



**Brighton & Hove
City Council**

Case Ref No: **BHC-012702, 012751, 012777, 012843**

**STANDARDS PANEL HEARING
DECISION NOTICE**

DATE OF HEARING:	19 December 2013
SUBJECT MATTER:	Hearing of Allegation that a Councillor has failed to comply with the Code of Conduct for Members
COMPLAINANT:	3 Members of the Public and a Council Staff Group
CHAIR:	Councillor Deane
HEARING PANEL MEMBERS:	Councillors Deane, A. Norman and Summers
INDEPENDENT PERSON AND CO-OPTED MEMBER:	Dr Lel Meleyal
INVESTIGATING OFFICER:	Brian Foley, Standards & Complaints Manager
DEMOCRATIC SERVICES OFFICER:	Mark Wall, Head of Democratic Services

THE DECISION

The Panel determined that:

- (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').

REASONS FOR THE DECISION

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.

RELEVANT SECTIONS OF THE CODE OF CONDUCT

Para 3(1): You must treat others with respect;

Para 3(2)(a): 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);

Para 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

RIGHT OF APPEAL

There is a right of appeal for the complainants and the subject Member against the decision of the Standards Panel. This is without prejudice to the right of the complainant to refer the matter to the Local Government Ombudsman.

If any of these persons wishes to exercise this right, they should write to the council's Monitoring Officer*, stating they wish to appeal the Standards Panel decision, with reasons for doing so. A request for an appeal must be received within 10 working days of 19 December 2013.

* Address: Brighton & Hove City Council, King's House, Grand Avenue, Hove, BN3 2LS

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Council's procedure for determining an allegation that a Member has failed to comply with the Code of Conduct for Members

Proper Officer:

Signed:



Date:

20 December 2013