



Lewes District Council

To all Members of the Standards Panel

A meeting of the **Standards Panel** will be held in the **Warren Room, Lewes House, High Street, Lewes** on **Tuesday, 16 January 2018** at **10:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

08/01/2018

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Election of Chair of the Standards Panel for this meeting**
- 2 Apologies for Absence**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Exclusion of the Public and Press**
To consider, under Section 100(A)(4) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion (if deemed appropriate) of Appendix B of Item 5 on this Agenda, as there are likely to be disclosures of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 5 Investigation into Complaint against Dave Neave, former councillor of**

Telscombe Town Council (page 3)

To consider the Report of the Assistant Director of Legal and Democratic Services (attached herewith)

For further information about items appearing on this Agenda, please contact Jennifer Norman at Southover House, Southover Road, Lewes, East Sussex BN7 1AB Telephone 01273 471600.

Distribution: Councillors M Chartier, J Denis and S Gauntlett

Agenda Item No: 5

**Report Title: Investigation into Complaint against
Dave Neave, former councillor of Telscombe Town Council**

**Report to: Audit & Standards
Sub-Committee (Hearings Panel) Date: 16 January 2018**

**Report by: Monitoring Officer
(Assistant Director – Legal & Democratic Services)**

Contact Officer(s) –

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Purpose of Report

To support a hearing by the Hearings Panel as to whether Dave Neave, former councillor of Telscombe Town Council, failed to comply with that Council's Code of Conduct for Members.

Officer Recommendations:

1. To receive and consider the report of the Investigating Officer set out in Appendix A.
 2. To receive and consider submissions on the final report as received from the complainants Cllr Andy Smith and Cllr David Wright subsequent to issue of the final report, as set out in Appendix B
 3. To determine whether former Councillor Dave Neave's conduct, in relation to the two complaints referred to in the Investigating Officer's report, was such as to breach Telscombe Town Council's Code of Conduct.
 - 3 If the Panel determines that former Councillor Dave Neave did breach the Code of Conduct, to determine what, if any, sanction(s) to apply or recommend.
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1. Reason for Recommendations

To comply with the adopted Hearings Procedure of Lewes District Council in relation to code of conduct matters.

2. Information

- 2.1 In September 2017 two members of Telscombe Town Council, Councillors Andy Smith and David Wright, made separate complaints

about the conduct of Dave Neave who, at the time of the alleged conduct, was also a member of Telscombe Town Council. Both complaints related to his conduct at a fireworks debrief meeting held at the offices of Telscombe Town Council on 20 September 2017. The complaints alleged that Cllr Dave Neave's conduct at that meeting breached Telscombe Town Council's Code of Conduct.

- 2.2 The complaints were the subject of an investigation by the Monitoring Officer. Written evidence was received from Cllr Andy Smith, Cllr David Wright and Cllr Gwen Maskell. Face to face interviews took place with Cllrs Smith and Neave. A telephone interview took place with Cllr Wright. Additionally, face to face interviews took place with Nancy Astley, Telscombe Town Clerk, and with Cllr Joanna Wilkins, Telscombe Mayor. Comments received from Cllr Neave by way of email were considered prior to issue of the final report.
- 2.3 The Investigating Officer's report is at Appendix A. That report itself comprises a number of appendices, including the two complaints, written evidence from Cllr G Maskell and Telscombe Town Council's Code of Conduct.
- 2.4 Following the issue of the Monitoring Officer's final report, Cllrs Smith and Wright wrote to the Monitoring Officer setting out a joint agreed commentary on the content of the final report, saying "We submit these comments in support of our independently made complaints and a concern that the published report will in its present form not fully establish the facts". Cllrs Smith and Wright make clear that their commentary was prompted by the Monitoring Officer's comment at para 8.2.10 of her report: "The disparity between the various witness accounts makes it difficult to judge..."
- 2.5 Cllrs Smith and Wright maintain that evidence provided by the Town Clerk and Mayor is not reliable for the reasons set out in their submission. That submission has been provided to Cllr Neave, in his capacity as the subject of the complaint, but cannot be made public because it contains details of operational issues relating to Telscombe Town Council which are sensitive and not directly relevant to the particular incident that is the subject of complaint. It is therefore attached as confidential Appendix B.

