

Brian Foley  
Standards & Complaints Manager  
King's House, Grand Avenue,  
Hove BN3 2LS

4th August 2009

Dear Mr Foley

### **ALLEGED BREACH OF CODE OF CONDUCT**

Thank you for your letter of 24th July 2009. Please find my responses to your numbered requests below.

#### **1. I deny all alleged breaches of the Code of Conduct.**

##### *Treating others with respect*

Cllr Kemble alleges I have failed to treat others with respect. I reject this allegation, I have done nothing other than show Councillors carrying out the work they have been elected to do. Cllr Kemble argues that I have failed to be respectful because I did not gain express permission to use councillors' images but used them in an underhanded and devious manner.

All participants to webcast council meetings are informed in writing and by the chair of the meeting that the proceedings will be available online for repeated viewing. There is no expectation of privacy at these meetings, nobody could reasonably argue the meetings were private. Given that press, public and webcast cameras are all watching the meeting I argue that participants expressly consent to being publicly visible while conducting the meeting. Similarly sending links to portions of the webcast to interested parties (e.g. signatories of a petition responded to or residents who have submitted questions) seems completely reasonable and not requiring additional permission from councillors. This is the case with minutes of meetings, I am never asked my permission before minutes containing my questions and statements are published online, and that is as it should be.

Since October 2008 I have been trying to allow direct links to portions of the webcast on the BHCC site as is supposed to be possible. I have raised this directly with the supplier Public-i, Democratic Services and Cllr Brian Oxley (informal IT lead for the Conservative group) without any adequate response or fix. As a result the only way to point residents to specific portions of the webcast is to extract the clips and put them on a service like YouTube. In doing so I have made the Council's conduct more open and accessible to all, thereby upholding the fifth principle, 'Openness' of the Ten General Principles of Public Life.

I do not understand how publicly publishing video which is already publicly available for *anyone in the world* to find and view can possibly be characterised as underhanded or devious.

### Use of council resources

Cllr Kemble also alleges that I have abused council resources through posting the webcasts online. I totally reject these allegations. These videos were posted using my own personal computer (I do not have a council-provided PC) via my own personal broadband connection. The YouTube website is free to use and my personal website is hosted at my own expense. The only other action I took was to view the council meeting webcasts provided on Public-i's servers as any other viewer would do so — I had no special or privileged access. On this basis I do not believe that I have used council resources and so there has been no impropriety or breach. Even if I had used council resources, I do not believe displaying council meeting proceedings can be characterised as 'party political purposes', webcasts merely show the actions undertaken as part of our elected responsibilities. If the webcasts were 'party political' they should have been taken offline during the election 'purdah' period, but they were not.

## **2. Documents I would like you to take into account:**

There are over 2,800 videos on YouTube involving councillors. Many of these are from webcasts of council meetings from across the English-speaking world (e.g. UK, USA, Canada)

[http://www.youtube.com/results?search\\_query=councillor](http://www.youtube.com/results?search_query=councillor)

What is Open Knowledge? Arguments in favour of openness:

<http://www.okfn.org/about/>

The Power of Information review argued that government should support and encourage non-commercial reuse of government information & content:

[http://www.cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/power\\_information.pdf](http://www.cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/power_information.pdf)

Government accepted the Power of Information's central arguments:

[http://www.cabinetoffice.gov.uk/media/cabinetoffice/corp/assets/publications/reports/power\\_information/power\\_information\\_response.pdf](http://www.cabinetoffice.gov.uk/media/cabinetoffice/corp/assets/publications/reports/power_information/power_information_response.pdf)

The resulting Power of Information taskforce concluded in their final report that a priority should be "ensuring that public sector information is made as simple as possible for people to find and use":

<http://poit.cabinetoffice.gov.uk/poit/>

## **3. Contacts**

You may find it helpful to talk to the following people who have expertise in the field of e-democracy:

Hansard Society e-Democracy programme team:

<http://hansardsociety.org.uk/blogs/edemocracy/>

Dr Ian Brown, Oxford Internet Institute: [ian.brown@oii.ox.ac.uk](mailto:ian.brown@oii.ox.ac.uk)

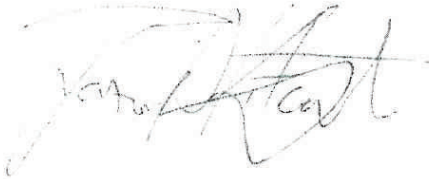
<http://www.oii.ox.ac.uk/people/faculty.cfm?id=117>

4. Any other info: none.

I hope that my response is sufficient to your needs and helpful.

I will be away from 11th August until 1st September inclusive but I will be available by email during that period.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jason Kitcat', written over a light blue horizontal line.

CLlr Jason Kitcat

