

In confidence to Members of the Panel and the Monitoring Officer

Comments to the Panel Hearing on the investigation into complaint against me

Isabelle Linington 11 November 2021

1. Preface to comments

The complaint against me revolves around my 18 March communication with two Panel members (Cllrs Davis and Burman) ahead of the Panel Hearing next day into a complaint made against Cllr Gauntlett. As written, the Investigating Officer's report is likely to damage previously cordial relations with Cllr Gauntlett who I have always held in high regard and would never wish to be mistreated. This adds to the upset over the unfair and extremely damaging allegations made against me by Cllrs Davis and Burman.

Although standard LDC practice, I do consider it unfair that the Investigation Report will be made publically available before the Panel Hearing. Because of this, my personal and political reputation will already have been damaged in the eyes of the public well before I am able to put my case to the Panel.

2. Key elements that I wish to bring to the attention of the Panel

- (a) In the Investigation Report, the words attributed to me in my phone calls to Cllrs Davis and Burman have been shorn of the uncertainty and the qualifying comments expressed during the interview with the Investigating Officer (IO). This has the effect of changing something that was said with the intention of reassuring the Panel members ahead of the unpleasant task ahead of them, into an apparent instruction. While I have been attributed as saying my comments were jokey, what I was trying to convey was that they were said off-the-cuff and with no implied gravity. I regret not challenging the wording in the summary note of my interview. That I didn't was because I received the draft when I was being pulled in many directions in my personal life and consequently did not give it the consideration merited. I made some quick amendments and later agreed these were accurate but I did not, in fact, confirm the whole note was accurate. Because it was a summary note, I assumed that full information provided in my interview would be used for the final Investigation Report. The rather selective use of my words in the Investigation Report and the certainty ascribed to my motives is not what I would have expected of a balanced investigation. Additionally, although it is stated in the Investigation Report that there is no dispute that I wanted Cllr Gauntlett to be found guilty of a breach of the Code – ***this is precisely what is in dispute***. My subsequent protestations were dismissed by the IO.
- (b) I have decided that, although in my interview, I wished to avoid making reference to Group speculation about the effect of the 19 March adjudication, it is material to explaining why I made my comments to the two councillors. I have therefore referenced it below.
- (c) The Investigation Report has ruled that 'matters relating to internal political group dynamics and relationships' are not in scope. Consequently, little of the 1.5 hour interview with the IO, and the documented evidence provided, has found its way into the Report. However, without the background to the relationship between me and both Cllrs Davis and Burman, it is *impossible* to assess the likely reliability of their allegations. In the absence of the background, it is difficult to see how any councillor can defend themselves in such a case. ██████████ felt obliged, just before the complaint was made,

to email the complainant, copied to the Group, asking [REDACTED]
[REDACTED] Additionally he said that Cllr Davis's treatment of
me [REDACTED] This indicates that there is more to this
complaint than the Investigation Report suggests. I strongly contend that without an
understanding of the background, including the reason behind the four month delay in
making this complaint, I cannot receive a fair hearing.

3. Questions concerning the complaint against me

This complaint fits into a pattern of behaviour shown by Cllr Davis towards me that started
in 2019, well before the matter in hand. He has sought to find fault with my leadership on
every possible occasion and other councillors in the Group have expressed concern about his
behaviour [REDACTED] email is referenced above, others have expressed their views
verbally, and examples of pre-complaint emails within the Group include: 23 Oct 19 – [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] In consequence, it is my contention that the complaint
was made by grossly exaggerating one brief, well-meaning comment with the intention that
the threat of a subsequent complaint procedure would encourage me to quickly resign as
Group Leader. Despite now being on a path that could lead to considerable personal and
political damage, I'm not prepared to acquiesce to such behaviour and feel it would be
unfair to see it rewarded.

Both Cllrs Davis and Burman were on the Audit & Standards Committee at the time. Cllr
Davis claims that he felt coerced by me on 18 March to find against Cllr Gauntlett at the
Panel Hearing next day and that I said '*of course you will find him guilty*' and '*we want him to
resign*'. Cllr Burman claims that I said '*We need this resignation it would help regain control. I
want to make sure that you are aware of that and act accordingly*'. If such intolerable and
imperative wording had *actually* been used, Cllrs Davis and Burman, as members of the
Audit & Standards Committee, would have known that they had to report the phone calls
immediately to the Monitoring Officer (MO) because such a clear attempt to influence
would have undermined the Panel Hearing. I think it also reasonable to ask, given their
negative attitude towards my leadership, whether (a) it is likely that I would have
intentionally risked such an attempt to influence them or have behaved coercively knowing
the possibility of its future use against me or (b) why I would have expected either to work.
The suggestion that I could have intimidated two senior businessmen is ludicrous given they
are used to staff following their instructions unquestioningly and they had already displayed
little respect for me.

