



ch&i associates

**Investigation into a complaint against
Councillor Robbie Robertson,
Peacehaven Parish Council**

A draft report for the Monitoring Officer of
Lewes District Council

7 February 2017

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1 Executive Summary

- 1.1 ch&i associates was appointed by the Monitoring Officer at Lewes District Council (the Council) to investigate a complaint about the conduct of Councillor Robbie Robertson, a member of both the Council and Peacehaven Town Council (the Town Council).

Scope and focus of the investigation

- 1.2 On 26 July 2016 Ms Claire Lacey, Peacehaven's Town Manager, submitted a complaint to the District Council alleging that Councillor Robbie Robertson had failed to comply with the Town Council's Code of Conduct (the Code).

- 1.3 In her complaint, Ms Lacey alleged that:

- in January 2016 Councillor Robertson visited China in his capacity as the Mayor of Peacehaven without having the approval of the Town Council.
- in July 2016 Councillor Robertson attended the Town Council offices and informed the Town Manager that he needed the use of a room in the Town Council to host a meeting with some visitors to the Town. The Town Manager subsequently discovered that Councillor Robertson had invited the current Mayor of Peacehaven and other councillors to meet with a delegation from China on 26 July 2016.
- in July 2016, the Town Council received a letter from a Chinese representative from a province in China with whom the Town Council have had no previous contact. The email, which was addressed to '*Mayor Robert Robertson*', included an attachment which appeared to be a letter from Councillor Robertson dated 30 May 2016 inviting a Chinese delegation to visit Peacehaven.

- 1.4 Ms Lacey stated that she felt that she had no choice but to complain about Councillor Robertson's conduct because it was not acceptable for a member to:

- speak on behalf of the Council as a whole;
- arrange a visit of this nature (to discuss the UK's public security system, social welfare and the methods of government streamlining) without first agreeing it with officers and members of the Council;
- not give relevant information to the Council in a timely manner;
- invite the Mayor of the Town without following correct protocol;
- not provide adequate records to the Town Council.

Recommended finding

- 1.5 My approach in this case has been to equip the Council to determine the allegations through any of the routes open to it, namely:
- a. The member *was not* acting in councillor capacity therefore the code was not engaged and the member did not breach it;
 - b. The member *was* acting in member capacity, but did not through their conduct breach any Code paragraph;
 - c. The member *was* acting in member capacity and breached the Code.
- 1.6 The investigation has established that Councillor Robertson used his position as Mayor to visit China in January 2016; further, that this was the seventh time that he had made such a trip in his capacity as Mayor of Peacehaven and before that, Mayor of Newhaven. The investigation has also established that Councillor Robertson arranged the formal visit of a Chinese delegation to Peacehaven Town Council at five days' notice and with next to no information about why they were coming. Having said that, I have not found that Councillor Robertson was personally responsible for inviting a second delegation from China on 30 May 2016.
- 1.7 My recommended finding is that the Code of Conduct was engaged and that there is sufficient evidence of a failure to comply with the Code as to make it appropriate for further action to be taken. The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. I believe that Councillor Robertson's approach to building relations with the Chinese generally has lacked the type of scrutiny and diligence proper Town Council involvement would have likely ensured. Such lack of care in my view risked bring Councillor Robertson's office or authority into disrepute.
- 1.8 The District Council's procedure for dealing with complaints about councillors states that if the investigating officer concludes that the Code of Conduct has been breached: "*the monitoring officer will review the investigating officer's report and may consult the independent person. The monitoring officer will then either send the matter for local hearing before a panel of councillors of the Audit and Governance Committee (the complaints panel) or seek local resolution*".
- 1.9 In my draft report I made the provisional recommendations that the Monitoring Officer consider resolving the matter by informal resolution as follows:
- "In my view the process should include Councillor Robertson meeting with the District Council's Monitoring Officer and Independent Person to discuss the findings of this report and his relationship with the UK China Culture Association more generally. I also consider that the Monitoring Officer should publish this report on the District Council's website and contact all the relevant Town and Parish Councils to ensure that their members and officers are made aware of the concerns raised.

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If Councillor Robertson chooses not to engage with the local resolution process in a manner that the Monitoring Officer and Independent Person considers sufficient, I believe that the breach of the Code highlighted in this report should be referred for a formal hearing.”

- 1.10 At the request of the Monitoring Officer I tried to contact Councillor Robertson to ascertain his response to the draft report and provisional recommendations; in particular whether he accepted my provisional findings and offered a commitment to engage with the local resolution. I did manage to speak briefly to Councillor Robertson, however despite his agreeing to speak with me again so that we could discuss the draft report in detail, Councillor Robertson did not contact me and did not provide any formal response to it within the allotted time. While I would not rule out a local resolution as being an appropriate way in which to progress this matter, from my brief conversation with him and then his lack of contact I am concerned that Councillor Robertson still does not appreciate the seriousness of his conduct. As such the Monitoring Officer may want to consider whether it might be more appropriate to send this matter for local hearing before a panel of councillors.

