

Standards Panel

Minutes of meeting held remotely on 19 March 2021 at 10.00 am.

Present:

Councillor Christine Robinson (Chair).
Councillors Roy Burman and Phil Davis.

Officers in attendance:

Oliver Dixon (Monitoring Officer), Simon Russell (Deputy Monitoring Officer) and Elaine Roberts (Committee Officer).

Also in attendance:

Alex Oram (External Investigator), Neal Robinson (Independent Person),
Councillor Stephen Gauntlett (Subject Member), Karen Rigby-Faux (Complainant), and
Councillor Steve Saunders (Complainant's personal support).

1 Election of Chair of the Standards Panel for this hearing

Resolved:

That Councillor Robinson be elected Chair of this Standards Panel, 19 March 2021.

The Chair then introduced everyone present, explained the roles of each person, and outlined the order of proceedings.

2 Apologies for absence

There were none.

3 Declarations of interest

Cllr Burman declared that he had attended some meetings of the Greenhavens Network. The Monitoring Officer confirmed that attendance at those meetings would not be prejudicial to his participation in today's Panel hearing.

4 Hearing in relation to allegations that Councillor Stephen Gauntlett failed to comply with the Council's Code of Conduct for Members

The Chair invited the Monitoring Officer to present his report.

The Monitoring Officer explained that a complaint had been submitted by a member of the public, Ms Rigby-Faux, in June 2020 alleging that Cllr Stephen Gauntlett had failed to comply with Lewes District Council's Code of Conduct for Members (the Code).

In line with the Council's Arrangements for Dealing with Complaints about Councillor Conduct, and in discussion with the Independent Person, it was agreed that the allegations submitted were serious enough to warrant an external investigation. ch&i associates was engaged to conduct the investigation, which entailed extensive interviews and evidence gathering. Both the Complainant and the Subject Member had taken the opportunity to comment on the subsequent report from ch&i associates.

In consequence of the report's findings, and in line with the Code's complaint processes, a Standards Hearing Panel had been convened to determine a final decision.

The Monitoring Officer noted that Cllr Gauntlett had requested that the Panel had sight of certain emails which the External Investigator had specifically referenced in his report. These were reproduced in appendices 3-5 of the agenda pack.

The Monitoring Officer confirmed that the day's hearing would follow the order of proceedings outlined in appendix 6.

The Monitoring Officer clarified that the scope of the Panel's determination was limited to the conduct of Cllr Gauntlett when acting in his capacity as a councillor, and none other. In the event that the Panel decided there had been a breach of the Code, a range of sanctions were available to the Panel, as set out in Appendix 7. In considering both the decision, and any subsequent sanctions, the Panel was to take into account the views of the Independent Person.

The Chair invited questions from the Panel. The Panel members confirmed they had no questions for the Monitoring Officer in respect of his report.

The Chair invited the External Investigator, Alex Oram from ch&i associates, to present his report (appendix 1 of the agenda pack).

The External Investigator began by checking that all present had seen and read the 54 page investigation report, and then proceeded to provide a summary explanation of the approach taken for the investigation and the reasoning of the report's findings.

The External Investigator explained that a key element of the investigation was to evaluate and identify those elements of the events in question that pertained to and fell within the scope of Lewes District Council's Code of Conduct for Members.

The External Investigator noted that the report concluded that the majority of Cllr Gauntlett's actions as chair of Greenhavens Network largely fell outside the scope of the investigation. However, it was the final view of the External Investigator that there were occasions when the behaviour and conduct of the Subject Member did bring him within scope of Code, most notably in those instances set out in sections 5.3 and 5.4 of the report.

In conclusion, the report recommended that Cllr Gauntlett be found to have failed to comply with paragraph 6(a) of the Council's Code because, in emails he sent on 3 April, 1 May and 30 May 2020, he sought to improperly use his position as Chair of the Council to influence an internal dispute within the Greenhavens Network in a manner that advantaged him and disadvantaged Ms Rigby-Faux, but that no other aspects of Ms Rigby-Faux's complaint should be upheld.

