It is alleged that Councillor Hyde commented, on leaving the meeting, that the Committee members were "only in it for themselves".

- 3.5 The Committee said this statement denigrates and calls into question the integrity and community service of the Committee members, particularly as they had worked voluntarily and under the threat of personal bankruptcy.
- 3.6 Ms Lee stated that several members of the Committee heard Councillor Hyde make this statement.
- 3.7 Councillor Hyde said that the end of the public section of the meeting was very noisy. She referred to this in her written response to the complaint and during her interview with the Investigation Officer.
- 3.8 Councillor Hyde said that the members of the Committee appear to have overheard part of a conversation she was having with another ward councillor as they left the meeting room in which she replied to a question from her colleague saying “people are saying they are only in it for themselves”.
- 3.9 A member of the Committee wrote to Councillor Hyde seeking an apology for what he believed she had said about the Committee members. Councillor Hyde responded to him saying she had recently congratulated him for the considerable hard work he had done on behalf of the community.
- 3.10 Some weeks later when Councillor Hyde heard about the complaint to the Chair of the Standards Committee she offered an apology to the Saltdean Community Association Committee members if they were offended by what they thought they had heard her say. Ms Lee informed the members of the offer but they refused to accept it.
- 3.11 The Investigating Officer identified that it was unlikely that the Committee members would all have focused on the conversation between Councillor Hyde and her ward colleague and it may have been difficult to have accurately heard in full what Councillor Hyde said in that conversation.
- 3.12 Councillor Hyde had demonstrated by way of email prior to the complaint being raised with the Standards Committee that she was aware of the hard work a particular member of the Saltdean Community Association Committee had put into the Saltdean community and she thought his actions were admirable and worthy of congratulation. She had been willing to apologise if there had been any form of misunderstanding about what she had said when leaving the meeting.
- 3.13 The Investigating Officer has concluded that:
  - a. There has not been a breach of the Members Code of Conduct in respect of Paragraph 3(1): “*You must treat others with respect.*”
- 3.14 The allegation is now referred to a Hearing Panel of the Audit & Standards Committee to decide the matter.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 There are none.

Legal Implications:

- 5.2 The legislative framework under which the allegation has been investigated and referred to the Standards Panel for determination is Part 1, chapter 7 of the Localism Act 2011 and associated regulations.

*Lawyer Consulted: OliverDixon*

*Date: 30/10/12*

Equalities Implications:

- 5.3 There are none.

Sustainability Implications:

- 5.4 There are none.

Crime & Disorder Implications:

- 5.5 There are none.

Risk and Opportunity Management Implications:

- 5.6 There are none.

Public Health Implications:

- 5.7 There are none.

Corporate / Citywide Implications:

- 5.8 There are none.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Investigating Officer's report together with appendices.

**Documents in Members' Rooms**

1. None

**Background Documents**

1. None