2 Official details of Councillor Robbie Robertson

- 2.1 Councillor Robbie Robertson was elected to the Town Council in 2011 and served as Mayor of Peacehaven from 20 May 2014 until 19 May 2016. Councillor Robertson had previously sat as a member of Newhaven Parish Council, where he also served as Mayor.
- 2.2 Councillor Robertson has also been a member of the District Council since 3 May 2007; he is currently Vice-Chair of the District Council.
- 2.3 Councillor Robertson is a member of the Conservative Party.

3 The relevant legislation & protocols

Localism Act 2011

- 3.1 By section 27(1) of the Localism Act 2011 (the Act) a “relevant authority” is placed under a statutory duty to “promote and maintain high standards of conduct by members and co-opted members of the authority”.
- 3.2 By section 27(2) of the Act a relevant authority “must in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity”.
- 3.3 Under section 28(1) of the Act a relevant authority must secure that a code adopted by it is, when viewed as a whole, consistent with prescribed principles of standards in public life – the so called “Nolan principles”.

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- 3.4 The intention of the legislation is to ensure that the conduct of public life in local government does not fall below a minimum level which engenders public confidence in democracy, as was recognised by Beatson J, as he then was, in *R (Calver) v The Adjudication Panel for Wales* [2012] EWHC 1172 (Admin) when he held that there was a clear public interest in maintaining confidence in local government while at the same time bearing in mind the importance of freedom of political expression or speech in the political sphere.
- 3.5 Under 28(6) of the Act, Local Authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision by the appointment of the authority of at least one “independent person” whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
- 3.6 Section 28(11) of the Act provides that if a relevant authority finds that a member or a co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

Peacehaven Town Council’s Code of Conduct

- 3.7 Under Section 27(2) of the Localism Act the Town Council established a Code of Conduct for members (the Code).
- 3.8 The Code adopted by the Council includes the following paragraphs:.

A. General obligations

Whenever you are acting as a member or co-opted member of this Council you must act in accordance with the following obligations:

Selflessness

1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity

2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties...

Openness

5 (a) You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority.

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You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law...

Honesty

6 (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

Leadership

8 You must promote and support high standards of conduct when serving as member or co-opted member of the Council, by leadership and example, championing the interests of the community...

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

6. You—

(a) 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;

(b) 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;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes);

4 The investigation

4.1 This investigation was conducted by Alex Oram on behalf of the Council's Monitoring Officer. Alex is a director of ch&i associates, a company with a successful track record of conducting complex investigations, assessments and case reviews within the regulatory, charity, NHS and local government sectors. Alex has been conducting member conduct investigations since 2003. He was previously employed by Standards for England as a principal investigator responsible for conducting many of their most complex, politically sensitive and high profile investigations into member conduct.¹

¹ Please note that I am not a lawyer; my considerations of Councillor Robertson's conduct against the Code of Conduct are based on my extensive experience of conducting standards investigations and is not legal advice.

- 4.2 During the course of this investigation we have considered various documents received from the complainant, the Town Council and the District Council. We have also considered oral evidence obtained from Claire Lacey, [REDACTED] [REDACTED] (an officer with the Town Council) Councillor Robbie Robertson, Councillor Rachel Coles, Councillor Wayne Botting and Mrs Nancy Astley (Clerk to Telscombe Town Council).

5 The evidence

Background

- 5.1 Councillor Robertson told me at interview that he first became involved in forging links with China after being introduced to a representative of the Chinese government in January 2008. Councillor Robertson said that while attending an event at Hove Town Hall celebrating Chinese New Year,² a representative from the Chinese Embassy in London, [REDACTED] [REDACTED], invited him to the Embassy to watch the Olympics. Councillor Robertson told me that he has been friends with [REDACTED] ever since.
- 5.2 Councillor Robertson told me that since 2008 he has visited China on seven occasions in his capacity as a representative of his Town Council; previously Newhaven Town Council and more recently Peacehaven Town Council. Councillor Robertson told me the arrangements had always been made by [REDACTED] [REDACTED] and the trips involved him meeting various government officials from various provinces in China. Councillor Robertson said that none of the trips were paid for by Town Council funds; he would always book and pay for his own flights and his hosts would then provide all accommodation and internal transport.

Matters related to Councillor Robertson's trip to China in January 2016

- 5.3 Councillor Robertson confirmed at interview that his most recent trip to China occurred in January 2016 when, at [REDACTED] invitation, he and his wife attended several events in China in his capacity as Mayor of Peacehaven.
- 5.4 Councillor Robertson told me that he was accompanied to China by a number local politicians, including fellow Town and District Councillor Wayne Botting (in his capacity as the Mayor of Telscombe) and [REDACTED]. Councillor Robertson said that the purpose of the trip was to make friendships and improve business and cultural links between England and China. Councillor Robertson compared his trip to 'town twinning' events and to similar trips he has been on to Germany and France as part of a formal Town Council delegation.
- 5.5 Councillor Robertson told me that the Town Council was not involved in arranging his trip and did not believe that the matter was ever discussed or agreed at a Council meeting. Councillor Robertson said that he only received the invitation verbally from [REDACTED] during the Christmas period and therefore there was not any

² In his role as Mayor of Newhaven

³ [REDACTED] is the Chairman of the UK China Cultural Association.

