

Investigation into a complaint against Councillor Isabelle Linington, Lewes District Council

A report for the Monitoring Officer of Lewes District
Council

19 October 2021

Sandra Prail

Sandra Prail Ltd

EXECUTIVE SUMMARY

The Monitoring Officer (MO) of Lewes District Council (the Council) received a complaint by email dated 15 July 2021 from Councillor Phil Davis (the Complainant). The complaint alleged that Councillor Linington (the Subject Member) had telephoned Councillor Davis prior to a Standards Panel Hearing and tried to coerce him into finding Councillor Stephen Gauntlett guilty at the Panel Hearing and insisting upon his resignation. The complaint also referenced a similar alleged call to Councillor Roy Burman.

The MO, in consultation with one of the Council's Independent Persons, and in accordance with the Council's published arrangements for dealing with complaints about councillor conduct, assessed whether the allegations should be formally investigated. He determined that the complaint merited formal investigation. I was appointed by the MO to investigate the complaint.

Councillor Isabelle Linington is a member of Lewes District Council and the Lewes Conservative Group Leader. I have considered whether on the evidence gathered Councillor Linington failed to comply with the District Council's Code of Conduct. In particular, I have considered whether her conduct intimidated or improperly influenced or attempted to intimidate or improperly influence any person involved in the administration of an investigation or proceedings in relation to an allegation that a member has failed to comply with the District Council's Code of Conduct.

There are a number of potential findings available to me, namely:

- The Subject Member was not acting in her capacity as a councillor and therefore the code was not engaged and the member cannot therefore be found to have breached it;
- The Subject Member was acting in her capacity as a councillor but did not through her conduct breach any provision of the Code;
- The Subject Member was acting in her capacity as a councillor and breached the Code;
- The Subject Member was acting in her capacity as a councillor and there is insufficient evidence to make with any degree of certainty a conclusion as to whether or not she breached the Code.

In my view the allegation against Councillor Linington does fall within the jurisdiction of the Code because she was acting in her official capacity.

On the evidence before me I find that Councillor Linington failed to comply with the Code in that her conduct in telephoning Councillor Davis on 18 March 2021 could reasonably be construed as an attempt to improperly influence his involvement in a Standards Panel Hearing.

The Council's arrangements for dealing with such allegations state that the MO will review the Investigating Officer's report and then either send the matter for a Standards Panel hearing or, after consultation with the Independent Person, seek informal resolution.

RELEVANT LEGISLATION AND PROTOCOLS

Localism Act 2011

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'. 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'. Such a code, when viewed as a whole must be consistent with prescribed principles of standards in public life – known as the Nolan principles.

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.

Under section 28(6) of the Act local authorities must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made.

Lewes District Council Arrangements

The Council has established a Code of Conduct for members (the Code) pursuant to section 27(2) of the Act. It is included in the Council's Constitution at Part 5. The Code includes within its general obligations at paragraph 3(2)(c) that members must not 'intimidate or improperly influence or attempt to intimidate or improperly influence any person who is likely to be involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct'. Other general obligations include at paragraph 3(1) to 'treat others with respect', at paragraph 2(b) not 'to bully or harass any person', at paragraph 5 that a member 'must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute', and at paragraph 6 'not to use your position as a member to confer on or secure for yourself or any other person an advantage or disadvantage'. Appendix 1 provides that members commit to behaving in a manner that is consistent with the seven principles of public life when acting as a member or co-opted member of the Council. The seven Nolan principles are cited as selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Council has published 'arrangements for dealing with complaints about councillor conduct.' This sets out the process for the handling and determining of complaints. I have followed these arrangements in undertaking my investigation.

BACKGROUND

Councillor Davis by email to the MO dated 15 July 2021 made a complaint against Councillor Lington. The MO, in consultation with one of the Council's Independent Persons, and in accordance with the Council's published arrangements for dealing with complaints about councillor conduct, assessed whether the allegations contained in the complaint should be formally investigated.

In assessing whether the complaint should be investigated the MO took into account various factors including the public interest and alternative courses of action. He determined that the complaint merited formal investigation as, if proven, the allegations were serious ie an attempt to improperly influence the outcome of a statutory process which should be strictly neutral and impartial and involved a senior member of the Council.