Following questions from the Panel, the External Investigator confirmed it was his understanding that Ms Rigby-Faux had continued to work after her alleged breakdown, and noted that Ms Rigby-Faux was not the focus of the investigation.

In addition, the External Investigator advised the Panel that, while Mr Frost had denied that Cllr Gauntlett's communications had influenced his decision to make Ms Rigby-Faux's post as Community Liaison Officer redundant, the Panel should consider the context and come to its own conclusion.

The Panel noted the high quality of the report and thanked the External Investigator and ch&i associates for their work.

The Chair invited the complainant, Ms Karen Rigby-Faux, to make her representation to the Panel.

The Complainant, Ms Rigby-Faux, outlined her role at the Greenhavens Network and involvement with the national lottery bid, and her view of the deterioration in communications in the period February to June 2020. The Complainant noted that the report had found no instances of improper behaviour on her part. She also outlined her concerns over the circumstances and the public explanation of her redundancy. The Complainant asked the Panel to recognise the findings of the report, the loss of job and severe anguish she felt she had experienced and outlined the sanctions that she would like to see imposed.

The Complainant concluded by expressing her gratitude that the investigation had taken place and thanked the external investigator for his work and the Panel for providing the opportunity for her to speak.

The Chair invited the Panel to ask any questions they had for the complainant. There were no questions.

The Chair invited the Subject Member, Cllr Gauntlett, to make his representation to the Panel.

Cllr Gauntlett began with an overview of his early involvement with the Greenhavens Network, at which point he praised the work of the Complainant. He thanked the External Investigator for his work in tackling a complex situation to produce a clear report. He focussed on providing his explanation for the three emails quoted in the findings and recommendation of the external

report.

The Chair invited final questions from the Panel.

After confirming that the Panel had no further questions, the hearing moved into closed session.

5 Decision as to whether Councillor Gauntlett failed to comply with the Code of Conduct for Members and, if applicable, whether to impose any sanction in respect of that failure.

The Panel reconvened in a public meeting, held remotely, via Teams, at 3.15pm, to announce its decision as to whether Councillor Gauntlett had failed to comply with the Code of Conduct for Members.

The Panel reconvened in a public meeting, held remotely, via Teams, at 3.15pm, to announce its decision as to whether Cllr Gauntlett had failed to comply with the Code of Conduct for Members.

Resolved:

Having carefully considered the investigator's written report and the verbal submissions made by all parties at today's hearing, and having taken account of the views of the Independent Person, the Panel concluded as follows:

(i) The Panel accepts the investigator's observation at paragraph 5.13 of his report that there were circumstances during Cllr Gauntlett's relationship with Ms Rigby-Faux when he was acting in his capacity as Chair of Lewes District Council, and that he was therefore subject to the Council's Code of Conduct at these times.

(ii) The Panel also agreed that Cllr Gauntlett's conduct during those times came within the scope of paragraphs 3(1), 3(2)(b), 5 and 6(a) of the Code of Conduct. These elements of the Code relate respectively to the obligation to treat others with respect; not to bully or harass any person; not to conduct oneself in a manner that might reasonably be regarded as bringing your office or authority into disrepute; and not using one's position as a Member improperly to confer on or secure for oneself or any other person an advantage or disadvantage.

(iii) The Panel noted that Cllr Gauntlett had on many occasions recognised the good work Ms Rigby-Faux had done in the early days of the Greenhavens Network. The Panel also recognised that both parties had the best interests of the Greenhavens Network at heart and wanted the lottery bid to produce the best outcome for local communities.

(iv) The Panel agreed with the investigator's findings that Cllr Gauntlett did not treat Ms Rigby-Faux disrespectfully; nor did he bully or harass her; nor did he conduct himself in a manner that could reasonably be regarded as bringing his office or authority into disrepute in relation to the allegation that he did not

declare his interests in breach of the Code of Conduct under paragraphs 3(1), 3(2)(b) or 5 respectively, for the reasons stated in the investigator's report.

(v) The Panel then addressed the difficult issue of whether Cllr Gauntlett had complied with paragraph 6(a) of the Code of Conduct. This provision of the Code consists of three significant elements: first, using one's position as a Member to confer on oneself an advantage; second and alternatively, using that position to disadvantage someone else; and third, that either of these acts be done improperly.