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time to formally put the matter before them. Councillor Robertson rejected that allegation that he went without permission however, saying that as far as he was concerned the Town Council had approved the trip because the Town Manager had said that he could go. Councillor Robertson also made the point that although he went in his official capacity, it was not a trip that funded by the Town Council / public money.

- 5.6 Ms Lacey, Town Manager / Clerk to the Town Council, told me that she only became aware that Councillor Robertson was going to China when it was announced on Facebook. She said that she questioned Councillor Robertson about it two days before he was due to depart; he confirmed that he was going and that he intended to take his Mayoral chains with him. Ms Lacey said that she told Councillor Robertson he could not take the chains unless the Town Council received a formal invitation setting out the details and purpose of the trip; this was subsequently provided and is attached at annex A.
- 5.7 Ms Lacey said that she told Councillor Robertson that any future Mayoral visits abroad should be arranged via the Town Council offices; I understand that the Mayor's handbook has since been revised to ensure that this is clear. Mrs Lacey told me that although the matter had not been before the Town Council, she did ensure that the Mayoral chains were fully insured for the trip.
- 5.8 On Councillor Robertson's return Mrs Lacey asked that he declare any gifts (over the value of £25); she confirmed that Councillor Robertson submitted the necessary form several weeks later detailing £80 worth of gifts⁴. Mrs Lacey also said that Councillor Robertson submitted an expense claim for £78, however this was rejected by the Council's Finance Officer. Councillor Robertson told me that he donated all these gifts back to the Town Council.
- 5.9 In her complaint, the Town Clerk stated that Councillor Robertson was asked to 'brief' the Town Council on his trip because it had caused a certain amount of disquiet among certain members. Councillor Robertson did not do this. In his evidence, Councillor Robertson said that he had wanted to do a presentation to the Town Council about the trip but was discouraged from doing so because some members had been upset by the visit⁵. Councillor Robertson did though write to his hosts to express his gratitude⁶ and provided the Town Council with a letter he received from the UK China Culture Association⁷
- 5.10 As part of this investigation I spoke to Councillor Wayne Botting and Mrs Astley (the Clerk of Telscombe Town Council) to discuss the trip to China from their perspective.
- 5.11 Councillor Botting confirmed that his invitation came from [REDACTED] via Councillor Robertson; contrary to Councillor Robertson's account however, Councillor Botting said that they were invited six months prior to the trip taking place.

⁴ Found at annex B

⁵ This was confirmed by Councillor Rachel Coles, who told me that it was she who instructed Councillor Robertson not to present a report to the Town Council

⁶ Found at annex C

⁷ Found at annex D

- 5.12 Mrs Astley confirmed that Councillor Botting's trip to China was not formally agreed by Telscombe Town Council, however an email was circulated to all members to ensure that none objected. Mrs Astley said that members did not view it as a formal civic trip and were not concerned as long as it did not cost the Town Council financially. Mrs Astley said that Councillor Botting was told in no uncertain terms that he did not have the authority to make any agreements on behalf of the Town Council.
- 5.13 Mrs Astley said that she, like Mrs Lacey, insisted that the Town Council receive a written invitation before allowing the Mayoral chains to leave the country. Mrs Astley said that this was provided less than a week before Councillor Botting left.⁸

Matters related to the visit from a Chinese delegation

- 5.14 On 21 July 2016 Councillor Robertson contacted [REDACTED] at the Town Council office and asked to book the Council Chamber on 26 July 2016. Mrs Lacey told me that when she became aware of it:

"I queried the cost and purpose of the room with my member of staff, who informed me that it was for a delegation from China. I had no knowledge of any such delegation visiting Peacehaven. I spoke with the Mayor Jean Farmiloe, who stated that she had been invited to a meeting on that Tuesday by Councillor Robertson but that she had no idea what the purpose of the meeting was. The meeting had not been notified to me as an official Council meeting as per protocol and we had no further details of the purpose of their visit, the names of the delegates or indeed where in China the delegation was from..."

- 5.15 Coincidentally, on the afternoon of 21 July 2016, the Town Council received a letter from [REDACTED] Director of Nanning Foreign Affairs and Overseas Chinese Affairs Office, accepting Councillor Robertson's invitation to visit Peacehaven (I consider this matter in more detail below)
- 5.16 Mrs Lacey told me that she tried to contact Councillor Robertson to question him about the visit and the letter, however he did not respond to any of her calls or emails.
- 5.17 [REDACTED], who had supported Councillor Robertson as Mayor for two years, told me that this was not the first time that this had happened; in March 2014, Councillor Robertson had organised a wrestling event (as Mayor) and had invited a Chinese delegation without the knowledge of the Town Council or anyone in the office.⁹

⁸ Found at annex E of this report

⁹ [REDACTED] said that generally Councillor Robertson was very difficult to support because he regularly arranged engagements and accepted invitations without informing the Town Council. [REDACTED] said that the Mayor did have more leeway to do this in the past; subsequent changes to the Mayors Handbook mean that all invitations now must go through the Town Council office.