In the event, Cllr Burman claims to have discussed the matter with Cllr Davis and he says
they decided that the matter had not breached the Code. As one of several inconsistencies

in their combined testimony, Cllr Davis said that the first time he considered whether the code had been breached was in July. Either way, their actions are astonishing given the words they attribute to me. I submit that given the above, the complaint is based on phrases that were never used.

Despite what is claimed, I was not aware of anything being amiss either during the phone calls on 18 March or in the period leading up to the complaint. Consequently, the time delay has put me at a considerable disadvantage as I made no notes (which I surely would have had I sensed a problem). Such notes would have been helpful to me in this case because I now have to fall back on memory of events that had little significance at the time.

It is my contention that Cllr Davis decided to try to make my position untenable, with no thoughts to my personal consequences, in a fit of pique, by making contact with the MO on 15 July (knowing that his enquiry would lead to it being made a complaint) because of four factors: (a) continuing solid support for me from the majority of the Group; (b) [REDACTED] emails; (c) the lack of traction when he aired his complaint for the first time at the Group Meeting on 14 July; and (d) [REDACTED]

The report states that at that Group meeting, Cllr Burman said I asked why he and Cllr Davis were not supporting me. As I said in my interview, what I actually asked Cllr Davis was to explain 'the issue' that he referred to in his 13 July email to the Group that said [REDACTED] as I had no idea what it was. Cllr Burman was logged into the meeting while driving his car at the time and this may explain why he can't recall with accuracy what was said.

Having contacted the MO on 15 July, Cllr Davis phoned Cllr Liz Boorman to say he was taking legal advice about me and asked her to take over the leadership which she declined because I had her full support. He expressed to her that [REDACTED]

[REDACTED] His motive is further reinforced by the fact that he went on to tell the IO that my resignation as Group Leader would resolve the complaint. Despite the material significance of this phone conversation, the IO refused to interview Cllr Liz Boorman. Additionally, despite referencing the Group Meeting of 14 July, the IO didn't interview other councillors present.

4. **Why did I contact Cllrs Davis and Burman ahead of the Panel Meeting?**

Much has been implied of my motives for contacting both councillors ahead of the Panel Meeting. Cllr Davis was a late substitute on the Panel for [REDACTED] and for whom no call would have been necessary. My experience has been that Cllr Davis can turn up to meetings not having read the relevant papers, or even fail to turn up. He had also experienced problems with receiving Council emails. I wanted to make sure that for such an important meeting, he had received all the documents and had read them. With Cllr Burman, it was a follow-up of his February phone call to me (in which he said that he was confused by procedures, a call he claims that he can't remember) to make sure he was now comfortable with procedures, though I sensed he didn't like to be reminded of his previous call. Because these were calls to colleagues, I concluded them with some general

conversation. It is this, and recollections of it, around which the complaint against me is based.

I have been told by the IO that I was acting as a Councillor in making these phone calls though my understanding at the time was that I was acting solely as Group Leader (and Cllr Burman appears to have thought this as well) and in a pastoral role.

5. Supporting evidence to the complaint

Fundamentally, this complaint revolves around my word against those of two others whom admit to having been in discussions with one another. Because they share the same desired outcome (my removal as Group Leader) and have been in discussion, I would contend that Cllr Burman is not an independent witness and that caution to this effect should have been expressed in the Investigation Report. Furthermore, Cllr Burman's recollection is not reliable. Cllr Davis states that Cllr Burman told him that he stood down as a candidate for the East Sussex County Council elections because of 'disgust' over my phone call to him. I proved that this assertion was incorrect in my interview and again in response to the draft report yet it is still in the final Investigation Report. Cllr Burman phoned me to tell me he was standing down on 1 March and I offered the IO an email from the [REDACTED] i.e., he resigned as a candidate 17 days *before* the phone call relating to this complaint. Demonstrably misleading inaccuracy has been used to reinforce the complaint.