3. Financial Appraisal

- 3.1 The Panel's determination of the complaints and of any sanctions is unlikely to involve any significant expenditure by the Council.

4. Legal Implications

- 4.1 The statutory basis for standards of conduct by members of local authorities, and the arrangements for investigating allegations of code of conduct breaches, is Part 1, Chapter 7, of the Localism Act 2011. The relevant provisions of that scheme are specified in the body of the investigation report in Appendix A.

5. Equality Screening

- 5.1 There are no equality issues associated with this report.

6. Appendices

Appendix A: Investigating Officer's report

Appendix B: Confidential. Submissions received from Cllrs Smith and Wright in response to issue of Monitoring Officer's final report

Investigation report into two related complaints that Councillor Dave Neave failed to comply with Telscombe Town Council's Code of Conduct

1. Introduction

- 1.1 I am the designated Monitoring Officer of Lewes District Council and, in that capacity, have received two complaints, relating to the same incident, about the conduct of Councillor Dave Neave as a member of Telscombe Town Council ("TTC").
- 1.2 The complaints were made by two other TTC members: (1) Councillor Andy Smith, whose complaint included a witness statement from Cllr Gwen Maskell (see Appendices 1 and 1A respectively); and (2) Councillor David Wright (see Appendix 2). Both Cllrs Smith and Wright were present when the conduct in question took place.

2. The Allegations

- 2.1 The complaints allege that during a TTC debriefing meeting on 20 September 2017 Cllr Neave behaved in a threatening and abusive manner by his language and actions (perceived physical violence and invasion of personal space) directed at Cllr Smith, thereby breaching TTC's Code of Conduct.
- 2.2 Both complaints also refer to previous e-mails containing abusive language which they and other TTC members have received from Cllr Neave.

3. Preliminary Consideration

- 3.1 In accordance with the District Council's arrangements for dealing with complaints about councillor conduct, including the conduct of any town councillor within the Lewes district, I consulted the Independent Person (a statutory role under section 28(7) of the Localism Act 2011) as to whether the complaints merited formal investigation. The Independent Person concurred with my view that the allegations against Cllr Neave do engage TTC's Code of

Conduct and would, if proven, amount to a breach of specific provisions of that Code.

3.2 In light of this and given the seriousness of the alleged conduct, I considered the complaints as warranting formal investigation.

3.3 I have conducted the investigation myself with the assistance of the District Council's Deputy Monitoring Officer, Oliver Dixon.

4. Cllr Neave's official details

4.1 Cllr Neave was elected to TTC in May 2011 and re-elected in May 2015. In signing his acceptance of office on both occasions, he gave an undertaking "to observe the code as to the conduct expected of members of Telscombe Town Council". Accordingly, Cllr Neave is bound by TTC's code of conduct. Cllr Neave has also, since May 2015, been an elected member of Lewes District Council. He is also a member of Peacehaven Town Council.

5. Relevant legislation and Code of Conduct provisions

5.1 This investigation has been conducted in accordance with arrangements which the District Council has put in place pursuant to section 28(6) of the Localism Act 2011.

5.2 Pursuant to section 27(2) of the 2011 Act, TTC has adopted a code dealing with the conduct expected of its members. TTC adopted the most recent version of its Code of Conduct on 21 September 2016 (reproduced in full at Appendix 3), and this is the Code against which Cllr Neave's conduct has been evaluated for the purposes of this investigation.

5.3 It is considered that Cllr Neave's alleged conduct engages the following provisions of TTC's Code:

“Member Obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- 1. He/she shall behave in such a way that a reasonable person would regard as respectful, both inside and outside the Council Chamber.*
- 2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory, both inside and outside the Council Chamber.”*

6. Evidence

- 6.1 On 2 September 2017, and for the sixth successive year, TTC hosted a ‘Fireworks on the Tye’ event. In 2015 and 2016 the event was part of Tye Fest but in 2017 reverted to fireworks only. As a late addition, however, it was agreed at TTC’s Amenities and Civic Centre Committee on 31 July 2017 that an area on the Tye close to the fireworks would be rented out to an external organisation for them to provide a funfair. TTC was apparently unaware that the funfair organisers would allow a third party to provide, as part of the funfair offering, a bar selling alcoholic drinks.
- 6.2 The funfair was billed as opening at 3.00 pm and the firework display was scheduled to start at 9.00 p.m.
- 6.3 On 3 September, the day after the fireworks, Cllr Smith sent an e-mail about the event (reproduced at Appendix 4) to TTC officers and the Mayor, and c.c’d it to certain TTC members including Cllr Neave. He starts his e-mail by requesting a debrief to address “a number of concerns about the planning and implementation of the event this year”.
- 6.4 In his complaint about Cllr Neave’s conduct, Cllr Smith further states:
“The wrong plan was in place to deal with the public safety issues I raised in my e-mail [of 3 September]. As I had been named in the plan, without my