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- 5.18 On 25 July 2016 Mrs Lacey met with the Deputy Town Clerk, Councillor Robertson and Councillor Farmiloe to discuss the following days visit. Councillor Robertson could provide those present with very little information about the delegation, saying that he did not know why they were coming. Councillor Farmiloe said that she was happy to host the event as Mayor; it was therefore agreed that the Town Council would host visiting party. Mrs Lacey said that in hindsight she believes that she should not have allowed the visit to go ahead given that no information about the delegation had been received.
- 5.19 On the morning of 26 July 2016, six Chinese delegates from the Foreign Affairs Office of Lincang Municipal People's Government, Yunnan Province attended a reception at the Town Council offices hosted by Councillor Robertson and Councillor Farmiloe (in her capacity as Mayor).
- 5.20 Mrs Lacey described the event as follows:

“During the meeting, Councillor Robertson introduced us all to the Chinese delegation, effectively acting as Chairperson. The whole meeting was filmed by the Chinese without our agreement or prior notification... They arrived with gifts of tea from the oldest tea growing tree in China. They stated they had been to Birmingham the day before and they had also visited a village in Lake Windermere. During the meeting, I asked the same question three times through the interpreter, which was “*Why have you come to Peacehaven?*” The reply was that they wanted a friendship agreement because they have the oldest tea growing tree in China, they export a lot of coffee, they have the biggest Macadamia nut factory plantation in the world and they have 3 and half million residents so they believe they are a similar town to Peacehaven! The Director of the Macadamia nut factory plantation stated that they wanted to build a train track from China to Europe for their coffee... After the meeting, we went for walk round town, stopping at the [REDACTED] where Councillor Robertson's wife works. She came outside to say hello and I heard her say to one of the Chinese delegates “*Yes I remember you from our visit.*” During the walk around a Chinese delegate stated through their interpreter that in 2019 there was going to be a tea festival in Nanning which they would be inviting Peacehaven Town Council to. I have been told that a previous Mayor of Peacehaven, [REDACTED] was invited to this tea festival some years before and was advised by the Home Office not to attend. I do not know if this is correct or not. I have been informed by five councillors that this visit was organised by [REDACTED] as well...After the walk round town we took taxis to other parts of the area where the Chinese took photographs enthusiastically. Once they started taking photographs of the children in the park I decided I had had enough and did not want to be part of the event any more so along with my Finance Officer I walked back to the office. The Chinese delegation went to the Toby Carvery, which had been booked by Councillor Robertson and was paid for by him as far as I am aware.”

- 5.21 Councillor Robertson told me that he had been telephoned by a member of the Chinese delegation on 21 July; he was told that they were visiting England the

following week and was asked whether they could come to Peacehaven. Councillor Robertson told me that he assumed that he was contacted (rather than the Town Council directly) because he had met one of the delegates on his previous trip to China.

- 5.22 Councillor Robertson confirmed that he booked the Council chamber and invited the Mayor, among others, to attend. Councillor Robertson expressed surprise though at the suggestion that his conduct was in any way improper, pointing out that he informed the Town Council office as soon as the request was made and if the Town Clerk was not happy she could have stopped the event happening. Councillor Robertson told me:

“I thought it was alright because no one told me that it wasn’t...The meeting was purely to try and forge a link that may be beneficial to Peacehaven and Peacehaven Council. These were top business people from China as far as I was concerned and I believed it to be in the best interests of the town. I have not gained anything personally from these visits; I paid £78 for the delegation including the Mayor to have lunch during their visit to Peacehaven... I don’t accept the allegation that these delegations who turn up could be just anyone. They had business cards. I met some of them out there a couple of years ago. The people [REDACTED] takes on these trips to China are top people; even royalty... I try and put a lot into being a councillor. I want to get involved and help. I thought all his was a good thing. The visit from the delegation was really positive; the Council did not mind taking gifts of tea from them...I think it was a privilege for Peacehaven that they chose to come and wanted to forge closer ties with the town.”

Letter purporting to be from Nanning Foreign Affairs and Overseas Chinese Affairs Office

- 5.23 On 21 July 2016, the Town Council received a letter¹⁰ addressed to Mayor Robert Robertson¹¹ from [REDACTED] Director of Nanning Foreign Affairs and Overseas Chinese Affairs Office. The letter began:

“It was our honor to have the invitation letter, issued by Peacehaven Council on May 30th, 2016, for a six-member delegation of Nanning, led by [REDACTED] to visit Peacehaven in June or July this year for the duration of 6 days...” [sic]

- 5.24 Attached to the letter was a letter dated 30 May 2016 purporting to be from Councillor Robertson on behalf of Peacehaven Town Council¹². The letter stated:

“We would like to extend an invitation to you and 5 other members of your delegation to visit Peacehaven between June and July this year for the duration of 6 days. I understand that you would like to gain better insight and understanding of UK’s public security system, social welfare and the

¹⁰ Found at annex F of this report

¹¹ Councillor Robertson had ceased being the Mayor in May 2016

¹² Found at annex G of this report

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methods of government streamlining. I will introduce your delegation to relevant officers to discuss these topics in details. I hope that through this visit we can strengthen the friendship of our cities, and explore further cooperation opportunities. I understand your delegation would include those on the attached list, and that you will be responsible for all expenses and travel arrangements in the UK.”