I was appointed by the MO to investigate the complaint. I have a strong track record and expertise in governance matters concerning elected member conduct.

THE INVESTIGATION

Summary of allegations

The allegations the subject of my investigation are set out in the complaint made to the MO by the Complainant in an email dated 15 July 2021. A Standards Panel Hearing was scheduled for 19 March 2021 to consider an alleged breach of the Code by Councillor Stephen Gauntlett, a Liberal Democrat Councillor and member of the Council. Councillor Phil Davis (the Complainant) and Councillor Roy Burman were Panel members. The complaint alleges that the day before the Panel Hearing Councillor Linington telephoned the Complainant and tried to coerce him into finding Councillor Stephen Gauntlett guilty and insisting upon his resignation at the Panel Hearing. It also referred to a call from Councillor Roy Burman and Councillor Davis's concerns about Councillors Linington's leadership. There is no complaint by Councillor Burman and therefore any call between Councillor Linington and Burman is relevant only so far as it sheds any light on the call the subject of the complaint.

Scope of investigation

The scope of my investigation was to identify relevant evidence and to produce this report making an assessment of whether the evidence indicates a breach of any provision of the Council's Code of Conduct. Matters relating to internal political Group dynamics and relationships are not in scope. I have carefully considered all of the evidence that I have been able to collect as a result of my investigation. On the basis of this evidence I draw findings as to whether or not Councillor Linington breached any of the requirements of the Code and, if so, what remedies might be appropriate. It is not within my scope to consider political party or group rules that may address councillor behaviour and sanctions from political groups.

Evidence

I was provided with the complainant's email of 15 July, a briefing note from the MO, the Council's investigations procedure and Code and responses provided by Councillors Linington and Burman to the MO as part of his assessment of whether to formally investigate the complaint.

The purpose of my interviews was to ensure that as far as possible all information relevant to the investigation is identified and presented to the MO. I interviewed Councillors Phil Davis (the Complainant), Isabelle Linington (the Subject Member) and Roy Burman (an interested party referenced in the complaint) on 27th August, 31st August and 6 September respectively. During interview Councillor Davis stated that his wife and daughter had been present when he received the alleged call. I asked for a written statement from Mrs Davis outlining what she had heard. This was provided and taken into account as evidence relevant to the investigation. Interviewees also provided me with the documents listed in Appendix A. All three members confirmed that they were aware of the content of the Code and had received adequate training.

I provided each interviewee with a draft note of the main points covered at interview. Each draft note was agreed as accurate by each interviewee (subject to minor additions in the case of the Subject Member). The Complainant was asked what remedy he was seeking in the event of a finding of breach of the Code.

The draft report was shared with the Complainant and Subject Member. The Complainant responded that he felt the report to be 'a concise comprehensible document'. The Subject Member provided a detailed response stating that she had 'substantial concerns about the way the case has been presented'. She believes that 'the motive for this complaint is a nasty power-play by one individual, abetted by a second, to oust me as Leader of the Conservative Group using their apparent recollection of a single remark made many months ago to bring a complaint against me using Council procedures after other means of harassment have failed'.

In particular she draws attention to—

- the delay between the call the subject of the complaint and the making of the complaint
- discrepancies between her evidence and that of Councillor Burman, suggesting that his recollection of events is unreliable
- the background context to the making of the call and that her comment about the hearing was 'a light hearted aside', not 'forcefully expressing a wish for a particular outcome'
- mixed recall by Councillors Davis and Burman as to whether they discussed whether there was a breach of the Code at the time of the call
- the fact that Mrs Davis is not an independent witness
- details of the Group Meeting and conversations between councillors about the position of Group Leader.

All of these points have been taken into account in the report. Having given careful consideration to the responses to the draft report, there is no material evidence that changes my conclusions and I do not consider that any further investigation is necessary.

I set out below a summary of the agreed interview notes as relevant to the investigation.

