

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