- 5.25 Mrs Lacey told me that she decided not to respond to [REDACTED] letter because she immediately recognised that the attached letter purporting to be an invitation from the Town Council was a fake. Mrs Lacey said that she reached that conclusion because:
- i. The letterhead was not one used on official correspondence;¹³
 - ii. Councillor Robertson had not been the Mayor on 30 May 2016;
 - iii. the signature on the letter looked like it had been electronically applied rather than signed in person;
 - iv. the telephone number provided was Councillor Robertson’s home number – he always used his mobile number for Council business;
 - v. the letter refers to Councillor Robertson’s position within Lewes District Council; this would never be included on Peacehaven Town Council correspondence; and
 - vi. nobody within the Town Council had any knowledge of an official invitation being sent to any Chinese group or organisation.
- 5.26 Mrs Lacey said that she tried to contact Councillor Robertson to question him about the letter, however he did not respond to any of her calls or emails. Mrs Lacey said when she eventually presented the letter to Councillor Robertson on 25 July at the Town Council offices, he denied any knowledge of it.
- 5.27 Mrs Lacey told me that while she did not believe that Councillor Robertson had personally forged the letter dated 30 May 2016, given his links with China she was keen to know whether he had any information that might assist her in establishing its provenance. Mrs Lacey told me that she was concerned by Councillor Robertson’s reaction to the letter, describing it as ‘*flippant*’ and ‘*dismissive*’. Mrs Lacey said that she would have expected Councillor Robertson to have been more upset about a letter having been forged using his name and signature; instead he seemed unconcerned and distracted.
- 5.28 Councillor Robertson told me that he did not send the letter of 30 May 2016 and did not authorise anyone else to do so on his behalf. Councillor Robertson agreed that he had not been concerned by the letter when presented it by Mrs Lacey, stating “*I knew I had not done it. I agree the letter has my signature on it but I did*

¹³ Mrs Lacey said that she did recognise it as being one that has been used online; she could not recall exactly where however.

not send it so I am in the clear." At interview, I invited Councillor Robertson to examine the letter in detail. He again denied any knowledge of it and informed me that he did not recognise anyone on the list of delegates that he is purported to have invited; he acknowledged though that he may have met them on one of his previous trips to China.

- 5.29 As part of this investigation I attempted to contact [REDACTED] to question him about the letter. I have also tried on several occasions to contact Mr [REDACTED] to see whether he would be willing to assist this investigation. To date I have received no response from either party. In addition, I have been able to establish little information about [REDACTED] organisation; the UK China Culture Association; Companies House records that [REDACTED] was a Director of a company called [REDACTED] [REDACTED] from 2009, however this company was dissolved on 16 July 2013.¹⁴
- 5.30 Based on the Town Clerk and Councillor Robertson's evidence I accept that the letter dated 30 May 2016 is a forgery; I do not have sufficient evidence to satisfy myself that Councillor Robertson was involved in drafting it however. Indeed, having spoken to Councillor Robertson, Councillor Coles, Mrs Lacey and [REDACTED], I consider it unlikely that Councillor Robertson personally authored the letter despite it purporting to be from him. Unfortunately, my efforts at establishing its provenance have been unsuccessful. I consider it too much of coincidence though to believe that the person or persons responsible had not been involved in some way to one of Councillor Robertson's previous visits to China; not least because it was attached to a letter purporting to be from same province as that visited by Councillor Robertson in January 2016.

6 Conclusions and recommendations

Official Capacity

- 6.1 Before I make a recommendation as to whether Councillor Robertson's conduct amounts to a failure to comply with the Code of Conduct, I need to decide if he was acting as a councillor (i.e. acting in her official capacity) at the time.
- 6.2 Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity" (my emphasis). The Town Council has reiterated this in its own Code.
- 6.3 The investigation has established that Councillor Robertson visited China in January 2016 as a guest of the UK China Culture Association; further, that this was the seventh time that he had made such a trip. These trips came about because Councillor Robertson built up a close and longstanding relationship with the Chairman of the UK China Culture Association, [REDACTED]; this relationship has apparently also seen Councillor Robertson attend numerous events as [REDACTED] guest within the UK.