Councillor Phil Davis (the Complainant)

Councillor Phil Davis is a Conservative member of Lewes District Council. He told me at interview that he was one of three members sitting on a Standards Panel hearing which met on 19 March 2021 to consider an alleged breach of the Code by Councillor Stephen Gauntlett. He says that the night before the Hearing he received a call from Councillor Linington concerning the Hearing. He understood the call to be made in her capacity as a councillor and Group Leader. His wife and daughter were with him when he received the call. He alleges that Councillor Linington said words to the effect of 'of course you will find him guilty and then you will insist on his resignation'. When responding that he would not find him guilty unless the evidence supported that conclusion he alleges that Councillor Linington interrupted saying 'you have to find him guilty' 'we want him to resign'. I was provided with a diary note made by Councillor Davis of the call in which he records the alleged attempt at coercion. At interview I was told that Councillor Davis did not at this time consider whether the call comprised a breach of the Code and therefore didn't consider making a complaint.

The Complainant also described a call from Councillor Roy Burman the same evening when he said that he had received a similar call from Councillor Linington.

The Hearing Panel did not find Councillor Gauntlett to have acted in breach of the Code. The decision was unanimous.

Councillor Davis also described a subsequent conversation with Councillor Burman on 20 March (after the Panel hearing). He says that Councillor Burman told him that Councillor Linington had called him and said he had been 'weak' for not doing as she requested at the Panel Hearing. He

recalls Councillor Burman expressing himself to be 'disgusted with Councillor Linington's conduct' and that he had withdrawn his candidacy from East Sussex County Council and become less proactive in Group as a result of the call. He says that they did not at that time discuss whether the calls were in breach of the Code.

At Group Meeting on 14 July Councillor Davis recalls telling the Group about the call the subject of the complaint. He recalls that Councillor Linington said that she had been encouraged to make the call by another member of the Group. Councillor Davis says that he expressed to Group his concerns about Councillor Linington's failure to lead the Conservative Group well.

The following day (after discussion with another Councillor) Councillor Davis decided that he needed to take advice from the MO as to whether he was 'personally exposed' by not reporting the call as a potential breach of the Code in March. He told me at interview that this was the first time that he had considered the call as a potential breach of the Code. He intended his email to the MO of 15 July as a means of seeking advice but recognises that it was framed as a complaint and should be dealt with accordingly.

In the event of a finding of breach of the Code Councillor Davis said that he thought an appropriate sanction would be reprimand and removal from the position as Group Leader.

Councillor Linington (the Subject Member)

The Subject Member told me in interview that she had made a telephone call to Councillor Davis on 18 March concerning the Panel Hearing to take place the following day. I recorded in my draft interview note that she said she made this call in her capacity as a councillor and Conservative Group Leader. In her response to the draft note of the interview Councillor Linington annotated 'it was in my capacity as Group Leader, as a colleague, not acting as a councillor as such'. As this did not accord with my notes or recollection I sought further comment from Councillor Linington. Her reply was that she 'was phoning to check on preparedness for the next day and I was not thinking that I was acting in official capacity as a councillor - but I defer to you if you think that as Group Leader I was acting in official capacity as a councillor at the time of the phone calls'.

At interview Councillor Linington said that she recalls saying in the call to Councillor Davis that she felt sorry for Councillor Gauntlett (the member the subject of the panel hearing) and 'it would be good if you found him guilty and then we could seek his resignation'. She says that these words were said as a joke and not intended to intimidate or improperly influence the outcome. She recalls Councillor Davis saying that he would look at the evidence and that she replied with words to the effect of 'that's all you can do'. She thinks that her words about guilt meant in jest were misunderstood. She denies saying anything that asked or required Councillor Davis to find Councillor Gauntlett guilty and understands the importance of impartiality and making decisions based on evidence.

Councillor Linington recalls a conversation with Councillor Burman when he said he was worried about the Panel Hearing and didn't know what to do. She recalls explaining the process to him but no discussion on detail. Because of this call she rang him on 18 March the day before the hearing (she can't recall if she had rung Councillor Davis first) to check that he was prepared. She recalls that he said that he was fine and she says that she might have joked about finding Councillor Gauntlett guilty but she doesn't have a clear recollection of her exact words. She says that she made the call to check he was clear on process not to discuss outcome.

She denies any intention to intimidate or improperly influence the Panel Hearing (or attempt to do so). She did not make any notes of the calls and no one else was present when they were made.

