

Report to: Audit and Standards Committee

Date: 19 November 2018

Title: Proposed Resolution of Alleged Failures to Comply with Peacehaven Town Council's Code of Conduct for Members

Report of: Monitoring Officer

Ward(s): Peacehaven West, Peacehaven East, Peacehaven North

Purpose of report: To seek the Committee's endorsement of the proposed resolution of the code of conduct allegations

Officer recommendation(s):

- 1) That the Committee endorse the Monitoring Officer's proposed informal resolution, set out in paragraph 4.1, of the complainants' code of conduct allegations.
- 2) That, subject to making the endorsement above, the Committee seek updates from the Peacehaven Town Manager as specified in paragraph 5.2.

Reasons for recommendations: To deal with the investigation outcome in the most effective manner

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1 Introduction

1.1 Earlier this year the Town Manager of Peacehaven Town Council ('the Town Council') submitted a complaint to Lewes District Council's Monitoring Officer ('MO') alleging that Councillors Brian Gosling, Jean Farmiloe and Jackie Harrison-Hicks, all Town Council members, had failed to comply with the Town Council's Code of Conduct for Members.

1.2 Councillor Rachel Coles, also of Peacehaven Town Council, made a related complaint to the MO about the conduct of Cllr Brian Gosling.

2 Initial Assessment

2.1 In accordance with the District Council's arrangements for dealing with complaints about councillor conduct, the MO carried out a preliminary assessment to decide whether the allegations warranted formal investigation. In consultation with the Independent Person, Vic Kempner, it was clear to the MO that the nature and scope of the allegations raised multiple and potentially serious Code of Conduct issues. Accordingly, the matter would be subject to full

investigation.

2.2 The scale of the allegations justified the appointment of an external investigator. After obtaining three quotes, the MO commissioned ch&i associates to carry out the investigation on her behalf. One of the reasons for selecting ch&i was their prior knowledge of the Town Council, having carried out a previous code of conduct investigation into a different member there in 2016/17.

3 Investigation outcome

3.1 The investigator's full report is set out at Appendix 1.

3.2 The investigation established that the majority of the allegations made against Councillors Gosling, Farmiloe and Harrison-Hicks are supported by the evidence and, to varying degrees, represent likely breaches of the Town Council's Code of Conduct.

3.3 The District Council's complaints procedure requires that if the investigation report concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will review the report and will then either send the matter for a hearing by the Standards Panel or, after consulting the Independent Person, seek informal resolution.

3.4 The investigation identified wide ranging Code of Conduct issues, linked mainly to underlying problems concerning (i) longstanding personal conflict and poor working relations between certain elected members and Town Council officers; and (ii) a lack of understanding of the norms for officer/member relations and their respective powers and responsibilities.

3.5 Because these issues point to wider issues of governance affecting the entire Town Council, and because two of the three councillors complained of have recently resigned, the MO agrees with the investigation officer's view that the most effective resolution would consist not of a Standards Panel determining the conduct of individual members but an action plan adopted by the Town Council to address the governance matters identified.

3.6 A further justification for this approach is the very limited range of sanctions that a Standards Panel could impose on individual members found to have breached the Code of Conduct.

3.7 The Independent Person supports this method of resolving of the complaints submitted by the Town Manager and Councillor Coles.

4 Proposed resolution

4.1 The MO proposes that Peacehaven Town Council be recommended to adopt an action plan comprising the measures set out at paragraph 6.17 of the investigation report. The purpose and benefits of the action plan are detailed in paragraphs 6.18 and 6.19.

5 Recommendations

5.1 It is recommended that Audit & Standards Committee endorse the MO's proposed informal resolution of the Code of Conduct complaints in the manner described in paragraph 4.1 above.

5.2 It is further recommended, in accordance with paragraph 6.20 of the investigation report, that the Committee seek an update from the Town Manager after 3 and then 6 months of commencing the action plan, to assess the success of otherwise of its implementation.

6 Financial appraisal

The recommendations to this report, if endorsed, involve no significant cost on the part of the District Council, as it would not be necessary to convene a hearing of the Standards Panel. The recommended action plan would involve some expense on the part of Peacehaven Town Council depending on their chosen method of implementation.

7 Legal implications

The District Council's arrangements for investigating and deciding on allegations of a failure to comply with Peacehaven Town Council's Code of Conduct meet the requirements of section 28(6) of the Localism Act 2011.

Lawyer consulted 26.10.18. Legal ref: 007248-LDC-OD

8 Risk management implications

If the Town Council does not implement the recommended action plan within a reasonable timescale, the governance problems identified in the investigation report may persist, leading to continuing difficulties between members and officers, and a loss of confidence in the council's reputation among Peacehaven residents and businesses..

9 Equality analysis

There are no equality issues arising directly from this report.

10 Appendices

Appendix 1 – Investigation Report by ch&i associates

11 Background paper

The background paper used in compiling this report was as follows:

Arrangements for dealing with complaints about councillor conduct
<https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/261279.pdf>