¹⁴ At the time of writing [REDACTED] is registered as a director of two active companies: [REDACTED]
[REDACTED]

- 6.4 Councillor Robertson described his relationship to [REDACTED] as a 'friendship' and told me that he continues to be invited to events by [REDACTED] in his personal capacity. Councillor Robertson told me that in his view the trips to China fell somewhere between personal and official capacity; when attending events in China he was presented as the Mayor, however the Town Council were not responsible for any of the arrangements and costs.
- 6.5 While I consider it possible for Councillor Robertson to accept invitations from [REDACTED] in his personal capacity, he must ensure that his participation has nothing to do with his role as a Town councillor, to the extent that he is not identified as a current / former Mayor. With regard Councillor Robertson's trip to China in January 2016; in my opinion there is no doubt that it was conducted in his official capacity. The evidence has established that Councillor Robertson was invited to China as 'Mayor Robertson' and that he took his chains of office with him. Further, his arranging and hosting of the delegation from China in July 2016 was clearly conduct directly related to Council business. As such I am satisfied that the Code should be applied to Councillor Robertson's conduct in relation to this complaint.

The Code of Conduct

- 6.6 The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. In adhering to the principles set out in the Code there is an expectation that members will act solely in terms of the public interest; they should not do so to gain financial or other material benefits for themselves, their family, or their friends. It also states that holders of public office have a duty to declare any gifts and hospitality that they receive; this is reiterated in the Mayor's handbook.
- 6.7 Councillor Robertson used his position as Mayor to visit China in January 2016; this was the seventh time that he had made such a trip. Both the trips and the visit(s) from Chinese delegation(s) came about because of Councillor Robertson's close and longstanding relationship with [REDACTED] this relationship has also seen Councillor Robertson attend events within the UK.
- 6.8 Although not an allegation made in the Town Manager's complaint, I would make the point that one of the areas councillors must pay careful attention to, particularly when acting as mayor, is the acceptance of gifts and hospitality. In particular, members should treat with extreme caution any offer of gift, favour or hospitality that is made to them personally. The person or organisation making the offer may have some other reason for offering the gift. There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For instance, working lunches may be a proper way of doing business. Likewise, it may be reasonable for a member to represent the council at a social function or event organised by an outside body. The member is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.

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- 6.9 With regards the hospitality and gifts received by Councillor Robertson during his trip to China in January 2016; I note that Councillor Robertson registered the gifts he received with an estimated the value of £80. In my view this is unlikely to reflect the true cost of the benefits he received from the UK China Culture Association however. While I accept that Councillor Robertson paid for his own flights to China, it is undisputed that the UK China Association paid for all internal travel, accommodation and expenses for both Councillor Robertson and his wife during the visit. By not recording these benefits on his return it is my view that Councillor Roberts failed to demonstrate the principles of openness and honesty.
- 6.10 Councillor Robertson was clear that the purpose of his visits to China was to create friendship and business opportunities between China and Peacehaven / Newhaven. I have no doubt that Councillor Robertson's motives were well intentioned; the idea of forming links with other communities through improving relationships and twinning has long been seen as a way of spreading understanding of different cultures. However, in a democratic society such relationships should be agreed and developed by the community and Town Council as a whole; not by the individual. While part of a Mayor's role is to be an as ambassador, facilitator, promoter and encourager of his community, it is essential that their personal objectives are aligned with their Council's corporate responsibilities.
- 6.11 I have seen no evidence of Councillor Robertson ever having discussed the rationale behind his visit to China with Town Council or gained formal approval from members for him to represent the Town in the manner that he did. I do not accept Councillor Robertson's position; that it was unnecessary to obtain Town Council agreement for the trip because the Town Council was not funding it – Councillor Robertson stressed that he personally paid for the Chinese delegation to have dinner on 26 July 2016. While I accept that being elected as Mayor does give a councillor a certain amount of autonomy in terms of attending events locally, in my view this would not extend to representing the Council on a national or indeed an international stage.
- 6.12 This investigation has also established that in July 2016 Councillor Robertson arranged the formal visit of a Chinese delegation to Peacehaven Town Council at five days' notice and with next to no information about who and why they were coming. While I note that other councillors and officers did what they could to accommodate the visitors, in my view Councillor Robertson's conduct put them all in a very difficult and uncomfortable position. In my view Councillor Robertson's trip to China and the visit of the Chinese delegation should not have taken place without the formal agreement of the Town Council¹⁵. Through Councillor Robertson's links, other Mayors in the area (such as Councillor Botting) are also travelling to China in a similarly ad hoc manner. This causes

¹⁵ Councillor Robertson has indicated that the organiser of these events, ██████ is a friend of his. Given the nature of this relationship I would question whether Councillor Robertson should be involved in any decisions involving ██████ organisation.

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me some concern, particularly given the seeming lack of Town Council involvement in organising these trips.¹⁶

6.13 Paragraph 5 of the Town Council's Code provides that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a member's behaviour in office will bring that member's office into disrepute if the conduct could reasonably be regarded as either:

a. reducing the public's confidence in that member being able to fulfil their role; or

b. adversely affecting the reputation of members generally, in being able to fulfil their role

6.14 I believe that Councillor Robertson's approach to building relations with the Chinese generally has lacked the type of scrutiny and diligence proper Town Council involvement would have likely ensured. Instead Councillor Robertson has taken it upon himself to forge these links; in my view the manner in which he has done so has verged on reckless and has risked bringing his office or authority into disrepute.