Councillor Linington says that she saw the outcome of the Panel Hearing in the press. She recalls sending a Whats App message to Councillor Burman saying something like 'how come you ended up clearing Councillor Gauntlett?'. She says that she wanted to understand what had happened especially as the Investigating Officer had said there was a Code breach. She recalls having a call with him when he said that they had made the right decision based on the evidence before them. She does not recall calling him a 'weak person'. She understood his intention to step down as a councillor was due to pressure of work and time not the call concerning the Hearing.

Conservative Group met on 14 July. She recalls that at the meeting Councillor Davis said words to the effect of 'the night before the Panel you phoned me and tried to coerce me and you did the same to Roy Burman'. She recalls saying something like 'you have misunderstood me I may have jokingly said 'find him guilty' but I wasn't seeking to coerce you'. She says that she was shocked and surprised by the allegation and this was the first time it had been raised with her.

Councillor Burman

Councillor Burman is a Conservative member of Lewes District Council. He told me in interview that he recalls that he received a phone call from Councillor Linington a day or two before the Panel Hearing concerning Councillor Stephen Gauntlett. He says that she put to him forcefully that the outcome of the hearing should be a finding of breach and disqualification. He says she called in her capacity as Group Leader. He says that she said words to the effect that 'on her reading of the Investigating Officer's report to Panel she had no doubt that a breach had occurred' and that she 'was expecting' him to propose that view to the Panel. He recalls that he replied saying that he had read the papers and would hear the evidence viva voce before taking a view and that he would not prejudice a fair outcome. He says that she said something like 'we need this resignation it would help regain council control. I want to make sure that you are aware of that and act accordingly'. He says that her words made him feel under pressure and he replied along the lines of 'I can't make a decision in advance, my role is to find the facts whether they are convenient or not'. He says that Councillor Linington was not pleased with this response and the call ended in an unfriendly manner.

Councillor Burman considers the call made by Councillor Linington to be stupid, a mistake and a demonstration of poor leadership. He says that the call rankled him but he did not at the time consider the call to comprise a breach of the Code and remains of that view. He describes the call as an 'unsustainable attempt to push him towards a finding of breach' 'a strong request' but because the panel member role is well understood and she did not say 'do it or else' he does not consider the call an attempt to improperly influence him.

Councillor Burman did not make notes of the call and no one else was present.

Later the same day he says that Councillor Phil Davis rang him to say that he had had a similar call. He recalls Councillor Davis saying 'you won't believe the call I have had from Councillor Linington she is telling me what to do'. In contrast Councillor Burman says that he felt that she was not telling him what to do but what she wanted him to do. He says that he discussed with Councillor Phil Davis whether to report the call as a breach of the code and decided against doing so.

Councillor Burman recalls Councillor Linington phoning him after the Panel hearing. He says that she knew the outcome and said she was upset that Councillor Gauntlett had been 'let off'. He recalls her saying that he had not complied with the Group and was 'disloyal' 'weak in not leading the Panel in

direction of a finding of breach'. He recalls replying that he would not blindly follow her recommendation and had based the decision on evidence.

Councillor Burman does not recall any call with Councillor Linington to discuss the Panel process.

At the Conservative Group meeting on 14 July he recalls Councillor Linington asking why he and Councillor Davis were not being supportive of her. He recalls Councillor Davis saying words to the effect of 'you have unduly pressurised me to vote in a hearing and that's improper'. Councillor Burman recalls saying something like 'I also had a call and thought it was inappropriate and foolish'.

Mrs Davis

Judith Davis, Councillor Phil Davis's wife provided me with the following signed statement:

' We were sitting at the dinner table (Phil and I sit next to each other) when Phil's phone rang. We normally ignore phones during meal times but Phil said he would take the call as he could see it was from Isabelle Linington, a rare occurrence. Phil listened for a minute or so and then said 'I will make a judgement once I have heard all of the evidence... I will make a decision after and only after I have heard all the evidence' he repeated this three times. Phil also said 'I will view the evidence impartially and objectively' plus 'No I will not'. Phil ended the call was rather putout by what had been said. Phil told me that Isabelle was insisting that he find Stephen Gauntlett guilty of misconduct and then convince the panel to demand his resignation as it would benefit the group'.