prior knowledge, with key responsibilities, I asked for debrief meeting. This, I felt, was needed to improve the plan for any future events.”

6.5 A debrief meeting was duly organised and took place at 9.00 pm on 20 September 2017 at Telscombe Civic Centre, immediately after the TTC full Council meeting had ended. It was at this debrief that Cllr Neave is alleged to have breached the TTC code of conduct.

6.6 The debrief was attended by:

Cllr Joanna Wilkins (Mayor)

Cllr Daryll Brindley (Deputy Mayor)

Cllr David Wright

Cllr Brian Page

Cllr Gwen Maskell

Cllr Tim Armour

Cllr Andy Smith

Cllr Job Harris

Cllr Dave Neave

Nancy Astley, Town Clerk

Stella Newman, Deputy Town Clerk and Responsible Finance Officer

Stan Newman, who frequently assists at town council events and who did so at the fireworks event on 2 September 2017.

6.7 Although the debrief meeting was not a formal council meeting and therefore not externally publicised in advance or open to the general public, it was nonetheless a meeting of TTC councillors to review a TTC event, with officers attending. In light of this, I consider that during the course of the meeting Cllr Neave was acting in his capacity as a TTC member and therefore subject to the TTC code of conduct. During my interview with Cllr Neave about the meeting, he did not seek to dispute this inference.

6.8 My investigation comprised interviews with the following:

Cllr Dave Neave (subject member)

Cllr Andy Smith (complainant)

Cllr David Wright (complainant)

Nancy Astley (TTC Town Clerk)

Cllr Joanna Wilkins (TTC Mayor)

6.9 Based on the written complaints and these interviews, I established the following key features of the debrief meeting:

- The meeting room was laid out in a U-shaped board room style with the Mayor, Deputy Mayor and officers on the “top” table; Cllr Andy Smith, then Cllr Job Harris, then Cllr Dave Neave down one side; and Cllrs David Wright, Brian Page, Gwen Maskell and Tim Armour down the other. A diagram of the room layout is provided at Appendix 5.
- Cllr Smith spoke first and compared the operating plan for the September 2017 fireworks event (largely a replica of the “Barbarossa Plan” used in 2014) with the plan used in 2015 and 2016 when the fireworks event was part of Tye Fest. He contended that the latter should have been used for the 2017 event because it addressed the risk caused by the consumption of alcohol on site, an issue that did arise in 2017, not least due to the selling of alcohol at a stall associated with the funfair.
- Cllr Smith also raised concerns about (i) vehicles driving across the Tye and the risk of drivers not seeing children sitting on the ground, and (ii) the dangers associated with adults, children and cars leaving the venue together through one gate when it was dark.
- There followed a discussion about these and other issues, including the lack of sufficient volunteers to manage the event on the ground. Cllr Smith

said his comments were not to lay blame on anyone, but to assist with the planning of future events.

- Cllr Neave did not contribute to this initial discussion and, until this point in proceedings, the debrief had been conducted in an orderly manner, with the mood described by one witness as “neutral”.
- Once others had finished making their own representations and discussion, Cllr Neave spoke out, shouting aggressively.

6.10 Cllr Neave started by referring to himself as ‘Mr NCP’, meaning the person who habitually dealt with all the car parking arrangements at TTC events on the Tye, including on the night of the fireworks held on 2nd September 2017. To all those present, he expressed his anger at Cllr Smith’s 3rd September e-mail. More than one witness recalls Cllr Neave referring to Cllr Smith’s e-mail and saying “your e-mail was “f****ing rude” and saying his wife had found it “f****ing rude” as well. Cllr Neave in interview said he’d said: “my wife read the email and she was not amused with it”. By Cllr Neave’s own admission, he also shouted at Cllr Smith, telling him that he (Cllr Neave) had wanted “to shove the e-mail up Cllr Smith’s f****ing arse.” See also paragraph 6.14 below.

