

## **Agenda Item No: 18**

### **Standards Panel Hearing - 30 March 2017 - Investigation into Complaint Against Councillor R Robertson - Decision Notice**

Decision of the Standards Panel regarding the investigation into a complaint received from Ms Claire Lacey, Town Manager for Peacehaven Town Council against Councillor Robbie Robertson, Peacehaven Town Council.

The Standards Panel, having considered the Investigating Officer's written and oral reports and listened to submissions from the complainant and from Councillor Robertson, reached the following decision:

As to questions of fact, firstly Councillor Robertson was a member of Peacehaven Town Council at the time of the conduct the subject of complaint. Secondly, he was, for that reason, subject to Peacehaven Town Council's Code of Conduct for Members. Thirdly, at the time of the conduct the subject of complaint, he was acting in his official capacity as a town councillor and as Mayor of Peacehaven Town Council.

The Panel concluded that Councillor Robertson's conduct in personally arranging a hosted visit to China in his official capacity and in arranging visits to Peacehaven for a delegation of Chinese representatives without the authority of the Town Council did engage Peacehaven Town Council's Code of Conduct and constituted a breach of the following provisions of the Code:

Paragraph 5 - "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute"

Councillor Robertson had breached paragraph 5 in that his making a decision to accept a hosted visit to China and to host a visit of Chinese delegates in Peacehaven without following Peacehaven Town Council's governance procedures could reasonably be regarded as bringing both his office as Mayor and the reputation of the Town Council into disrepute.

Paragraph 6 (a) - "You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage"

Councillor Robertson had breached paragraph 6 (a) in that he used his position as Mayor improperly to secure for himself an advantage, namely an expenses paid trip within China, with accommodation and hospitality AND he failed to make appropriate declarations of hospitality received, contrary to the principles of openness, honesty and leadership which, together with the other principles of public life, form the basis of the Code.

Paragraph 6 (b) (i) - "You must, when using or authorising the use by others of the resources of your authority - (i) act in accordance with your authority's reasonable requirements"

Councillor Robertson had breached paragraph 6 (b) (i) in that his decision to receive a Chinese delegation had resulted in the use of

Town Council premises and the use of Town Council staff time without Council authorisation and without following the Town Council's proper procedures.

Paragraph 7 – “When reaching decisions on any matter you must have regard to any relevant advice provided to you by –

- (a) your authority's responsible finance officer; or
- (b) your authority's Town Clerk/Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties”

Whilst the Panel did not point to any piece of relevant advice which Councillor Robertson had ignored, it concluded that Councillor Robertson had breached the spirit of this paragraph 7 in that he had failed to seek or obtain appropriate timely officer advice.

Having found that Councillor Robertson failed to comply with the Code of Conduct, and having afforded him the opportunity to put forward any mitigating factors as to possible sanctions, the Panel resolved –

- i. to publish its findings in respect of Councillor Robertson's conduct
- ii. to write a formal letter to Councillor Robertson in consequence of his breach of the Code
- iii. to report its findings to Peacehaven Town Council for information and also to Lewes District Council for information (Councillor Robertson being a member of both Councils)
- iv. to note that an arrangement for a one to one training session for Councillor Robertson is already in place and to require the Monitoring Officer to cover issues raised at this hearing at that session
- v. to recommend to Peacehaven Town Council that it put in place guidance/protocols to govern the basis on which foreign visits may be made and received, and to recommend that the Town Council enlists the assistance of the Monitoring Officer to achieve this; and that the Monitoring Officer seeks to achieve the introduction of such guidance/protocols across Towns/Parishes in the District generally
- vi. that the Monitoring Officer write to Clerks in the District reminding them that individual councillors do not have power to make these types of decisions – they are decisions for the Council as a whole; that the Monitoring Officer advise Town / Parish Clerks that in the event of any similar future occurrence involving visits to/from overseas bodies, they should contact the Foreign Office and the Monitoring Officer or the Association of Local Councils.