

STANDARDS HEARING PANEL

Agenda Item 2

Brighton & Hove City Council

Subject:	Hearing of an allegation of failure by Councillor Kitcat to comply with the Code of Conduct		
Date of Meeting:	9 July 2010		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Liz Woodley	Tel: 29-1509
	E-mail:	liz.woodley@brighton-hove.gov.uk	
Wards Affected:	None		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report deals with a complaint that Councillor Kitcat has failed to comply with the Members' Code of Conduct.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine the complaint that Councillor Kitcat has failed to comply with the Code of Conduct in accordance with the Council's adopted procedure for Local Determination Hearings of Allegations of Member Misconduct.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In February 2009 Councillor Kemble made a complaint about the conduct of Councillor Jason Kitcat in posting 5 vide clips onto YouTube, comprising footage taken from Briton & Hove City Council webcasts meetings that took place in December 2008 and 2009.
- 3.2 The Standards Assessment Panel referred the complaint for investigation by the Monitoring Officer having considered that the conduct, if proven, would amount to a breach of the Members' Code of Conduct on the following grounds:-
- a) failure to treat others with respect
 - b) failure when using the resources of the authority –
 - i) to act in accordance with the authority's reasonable requirements and
 - ii) to ensure that such resources are not used improperly for political or party political purposes
- 3.3 The Investigating Officer undertook an investigation and his report is attached as Appendix 1.

He concluded that there had been no breach of paragraph 3 or paragraph 6(b)(i) of the Code, but that the conduct did amount to a breach of paragraph 6(b)(ii) of the Code -see Section 8 of the Investigation Report, attached as Appendix 1. The Standards Hearing Panel considered the report at a meeting on 16 November 2009. Without making any finding that there had been a failure to comply with the Code, it determined that the matter should be considered at a meeting of the Hearing Panel, to be conducted in accordance with the Authority's adopted Procedure for Local Determination Hearings.

- 3.4 In accordance with the adopted procedures, a pre-hearing summary has been produced, and provided in advance to the complainant, the subject member, members of the Panel and the Investigating Officer. A copy of that summary is attached as Appendix 2. The summary seeks to identify the areas of agreement and disagreement between Councillor Kitcat and the Investigating Officer. It appears that the material facts are not in dispute, but that Councillor Kitcat does not accept all of the Investigating Officer's reasoning – see Forms A (i) and (ii) which form part of the pre-hearing summary.

4. CONSULTATION:

- 4.1 There has been no consultation on this report, and indeed none is envisaged by the Local Determination Hearings procedures.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the report.

Legal Implications:

- 5.2 In exercising its functions in relation to standards of conduct for elected members, the Council is required to have regard to guidance published by Standards for England (SfE). In drafting the procedures for the Local Determination of Allegations of Member Misconduct, the Council had regard to the SfE's guidance on Standards Committee Determinations.

Lawyer consulted: Liz Woodley

Date: 25 June 2010

Equalities Implications:

- 5.3 There are no direct equalities implications arising from the report.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

5.6 There are no risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

5.7 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Investigating Officer's report.
2. Pre-hearing summary.
3. Form A(i) and A(ii).

Background Documents:

None.