6.11 There is evidence that during these verbal attacks, Cllr Neave was standing and leaning towards Cllr Smith. There is some discrepancy in the descriptions of the body language on display. One witness described Cllr Neave as jabbing his fist forcefully in Cllr Smith’s direction. Another witness described Cllr Neave as physically lashing out at Cllr Smith, which he thought might have resulted in a punch actually making contact, had it not been for the gap between the two men, occupied by Cllr Harris. Cllr Neave says he may have pointed at Cllr Smith but never jabbed at him aggressively. One witness said that Cllr Neave was pointing very angrily at Cllr Smith but did not invade his personal space, as there was another councillor (Job Harris) in between the two of them.

- 6.12 Comments made by witnesses as to Cllr Neave's demeanour and body language vary, but setting them out may help the Panel to form an impression:
- "Aggressive is too strong but he was standing and shouting"
- "You can't speak to people like that" (comment addressed by Cllr Neave to Cllr Smith about Cllr Smith's email). Cllr Neave "pointing finger" at Cllr Smith.
- "He was walking about. He was frustrated and agitated"
- "He was shouting – "I'm not doing the event next year. You've only had one barrel"."
- "He wasn't threatening"
- "I don't remember him balling his fist; I do remember him pointing"
- "He didn't invade Cllr Job Harris's space"
- He "leant across Job and touched Andy's sleeve"
- "He was aggressive, not assertive"
- "He was aggressive in his verbal response; I never thought he would resort to fisticuffs"
- "He was very angry but not out of control"
- "He stood up and faced Cllr Smith, shouting, raised voice and aggressive. He lashed out. Punched fist in air towards Cllr Smith but didn't reach Cllr Job Harris in between".
- "He was so angry it seemed he didn't know what to do with himself. He flounced out".
- 6.13 Cllr Smith says that he felt provoked by these actions but decided not to respond.
- 6.14 When interviewed about the verbal exchanges during that part of the debrief when he spoke, Cllr Neave was very unclear about the order in which he and others spoke and to whom. He denied using the F-word as much as some witnesses had claimed but admitted to saying the words mentioned at the end of paragraph 6.10 above. He disputes the version of events set out in Cllr Gwen Maskell's witness statement, in particular her references to his "aggressively aiming and punching at Cllr Smith" and he maintains that Cllr G Maskell's account is not credible because he asserts she is the wife of Cllr

Ron Maskell who is a friend of Cllr Smith. On receipt of the draft report Cllr Neave disputed the order of events as recounted by the other witnesses. The order is not hugely significant. However it is important to try to establish what comment may have triggered Cllr Neave's expletive outburst at Cllr Smith.

- 6.15 Evidence indicates that in response to Cllr Neave's words and actions, Cllr Smith felt provoked but remained calm and sought to understand Cllr Neave's extreme reaction by asking him if he was angry because he (Cllr Neave) was friends with the Town Clerk (whom Cllr Smith had described in his e-mail as "having clearly been drinking"). Cllr Neave said he became very frustrated at Cllr Smith repeatedly asking this question.
- 6.16 In trying to explain his outburst, Cllr Neave did say in interview: "I saw this paragraph [i.e. the paragraph in Cllr Smith's e-mail which refers to parking] as being personally directed to me because I am Mr NCP. That e-mail is aimed at me, my wife, at Nancy [Astley], and Stella [Newman] a bit. It's personal to me". He further explained "He [Cllr Smith] went for Nancy [Astley] – that triggered it." Evidence from other witnesses supports a view that the comments made by Cllr Smith which triggered Cllr Neave jumping up, shouting and swearing were firstly his repeated question to Cllr Neave to explain which parts of his (Cllr Smith's) email Cllr Neave and/or his wife had found to be rude, and secondly Cllr Smith's suggestion to Cllr Neave that he was aggrieved by Cllr Smith's email reference to the clerk and drinking because of his (Cllr Neave's) friendship with the clerk. Cllr Neave's evidence supports this. Cllr Neave himself said in interview: "He (Cllr Smith) went for Nancy Astley – that triggered it". The words used by Cllr Smith differ slightly according to different witnesses. Cllr Smith says he said – "Is this all to do with your friendship with Nancy?" Another says Cllr Smith said "You're only saying that because you're friends with Nancy". Cllr Neave says Cllr Smith said "You would (...) you are friends with her". The sense however remains the same: Cllr Neave was irritated by Cllr Smith's comments about Nancy Astley.