Cllr Burman claims not to remember phoning me in mid-February about his uncertainty over the procedures having been appointed to the Panel. However, I have clear recollection that he did call me on this matter because I remember thinking it odd that he was actually admitting to not understanding something. The conversation involved an explanation by me of the hearing process. I said that from what I could remember it was rather like a Licensing Hearing, and that the MO would explain everything and take them through the procedure.

The Investigation Report gives significant space to what Cllr Davis's wife claims she heard. Cllr Davis claimed at the Group Meeting on 14 July that (although not informing me at the time) I had been on speakerphone when phoning him and that his wife had heard everything I said. I offered this information to the IO though it turns out Mrs Davis did not actually hear what I was saying but only her husband's responses (and even these are not as I recollect). By reporting that I was on speakerphone, it would appear that Cllr Davis was attempting to convince the Group of the truth of what he was saying. As the wife of the complainant, Mrs Davis is not an independent witness, and, consequently, it is unfair that her evidence, which in any case was indirect, is still in the Investigation Report despite a request that it be removed. Additionally, Cllr Davis's diary record of my phone call need not have been contemporary with events.

6. Content of the phone calls on 18 March

In my interview, I made it very clear to the IO that so many months after the event, I had no clear recollection of the exact words spoken to Cllrs Davis and Burman. I could have left it there but in trying to shed light on how the complaint might have arisen, I proffered words that I believed had been deliberately exaggerated in the complaint. The IO focused down on and selected certain of the words proffered and, despite raising the matter subsequently,

declined to add the qualifying words given in the interview or to reflect the uncertainty expressed.

When news of the Cllr Gauntlett's Panel Hearing first became public and the Investigation Report for that case had suggested he had breached the Code, there was inevitable speculation within the Group as to the implications should the Panel uphold that Report. There was never any suggestion within the Group of trying to influence the outcome. It would be surprising if there was not equivalent speculation about this current case. I had hoped to avoid mentioning this speculation during the investigation but see that it may be material to the case.

Because both Cllrs Davis and Burman may have been aware of this speculation, I wanted to clarify in the lightest possible way that, even were the breach to be substantiated, there would not necessarily be the political advantages that some supposed. I hoped that this removed any political baggage they might be carrying.

My recollection is that having checked that Cllr Davis had received and read his papers and that Cllr Burman was now comfortable with procedures, I said that it was neither a nice job for them nor nice for Cllr Gauntlett to be subject to the Panel Hearing. I went on to say that I felt sorry for Cllr Gauntlett. The gist of what I then said summarised the situation that *while* it may be good if Cllr Gauntlett had *indeed* breached the Code, the sanction of resignation was not something the Panel could impose and other sanctions were unlikely to have much of an effect on the Alliance administration. What is very clear to me is that this comment had none of the imperative commands attributed to me and, despite the comments attributed to me by him, Cllr Burman is quoted as saying that he *still* considers it wasn't a breach and 'does not consider the call an attempt to improperly influence him'. In the Investigation Report, the gist of what I said became truncated and was morphed into 'It would be good if you found him guilty and then we could seek his resignation'. This has changed the meaning and suggests very much more than was the case.

It is astonishing that Cllr Burman claims our call ended on a sour note as I have absolutely no recollection of this. After reading about the outcome of the hearing, I sent Cllr Burman a WhatsApp message purely to understand what had happened. In a subsequent phone call, I certainly did not call him weak. The call connection was lost and so I sent a WhatsApp message (also available but not used) wishing him a good trip [REDACTED] and looking forward to catching up when he was back i.e., there is no suggestion of annoyance on my part. Like so much of this case, my recollection of events does not accord with his.

There was absolutely no intent to influence the outcome one way or another and neither do I believe that the responses of Cllrs Davis and Burman at the time suggested that it had been taken that way. It appears to have suited their purposes months later to place a completely different interpretation on what was said. Indeed, when Cllr Davis said in the phone call that he would be weighing up the evidence, I said 'yes, that is all you can do'. This is referenced in the Investigation Report and is hardly indicative of coercive, intimidating or influencing behaviour. I believe that viewed in its entirety, my comments were neither an attempt to improperly influence nor an attempt to confer an advantage.

I take my role as a councillor and as Group Leader very seriously. I would never knowingly do anything as a councillor or as Group Leader which would reflect badly on, or bring into disrepute, the Council, the Conservative Group or the Conservative Party. As such, I have a completely clear conscience over my propriety in respect of the allegation made against me.