Recommendations

6.15 Given my criticism of Councillor Robertson's conduct, I consider that the investigation has found sufficient evidence of a failure to comply with the Code as to make it appropriate for further action to be taken. The District Council's procedure for dealing with complaints about councillors states that if the investigating officer concludes that the Code of Conduct has been breached: *"the monitoring officer will review the investigating officer's report and may consult the independent person. The monitoring officer will then either send the matter for local hearing before a panel of councillors of the Audit and Governance Committee (the complaints panel) or seek local resolution"*.

6.16 In my draft report I made the provisional recommendations that the Monitoring Officer consider resolving the matter by informal resolution as follows:

"In my view the process should include Councillor Robertson meeting with the District Council's Monitoring Officer and Independent Person to discuss the findings of this report and his relationship with the UK China Culture Association more generally. I also consider that the Monitoring Officer should publish this report on the District Council's website and contact all the relevant Town and Parish Councils to ensure that their members and officers are made aware of the concerns raised.

¹⁶ Anecdotally I have heard that a previous Mayor was disappointed that he was not able to go on a trip to China because, having sought to make the arrangements more formally, the advice from the Home Office was that he should not go.

Confidential

If Councillor Robertson chooses not to engage with the local resolution process in a manner that the Monitoring Officer and Independent Person considers sufficient, I believe that the breach of the Code highlighted in this report should be referred for a formal hearing.”

- 6.17 At the request of the Monitoring Officer I tried to contact Councillor Robertson to ascertain his response to the draft report and provisional recommendations; in particular whether he accepted the findings and offered a commitment to engage with the local resolution. I did manage to speak briefly to Councillor Robertson, however despite his agreeing to speak with me again so that we could discuss the draft report in detail, Councillor Robertson did not contact me and did not provide any formal response to it within the allotted time. While I would not rule out a local resolution as being an appropriate way in which to progress this matter, from my brief conversation with him and then his lack of contact I am concerned that Councillor Robertson still does not appreciate that his conduct has been unacceptable. As such the Monitoring Officer may want to consider whether it might be more appropriate to send this matter for local hearing before a panel of councillors.



Cllr Robert Robertson,
Meridian Way,
Meridian Centre, ,
Peacehaven,
East Sussex,
BN10 8BB

04 January 2016

Dear Mayor Robertson,

I write to extend an invitation to you to visit China from 7th to 17th January 2016

I am delighted to tell you that during your 10-day visit in China, my office will arrange for you to meet with leading organisations and companies in fields such as culture, education, tourism, fashion and technology. I hope this visit will provide an opportunity for us to explore potential cooperation and partnerships between our cities.

I am also pleased to inform you that our association will be responsible for all travel arrangements and expenses incurred during your visit in China.

Yours sincerely,




Chairman



PEACEHAVEN TOWN COUNCIL

CODE OF CONDUCT FOR MEMBERS - GIFTS AND HOSPITALITY

I, Robert Robertson.....being a Member of Peacehaven Town Council,
(please print name)
give notice that I have received a gift/hospitality over the value of £25.00 as detailed
below:-

Description of gift/hospitality chinese trip.....

Terracota pot, wooden picture frame, Boxed T. set, Silk scarf.

Estimated value £ 80..... Travel & Airlined payed by me.

Name of person/organisation that gave the gift/hospitality

UK china culture Association

Signed [Signature].....

Date day/month/year



PEACEHAVEN TOWN MAYOR

Peacehaven Town Council, Meridian Centre, Meridian Way, Peacehaven, East Sussex. BN10 7LH
Making Peacehaven a better place to live, work & visit



Town Mayor Cllr. Robert Robertson

Mayor's Civic Officer – [REDACTED]

E-mail: [REDACTED]

Tel: 01273 585493 option 4

Monday 25th January 2016

Dear Deputy Mayor and residents of Nanning,

My wife, [REDACTED], and I wish to express our gratitude and thanks for your kind hospitality during our visit to Nanning.

We were delighted to learn about the different areas and culture which made our trip more enjoyable. This year our town celebrates 100 years, please see the attached magazine which shows some pictures taken throughout this time.

The people we met during our stay were most helpful and made us very welcome. [REDACTED] was especially impressed by your fashion and we both enjoyed the many different food dishes.

Our very best wishes to you all.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Robert Robertson'.

Cllr. Robert Robertson
Mayor of Peacehaven



12 February 2016

Dear Cllr Robert Robertson,

I am writing to pass on my warmest thanks to you for taking the time to visit my home town, Guangxi province, China in January this year. I hope you enjoyed visiting the local governments and companies, as well as the historic sites, minority group villages and museums. I also hope that you have learned more about our culture with such limited time.

I felt that we had a very exciting trip, full of good ideas for ways we can work together to optimise culture exchange and trade opportunities between our cities. Therefore, I hope this trip marks the beginning of new path towards a successful partnership.

On behalf of UK China Culture Association, and the government of Nanning city, I wish you all the best in 2016. We hope to see you again soon.

