

Standards Panel

Minutes of a hearing of the **Standards Panel** held in the **Glynde Room, Southover House, Southover Road, Lewes** on **Thursday, 30 March 2017** at 10:00am

Present:

Councillor M Chartier (Chair on Election)
Councillors S Catlin and J Denis

Officers Present:

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

Also Present:

C Gape, Cobb PR
V Kempner, Independent Person
C Lacey, Complainant
Councillor R Robertson, Subject of Complaint

	Minutes	Action
1	Election of Chair of the Standards Panel for this hearing <u>Resolved:</u> 1.1 That Councillor Chartier be elected Chair of the Panel for the duration of this hearing.	
2	Investigation into Complaint against Councillor R Robertson Peacehaven Town Council	

The Chair gave permission for the members of the press who were present at the hearing to record the proceedings. He then explained the order of proceedings to all of those who were present, and invited the Investigating Officer to present his Report.

The Investigating Officer described the summary of events in Appendix C on page 28 of Report No 46/17. He explained that there were three main elements to his Report, based on the Complainant's allegations against Councillor Robertson in his capacity as a Peacehaven Town Councillor:

- a) In January 2016, Councillor Robertson visited China in his capacity as the Mayor of Peacehaven without having the approval of the Town Council;
- b) In July 2016, Councillor Robertson attended the Peacehaven Town Council offices and informed the Town Manager that he needed the use of a room in the Town Council building 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 without going through the usual administrative procedures; and
- c) In July 2016, the Town Council received a letter from a Chinese representative from a province in China with whom the Town Council had 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.

The Investigating Officer drew the Panel's attention to the Supplementary Report which was circulated at the hearing (a copy of which was made available to the public and is contained in the Minute book), which explained that although the additional information had been received prior to the hearing, it was received after he had completed his investigation and so was not referred to in his Report. It was however relevant to the issue of the letter sent out in Councillor Robertson's name which he denied having written (see paragraph c) above) and so it was proper for the Panel to take it into consideration.

The Investigating Officer explained that although Councillor Robertson had declared to Peacehaven Town Council (PTC) the receipt of £80 worth of gifts during his trip to China, his travel was not declared and no prior discussion about a possible invitation to travel to China was discussed with members or officers of PTC; nor did he make any attempt to declare the value of free accommodation and hospitality received during his visit.

The Investigating Officer highlighted that in the course of his investigation regarding the visit of the Chinese delegation to Peacehaven, he found no evidence that the visit was arranged with the members or officers of PTC prior to the delegation's arrival, or that the reason for the delegation's visit

was made clear to the members or officers. He further highlighted that Councillor Robertson's actions regarding the Chinese delegation placed PTC and its officers in a difficult position, as they had to accommodate the delegation at the last minute and without prior approval of full Council.

The Investigating Officer brought the Panel's attention to a letter to the Secretary of Nanning Political and Legal Committee on page 51 of the Report, which was in response to a letter Councillor Robertson had received, as detailed on page 49 of the Report. The Investigating Officer stated that as a result of his investigation, he did not believe that Councillor Robertson was responsible for the letter set out on page 51 of the Report, although it was difficult to believe that the person or persons responsible for writing or signing off the letter had not been involved in some way to one of Councillor Robertson's previous visits to China.

The Investigating Officer explained that in light of the completion of his investigation, he believed that Councillor Robertson had acted in good faith and was seeking to improve relations with the Chinese via the delegation, but that the Investigating Officer's concern was one of governance and that Councillor Robertson had not gone through the proper protocols and procedures set out in PTC's standing orders. He further explained that it was his view that Councillor Robertson had taken it upon himself personally to improve relations, but that he should have discussed it with colleagues and sought the approval of PTC through the proper governance procedures.

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

The Chair invited Councillor Robertson to make his representation.

Councillor Robertson detailed the timeline of events in relation to the allegations made by the Complainant. He suggested that if he had not followed the proper governance procedures, officers of PTC should have told him this at the time.

Councillor Robertson explained that he went to China in his capacity as Mayor of Peacehaven and that he was trying to foster positive cross-cultural relationships between Peacehaven and China. He further explained that he believed at the time that he was within his remit as Mayor, and he sought only to benefit the town of Peacehaven and its residents.

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

Resolved:

- 2.1 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.”

The hearing ended at 12:05pm.

M Chartier
Chair