The Panel found no evidence to support the allegation that Cllr Gauntlett had improperly used his position to confer on himself an advantage. While it was alleged that Cllr Gauntlett wanted to take control of the Lottery Bid submission in order to secure himself a position on the Council's Cabinet, the Panel concluded that any evidence of such conduct was purely anecdotal and hearsay and could not, therefore, be relied upon.

The Panel considered in detail the three emails which Cllr Gauntlett wrote on 3 April 2020, 1 May 2020 and 30 May 2020. If any of these emails did confer a disadvantage on Ms Rigby-Faux, the Panel felt that this had not been Cllr Gauntlett's intention. Rather, the Panel felt that Cllr Gauntlett had written to the various parties in good faith and in the wider public interest because he was seeking the best outcome for the lottery bid which he personally felt was being disrupted by Ms Rigby-Faux's actions.

The Panel noted that Cllr Gauntlett had copied Ms Rigby-Faux's employer into his emails of 3 April and 1 May 2020. However, in both instances, Cllr Gauntlett included an explanation as to why he had done that, namely that he wanted Ms Rigby-Faux's employer to be aware of her actions while on furlough. In addition, the Panel felt it appropriate for Cllr Gauntlett to have raised this with her employer because of the Council's own contractual arrangement with them.

Further, the Panel could find no direct link between Cllr Gauntlett's emails sent on those dates, and Ms Rigby-Faux being made redundant.

With regard to Cllr Gauntlett's communication to Lesley Boniface on 30 May 2020, the Panel felt that Cllr Gauntlett was acting in the public interest in seeking to recover the £1,000 donated from his discretionary Chair's fund because he was concerned that under a new Greenhavens Network constitution the funds might be spent in a manner that conflicted with Cllr Gauntlett's original aim and in a way that would be of less benefit to the wider community.

For these reasons, the Panel found that Cllr Gauntlett **had not** breached paragraph 6(a) of the Code of Conduct.

(vi) Incidental to the above findings, the Panel wished to recognise the difficulties for Councillors when balancing several public roles and communicating clearly in what role they are operating at any given time. This is especially true where a Councillor is writing in one email to multiple parties

both within and outside of the Council, as it may not immediately be clear in which capacity they are communicating.

In view of the decision that Cllr Gauntlett **did not fail** to comply with the Code of Conduct in respect of any of the allegations made by Ms Rigby-Faux, it is not necessary for the Panel to go on to consider whether any sanction should be taken in respect of the conduct in question.

The Chair noted that, in accordance with the Council's Standards Panel Hearings Procedure, the Decision Notice would be published on the Council's website and a copy would be sent to the Subject Member, Cllr Gauntlett, and to the Complainant, Ms Rigby-Faux.

The meeting ended at 3.38 pm

Councillor Christine Robinson (Chair)

Lewes District Council Standards Panel

Hearing Date: 19 March 2021

Hearing into allegations that Cllr Stephen Gauntlett failed to comply with the Council's Code of Conduct for Members

Localism Act 2011, section 28

DECISION NOTICE

1. Whether Cllr Gauntlett failed to comply with the Council's Code of Conduct for members

Having carefully considered the investigator's written report and the verbal submissions made by all parties at today's hearing, and having taken account of the views of the Independent Person, the Panel concludes as follows:

- (i) The Panel accepts the investigator's observation at paragraph 5.13 of his report that there were circumstances during Cllr Gauntlett's relationship with Ms Rigby-Faux when he was acting in his capacity as Chair of Lewes District Council, and that he was therefore subject to the Council's Code of Conduct at these times.
- (ii) The Panel also agreed that Cllr Gauntlett's conduct during those times came within the scope of paragraphs 3(1), 3(2)(b), 5 and 6(a) of the Code of Conduct. These elements of the Code relate respectively to the obligation to treat others with respect; not to bully or harass any person; not to conduct oneself in a manner that might reasonably be regarded as bringing your office or authority into disrepute; and not using one's position as a Member improperly to confer on or secure for oneself or any other person an advantage or disadvantage.
- (iii) The Panel noted that Cllr Gauntlett had on many occasions recognised the good work Ms Rigby-Faux had done in the early days of the Greenhavens Network. The Panel also recognised that both parties had the best interests of the Greenhavens Network at heart and wanted the lottery bid to produce the best outcome for local communities.
- (iv) The Panel agreed with the investigator's findings that Cllr Gauntlett did not treat Ms Rigby-Faux disrespectfully; nor did he bully or harass her; nor did he conduct himself in a manner that could reasonably be regarded as bringing his office or authority into disrepute in relation to

