

Lewes District Council Standards Panel

Hearing Date: 23 November 2021

Hearing into allegations that Cllr Isabelle Linington failed to comply

with the Council's Code of Conduct for Members

Localism Act 2011, section 28

DECISION NOTICE

1. Whether Councillor Linington failed to comply with the Council's Code of Conduct for members

Having carefully considered the investigating officer's written report, the subject member's written statement and the verbal submissions made by all parties at today's hearing, and having taken into account the views of the Independent Person, the Panel concluded as follows:

- (i) That Councillor Linington was acting in an official capacity when making calls to Councillors Davis and Burman on 18 March 2021, and that her alleged conduct therefore comes within the scope of the Code of Conduct.
- (ii) By reason of what Councillor Linington said during those telephone calls, she attempted to improperly influence the way in which Councillors Davis and Burman would deal with the allegation against Councillor Gauntlett, to be heard at the Standards Panel taking place on 19 March 2021. The Panel concluded that although the exact content of the call is open to interpretation, it is evident that Councillor Linington did refer to the Standards Panel due on 19 March and did use words to the effect that it would be advantageous if Councillor Gauntlett were to be found in breach of the Code of Conduct. Even if Councillor Linington had intended for her words to be taken in jest, they were capable of being interpreted as an attempt to influence the outcome of the 19 March hearing. The Panel also concluded that her words were improper, as it was not Councillor Linington's role to influence the way that individual Panel members conduct themselves when sitting on a Standards Panel. In view of this, the Panel concluded that Councillor Linington was in breach of paragraph 3(2)(c) of the Code of Conduct.
- (iii) In view of the above, the Panel also concluded that Councillor Linington's actions had been in breach of the Code at paragraph 5,

which confers an obligation not to conduct herself in a manner that could reasonably be considered as bringing her office into disrepute.

- (iv) The Panel concluded that Councillor Linington had not breached paragraph 6(a) of the Code, in that she did not attempt to use her position as a member improperly to confer on or secure for herself or any other person an advantage or disadvantage. The Panel was not satisfied that an advantage or disadvantage would have occurred as a result of Councillor Linington's actions.
- (v) The Panel agreed with the investigating officer's report that paragraphs 3(1) and 2(b) of the code were not applicable in relation to Councillor Linington's alleged conduct.

In summary, the Panel decided that Cllr Linington had failed to comply with paragraphs 3(2)(c) and 5 of the Code of Conduct for Members.

2. Sanctions

The Panel considered whether a sanction should be imposed on Councillor Linington in respect of her failure to comply with the Code of Conduct and, if so, what sanction(s) would be appropriate. The Panel was mindful of Councillor Linington's previous record of good service to the Council and considered that she had held an honest but mistaken belief that her calls to Councillors Davis and Burman were not in breach of the Code.

The Panel wished to stress to Councillor Linington that Standards Panel hearings are a statutory and quasi-judicial process and under no circumstances should the Panel be interfered with, even in jest.

In terms of sanctions, the Panel noted that, as a matter of course, its findings in respect of Councillor Linington's conduct will be published in the form of a decision notice and its findings will be reported to the next meeting of the Full Council.

The Panel instructed the Monitoring Officer to write a formal letter to Councillor Linington to make her fully aware of the gravity of her actions which amounted to a breach of the Code of Conduct. The Panel also instructed the Monitoring Officer to write an advice note to all members of Lewes District Council to reiterate that the integrity of the Standards Panel process should not be undermined.

3. Appeal

There is no internal right of appeal against the decision of the Standards Panel. This is without prejudice to an interested party's right to make an

application to the court for a judicial review of the Panel's decision. That party is responsible for meeting any costs they incur in obtaining legal advice and in making such an application.

4. Publication

A copy of this Notice will be sent to the subject member, Cllr Linington, and to the complainant, Councillor Davis. The Notice will be uploaded to the Council's website and reported to the next convenient meeting of the full Council.

Date of Notice: [24 November 2021]

Oliver Dixon
Monitoring Officer, Lewes District Council

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