

## **Standards Panel**

**Minutes** of a meeting of the **Standards Panel** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Friday, 3 February 2017** at 10:00am

**Present:**

Councillor I Linington (Chair on Election)  
Councillors M Chartier and T Rowell

**Officers Present:**

O Dixon, Deputy Monitoring Officer  
C Knight, Investigating Officer  
J Norman, Committee Officer

**Also Present:**

V Kempner, Independent Person  
Councillor S Osborne, Complainant  
Councillor R Robertson, Subject of Complaint

	<b>Minutes</b>	<b>Action</b>
<b>1</b>	<b>Election of Chair of the Standards Panel for this meeting</b>  <u>Resolved:</u>  1.1 That Councillor Linington be elected Chair of the Panel for the duration of this meeting.	
<b>2</b>	<b>Investigation into Complaint against Councillor R Robertson, Lewes District Council</b>  The Chair explained the order of proceedings to all of those who were present at the meeting, and invited the Investigating Officer to present her Report.	

The Investigating Officer explained that she had sent her Report in draft form to the Complainant and Councillor Robertson for their comments prior to finalising her Report and prior to the Report being presented to the Panel. Neither councillor had wished to make any comment on the draft report. The Investigating Officer referred to Appendix C of Report No 32/17 on page 26 of the Report, which detailed the final version of her Report.

The Investigating Officer described the summary of events on pages 28 to 30 of the Report. She highlighted the complaint received from Councillor Sarah Osborne on 27 October 2016, explaining to the Panel that Councillor Osborne emphasised that her complaint did not relate to the fact of non-payment of council tax by Councillor Robertson, but to the comments alleged to have been made by him to the press in an article in the Argus published on 27 October 2016.

The Investigating Officer described her interview with Councillor Robertson which had taken place on 10 November 2016, as set out on pages 29 to 30 of the Report. She asked Councillor Robertson to explain his comment, "I wanted to see how the system worked and it works extremely well." The Investigating Officer explained that Councillor Robertson said that he had wanted to "test" the Council's council tax collection system. Councillor Robertson wanted to put himself in the same position as any other resident; he wanted to assure himself that the Council would treat him exactly as it would treat anybody else in its dealings with him. He said, "I was impressed with the Council for treating me like everyone else and not making an exception to the rule because I was a councillor."

The Investigating Officer suggested that a reasonable interpretation of Councillor Robertson's comments, especially the comment, "I wanted to see how the system worked and it works extremely well", might be that he was being flippant and showing a lack of regard for his office as a councillor and for the reputation of the Council. His comment might reasonably be regarded as an attempt to trivialise what was a matter of some gravity. Councillor Robertson said that this was not his intention and in response to the Investigating Officer asking what action Councillor Robertson might be willing to take to mitigate the situation, Councillor Robertson said that he would be willing to make an apology to all councillors, either by way of a statement at full Council or by way of personal letter to all councillors.

The Investigating Officer explained to the Panel that her report had considered carefully whether, in respect of councillors, non-payment of council tax was a private or public matter, and that she relied on the most recent case law when making her decision that it was a public matter.

The Panel members confirmed they had no questions for the Investigating Officer in respect of her Report.

The Chair invited Councillor Robertson to make representation.

Councillor Robertson explained to the Panel that his comments in the Argus article published on 27 October 2016 were made in passing on the day of

the Town Council by-elections in Seaford. He further explained that he had not had much sleep in the days leading up to the by-election, and that his comments to the Argus were not well thought out. Councillor Robertson stated that although he acknowledged that his wording may have not been necessarily appropriate, he felt that his quotes in the article were taken out of context and that the reporter “cherry picked” which comments to include in the article.

The Panel asked Councillor Robertson several questions before the Hearing moved into closed session.

Resolved:

Decision of the Standards Panel regarding the Investigation into Complaint against Councillor R Robertson, Lewes District Council:

“The Standards Panel, having considered the Investigating Officer’s written and oral reports and listened to Councillor Robertson’s submissions, reached the following decision.

As questions of fact, firstly Cllr Robertson was a member of Lewes District Council at the time he made the comments complained of. Secondly, he was, for that reason, subject to the Council’s Code of Conduct for Members.

The Panel concluded that non-payment of council tax does engage the Code of Conduct and, therefore, felt it appropriate to go on to consider whether Councillor Robertson’s comments to the press about his non-payment amounted to a breach of the Code.

Councillor Robertson did not dispute the words attributed to him in The Argus even though he had made further comments that went unreported. It is notable that the article is specifically about councillors and refers to Councillor Robertson in his public role rather than Mr Robertson in a private capacity.

The Panel further observed that Councillor Robertson’s non-payment of council tax was not merely an oversight or technical error but a conscious decision on his part not to pay it.

In view of these matters, the Panel finds that Councillor Robertson failed to comply with paragraph 5 of the Code of Conduct by conducting himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute.

Specifically, his comments could be perceived by the public as a justification for delayed or non-payment of council tax, which could undermine the Council’s financial stability and reputation.

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

- i. requires the Monitoring Officer to arrange training for Councillor Robertson on the Code of Conduct for Members by the end of February 2017; and
- ii. welcomes Councillor Robertson's offer to apologise and recommends that he does this by way of a statement to full Council on 23 February 2017."

The meeting ended at 12:30pm.

I Linington  
Chair