the allegation that he did not declare his interests in breach of the Code of Conduct under paragraphs 3(1), 3(2)(b) or 5 respectively, for the reasons stated in the investigator's report.

- (v) The Panel then addressed the difficult issue of whether Cllr Gauntlett had complied with paragraph 6(a) of the Code of Conduct. This provision of the Code consists of three significant elements: first, using one's position as a Member to confer on oneself an advantage; second and alternatively, using that position to disadvantage someone else; and third, that either of these acts be done improperly.

The Panel found no evidence to support the allegation that Cllr Gauntlett had improperly used his position to confer on himself an advantage. While it was alleged that Cllr Gauntlett wanted to take control of the Lottery Bid submission in order to secure himself a position on the Council's Cabinet, the Panel concluded that any evidence of such conduct was purely anecdotal and hearsay and could not, therefore, be relied upon.

The Panel considered in detail the three emails which Cllr Gauntlett wrote on 3 April 2020, 1 May 2020 and 30 May 2020. If any of these emails did confer a disadvantage on Ms Rigby-Faux, the Panel felt that this had not been Cllr Gauntlett's intention. Rather, the Panel felt that Cllr Gauntlett had written to the various parties in good faith and in the wider public interest because he was seeking the best outcome for the lottery bid which he personally felt was being disrupted by Ms Rigby-Faux's actions.

The Panel noted that Cllr Gauntlett had copied Ms Rigby-Faux's employer into his emails of 3 April and 1 May 2020. However, in both instances, Cllr Gauntlett included an explanation as to why he had done that, namely that he wanted Ms Rigby-Faux's employer to be aware of her actions while on furlough. In addition, the Panel felt it appropriate for Cllr Gauntlett to have raised this with her employer because of the Council's own contractual arrangement with them.

Further, the Panel could find no direct link between Cllr Gauntlett's emails sent on those dates, and Ms Rigby-Faux being made redundant.

With regard to Cllr Gauntlett's communication to Lesley Boniface on 30 May 2020, the Panel felt that Cllr Gauntlett was acting in the public interest in seeking to recover the £1,000 donated from his discretionary Chair's fund because he was concerned that under a new Greenhavens Network constitution the funds might be spent in a manner that conflicted with Cllr Gauntlett's original aim and in a way that would be of less benefit to the wider community.

For these reasons, the Panel found that Cllr Gauntlett **had not** breached paragraph 6(a) of the Code of Conduct.

- (vi) Incidental to the above findings, the Panel wished to recognise the difficulties for Councillors when balancing several public roles and communicating clearly in what role they are operating at any given time. This is especially true where a Councillor is writing in one email to multiple parties both within and outside of the Council, as it may not immediately be clear in which capacity they are communicating.

In view of the decision that Cllr Gauntlett **did not fail** to comply with the Code of Conduct in respect of any of the allegations made by Ms Rigby-Faux, it is not necessary for the Panel to go on to consider whether any sanction should be taken in respect of the conduct in question.

2. Appeal

There is no internal right of appeal against the decision of the Standards Panel. This is without prejudice to an interested party's right to seek redress by other permissible means.

3. Publication

A copy of this Notice will be sent to the subject member, Cllr Gauntlett, and to the complainant, Ms Karen Rigby-Faux. The Notice will be uploaded to the Council's website and reported to the next convenient meeting of the full Council.

Notice prepared by Oliver Dixon, Monitoring Officer, Lewes District Council; and approved by the Panel Chair, Cllr Christine Robinson.

Date of Notice: 19 March 2021

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