Evidence in dispute

There is no dispute that Councillor Linington made a telephone call to Councillor Davis on 18 March concerning the Panel Hearing taking place the following day. There is no dispute that in the call Councillor Linington expressed a view that she would like Councillor Gauntlett to be found guilty of breach of the Code at that Hearing and that his resignation would be welcome. Councillor Linington says that her words were said in jest whereas Councillor Davis felt under coercion to find Councillor Gauntlett guilty regardless of the evidence at the Hearing.

There is no dispute that Councillor Linington made a telephone call to Councillor Burman on or around 18 March concerning the Panel Hearing taking place the following day and a subsequent call following the Hearing. There is no dispute that Councillor Linington expressed the view that she would like a finding of guilt at the hearing.

Councillor Davis says that he did not consider whether the call was a breach of the code until the day after the Group meeting in July. Councillor Burman says that he discussed the matter with Councillor Davis shortly after the call in March.

It is a matter of fact that there was a delay between the incident complained of (18 March) and the making of the complaint (15 July).

Has there been a failure (s) to comply with the Code?

Official capacity

Section 27(2) of the Act provides that a Code of Conduct deals with conduct expected of members when 'they are acting in that capacity'. This is reiterated in the Council's Code which states at paragraph 2(2) that the Code 'does not have effect in relation to conduct other than where it is in

your official capacity'. Para 2(1) states that 'official capacity' is to be construed as (a) conducting the business of your authority (which in this code includes the business of the office to which you are elected or appointed) or (b) act, claim, or give the impression you are acting as a representative of your authority.

Before considering whether or not Councillor Linington's conduct amounts to a failure(s) to comply with the Code it is necessary to decide if she was acting in her official capacity.

Councillor Davis considers that Councillor Linington spoke with him in her capacity as a councillor and Group Leader. Councillor Linington considers that she had the call as Group Leader and colleague but not as a councillor.

Holding the role of Group Leader is predicated on holding the office of a councillor. It is an office to which an individual is appointed by members of a political Group. Para 2(2) of the Code expressly states that conducting the business of your authority (in this case Lewes District Council) includes the business of the office to which you are elected or appointed (member of Lewes District Council and Conservative Group Leader).

It is well established¹ that interactions between fellow councillors considering or discussing local authority business, including telephone meetings, are activities that are in the capacity as a councillor. The Panel Hearing was local authority business.

I find on the evidence that Councillor Linington was acting in her official capacity when she made the call the subject of the complaint. Her conduct therefore falls within the jurisdiction of the standards framework.

Did Councillor Linington fail to comply with the Code?

The Complainant does not identify the provision(s) of the Code that he considers to have been engaged but refers to the alleged conduct as 'coercion'. The dictionary definition of coercion is 'the use of force to persuade someone to do something that they are unwilling to do'. The scope of this investigation is limited to whether or not there has been failure to comply with the Code. Coercion is not a concept contained in the code and therefore I shall not make a finding on whether or not the call the subject of the complaint comprised coercion. I shall limit my consideration to whether or not the evidence shows a failure of any provision of the Code.

The Code includes within its general obligations at paragraph 3(2)(c) that members must not 'intimidate or improperly influence or attempt to intimidate or improperly influence any person who is likely to be involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct'.

As a matter of fact Councillor Davis as a member of a Standards Panel hearing was involved in proceedings in relation to an allegation that a member had failed to comply with the Code (namely Councillor Gauntlett). The matter in dispute is whether during the call on 18 March Councillor Linington intimidated or improperly influenced or attempted to intimidate or improperly influence Councillor Davis in relation to that Hearing.

In this case the evidence is that Councillor Davis felt that the call was intended to put him under pressure to agree to predetermine the outcome of a hearing. There can be no doubt that

¹ Guidance on Local Government Association Model Councillor Code of Conduct, 8 July 2021

predetermination of a Panel Hearing outcome without taking the evidence into account (or taking into account irrelevant evidence) would amount to improper conduct by the Panel member and any attempt to persuade a Panel Member to do so would be improper influence.

The test to be applied to the evidence is an objective one - would a reasonable person in possession of the evidence conclude conduct to be a breach of the Code. The words used in Councillor Linington's account of the call ('it would be good if you found him guilty and then we could seek his resignation') could reasonably be construed as an attempt to improperly influence. They were said from a position of authority as Group Leader. She was not a Panel member and any view that she held was not relevant to the Panel's evidence-based decision making. It seems to me that it was more likely than not that her purpose in expressing her view to Councillor Davis was to influence the outcome or at least ensure that her view was taken into account.