Kind regards,


Chairman





C/o Nancy Astley,
Town Clerk
Telscombe Town Council,
360 South Coast Road,
Telscombe Cliffs,
East Sussex,
BN10 7ES

04 January 2016

Dear Ms Astley,

I should be most grateful if you could convey the following message to Mayor Wayne Botting on my behalf.

Dear Mayor & Mayoress Botting,

I write to extend an invitation to you to visit China from 7th to 17th January 2016

I am delighted to tell you that during your 10-day visit in China, my office will arrange for you to meet with leading organisations and companies in fields such as culture, education, tourism, fashion and technology. I hope this visit will provide an opportunity for us to explore potential cooperation and partnerships between our cities.

I am also pleased to inform you that our association will be responsible for all travel arrangements and expenses incurred during your visit in China.

Yours sincerely,

Chairman

南宁市外事侨务办公室

NANNING FOREIGN AFFAIRS AND OVERSEAS CHINESE AFFAIRS OFFICE

No. 16-5 Guihua Rd. Nanning, Guangxi, 530029 P.R.China

Fax: +86-771-5889209 Tel: +86-771-5889205、5889206 Email:irsnmfao@126.com

July 21st, 2016

Dear Mayor Robert Robertson,

Please accept the sincerest greetings from Nanning, Guangxi, China.

It was our honor to have the invitation letter, issued by Peacehaven Council on May 30th, 2016, for a six-member delegation of Nanning, led by [REDACTED] to visit Peacehaven in June or July this year for the duration of 6 days. However, due to an emergent official task assignment for [REDACTED] it is impossible for the delegation to visit Peacehaven at the time in June or July as scheduled. The delegation would have to delay their visit until late September this year.

Nanning government highly values this visit, since which is an opportunity for Nanning to learn more about the public security system, social welfare and the methods of government streamlining in Peacehaven or UK. More importantly, this would be a perfect opportunity to promote the friendship between Nanning and Peacehaven. Therefore, it would be appreciated that a new invitation could be issued by Peacehaven Council to Nanning delegation, indicating the visit time as September of this year.

Hereby I enclose the delegation namelist as well as the previous invitation letter issued by Peacehaven Council. Should any question arises, I will be at your disposal.

Wish the very best to you and your family.

Yours sincerely,



Director of Nanning Foreign Affairs and
Overseas Chinese Affairs Office

Attachment:

Name List of Nanning Delegation

Name	D.O.B	Title
		Secretary of Nanning Political and Legal Committee
		Director of Nanning Civil Affairs Bureau
		Director of Nanning Comprehensive Administration of Public Security Commission Office
		Director of Nanning Public Sectors Reform Commission Office
		Deputy Director of Nanning Foreign Affairs and Overseas Chinese Affairs Office
		Staff Member of Nanning Foreign Affairs and Overseas Chinese Affairs Office



PEACEHAVEN TOWN COUNCIL

TOWN COUNCIL OFFICE
MERIDIAN CENTRE
MERIDIAN WAY
PEACEHAVEN
EAST SUSSEX
BN10 8BB

[REDACTED]

Secretary of Nanning Political and Legal Committee
Nanning,
Guangxi Province,
The People's Republic of China

30 May 2016

Dear Mr [REDACTED]

We would like to extend an invitation to you and 5 other members of your delegation to visit Peacehaven between June and July this year for the duration of 6 days.

I understand that you would like to gain better insight and understanding of UK's public security system, social welfare and the methods of government streamlining. I will introduce your delegation to relevant officers to discuss these topics in details. I hope that through this visit we can strengthen the friendship of our cities, and explore further cooperation opportunities.

I understand your delegation would include those on the attached list, and that you will be responsible for all expenses and travel arrangements in the UK.

Cllr. Robert Robertson

A handwritten signature in black ink, appearing to read "R. Robertson", with a horizontal line underneath.

Town Mayor

Ward: West Ward and Vice Chair at Lewes District Council

Telephone: [REDACTED]

Email: peacehavenmayor@peacehavencouncil.co.uk



PEACEHAVEN TOWN COUNCIL

No	Name	D.O.B	Title
1	[REDACTED]	[REDACTED]	Secretary of Nanning Political and Legal Committee
2	[REDACTED]	[REDACTED]	Director of Nanning Civil Affairs Bureau
3	[REDACTED]	[REDACTED]	Director of Nanning Comprehensive Administration of Public Security Commission Office
4	[REDACTED]	[REDACTED]	Director of Nanning Public Sectors Reform Commission Office
5	[REDACTED]	[REDACTED]	Deputy Director of Nanning Foreign Affairs and Overseas Chinese Affairs Office
6	[REDACTED]	[REDACTED]	Staff Member of Nanning Foreign Affairs and Overseas Chinese Affairs Office

Itinerary

Day 1: Arrive in London

Day 2: Visit local organisations, explore research projects in London

Day 3: Arrival at Peacehaven

Day 4: Courtesy call to the city Council of St Helens and meetings with related departments

Day 5: Visit local organisations, explore research projects in St Helens

Day 6: Depart from London