Councillor Linington's explanation for the call and comments is that she was joking. There is no evidence that her words were received in jest either by Councillors Davis or Burman. Councillor Davis's wife in her account of hearing her husband answer the call makes no suggestion of a jocular tone. For Councillor Linington to give an impression that she felt that her view of the outcome was a relevant consideration was at best ill-judged and more likely than not an attempt to improperly influence a quasi-judicial statutory hearing by putting inappropriate pressure on a fellow councillor for a particular outcome or at least to take her views into account. She should have been aware of the need for great care to be taken when talking to councillors involved in the case and to let the proper processes take their course in accordance with adopted Council policies and procedures. Her conduct was not consistent with the principles of public life, in particular selflessness and objectivity. I find the conduct complained of to be a breach of paragraph 3(2)(c) of the Code.

Paragraph 3(2) (c) is directly applicable to the facts of this case. But for the sake of completeness, I have also considered whether the evidence suggests breach of any other general provision of the Code. The Code includes (at paragraph 3(1)) a general obligation to 'treat others with respect'. Whilst this is subjective and difficult to define, guidance² states that 'failure to treat others with respect occurs when unreasonable or demeaning behaviour is directed by one person against or about another' and that 'any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour'. There is no evidence before me of any change in willingness to interact with Councillor Linington following the call. I do not consider that this provision of the Code has been breached.

The Code includes (at paragraph 2(b)) a general obligation not to 'bully or harass any person'. Guidance states that bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened' and is 'usually part of a pattern of behaviour'. There is no evidence before me that supports this interpretation. I do not consider that this provision of the Code has been breached on the evidence before me.

The Code includes (at paragraph 5) an obligation not to 'conduct yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute'. It comprises conduct that could be regarded as either reducing the public's confidence in them being able to fulfil their role or adversely affecting the reputation of councillors in being able to fulfil their role. Conduct that could

² Guidance on Local Government Association Model Councillor Code of Conduct, 8 July 2021

reasonably be considered as an attempt to improperly influence a statutory hearing has the potential to undermine public confidence in Councillor Linington and the Council as a whole. I therefore consider that this provision of the Code has been breached.

The Code includes (at paragraph 6) an obligation 'not to use or attempt to use your position as a member to confer on or secure for yourself or any other person, an advantage or disadvantage'. In this case the Conservative Group would potentially benefit from a finding of breach of the Code by Councillor Gauntlett particularly if that led to resignation and the potential for a change in political composition of the Council. I consider that the attempt to influence fellow councillors to vote in a particular way would be to the Conservative Group's advantage. It was likely to have been politically motivated and not in the public interest. This conclusion is unaffected by the fact that councillors did not vote in the way that Councillor Linington desired. I consider that this provision of the Code has been breached.

Conclusion

I therefore find Councillor Linington to have acted in breach of the Code in particular paragraphs 3(2)(c), 5 and 6(a).

Recommendation

My investigation has established that Councillor Linington made a call to Councillor Davis which a reasonable person would consider to have been an attempt to improperly influence the outcome of a Panel hearing. The conduct also breaches the Code's general obligations not to bring her office or authority into disrepute and not to attempt to use her position as a member to confer on or secure another an advantage.

The Council's arrangements for dealing with complaints against councillors state that the MO will review the Investigating Officer's report and then either send the matter to a Standards Panel hearing or, after consulting the Independent Person, seek informal resolution. In considering what course of action the MO should take, he may wish to consider balancing the seriousness of the breach by a senior member appointed as Group Leader with the delay in the making of the complaint, the differing views of Councillors Davis and Burman as to whether the conduct comprised a breach of the Code and the stated concerns made by the Complainant of the Subject Member's leadership.

APPENDIX

Documents provided to me by interviewees in the course of the investigation:

- Email trail between Councillor Geoff Rutland & Phil Davis 11/13 July 2021;
- Screenshots of WhatsApp messages 19,22 March between Councillors Linington& Burman;
- Screenshot of details of call from Councillor Linington to Councillor Davis 18 March 2021;
- Screenshot of details of call from Councillor Burman to Councillor Davis 20 March 2021;
- Copy diary entries made by Councillor Davis.