- 6.17 Cllr Neave told everyone present he would not attend events again and, according to one witness, stormed out; another said he flounced out”.
- 6.18 As far as Cllr Neave’s previous abusive communications are concerned, the only example submitted with the above complaints is an e-mail he sent on 17 August 2016 to Cllr Wayne Botting of TTC, c.c’d to all other TTC members. It concerns what was, at the time, the recent resignation of the Town Clerk, and includes the words “we are really all a bunch of wankers and that includes you andy smith and the poison dwarf”. The e-mail is reproduced in full at Appendix 6.
- 6.19 In her witness statement, Cllr Gwen Maskell says that she has received e-mails from Cllr Neave stating that she is “rude, unprofessional, poison and a wanker”. One of these e-mails appears to be the one referred to in paragraph 6.18.
- 6.20 Cllr Neave sought to downplay the significance of that e-mail by saying he was being critical of all TTC members, including himself. His explanation for referring to one Member as “poison dwarf” is that he gives all members nicknames.

7. Whether there has been a failure to comply with the Code of Conduct

A. **Mitigating Factors**

- 7.1 The situation leading up to the debrief meeting provides much of the context for Cllr Neave’s conduct at the meeting.
- 7.2 At the fireworks on 2 September, as in the previous 5 years, Cllr Neave’s allocated role was to manage the car parking. He voluntarily gave up his time to attend throughout the evening, unpaid, and was short of helpers for directing and marshalling the large number of cars (over 750 in number). This task was left to him and Cllr Andy Loraine, with assistance from Cllr Neave’s wife, Cath, and the Town Clerk. He was on duty continuously from 1850 hrs

until the event had completely finished. Despite being short-handed, he said that he and his assistants simply got on with the task without any fuss.

- 7.3 During his interview with me, he described at great length the technical arrangements for parking and why it was done that way. It was evident from this that Cllr Neave took his role responsibly and was passionate about performing it well. He seemed quite proud of being dubbed 'Mr NCP'.
- 7.4 He felt that this year's parking arrangements had worked better than before and claims that Cllr Smith did not leave his position at the top of the field to see how Cllr Neave and others were managing the parking at the lower end. He thought it strange that in previous years when there actually had been issues with parking, no debrief had taken place, whereas this year when he thought the parking had been managed well, there was a debrief.
- 7.5 Cllr Neave explained to me the measures that he and the other parking attendants took to mitigate the risk of vehicles and pedestrians leaving together through the same exit at the end of the event.
- 7.6 He said the majority of drivers, when leaving, had expressed their thanks and made generous donations into TTC's collecting buckets. He also referred me to the e-mail which the Mayor sent to volunteers (including Cllr Neave) the day after the event, thanking all councillors and officers who helped out, including "our stalwart parking team [who] dealt with over 750 vehicles and their departure was speedily and safely handled." The complete email is attached at Appendix 7.
- 7.7 Cllr Neave took exception to Cllr Smith's e-mail of 3 September for the following reasons.
- (i) He took the comments about the parking as a personal criticism of him and of others who had helped him; but especially of him given his long-standing association with the parking and the fact he regarded himself as experienced in the role. He also said his wife was "disgusted" by

this. She too had given up her time to officiate at the fireworks event for the sixth year running.

- (ii) He disliked Cllr Smith's quotation (where highlighted in paragraph 2 of the e-mail) from a previous health and safety memo stating that "...in the case of a serious accident occurring involving the Council, all 13 Telscombe Councillors could be prosecuted, which has occurred at other councils in the past." He also took issue with the fourth paragraph from the end of the e-mail where Cllr Smith states: "I refuse to take responsibility for this event [because of not being involved in the planning for it] and as no one is named, that I am afraid would fall to the 'Directors' responsible for planning or the lead officers presumably." Cllr Neave took these statements to mean that he and other Members who had been involved in the planning could be legally liable for any incident, and that this could have materialised given the issues that Cllr Smith was raising.
- (iii) He regarded the statement "I am including the observation that Nancy [Town Clerk] arrived on the field having clearly been drinking" as a personal matter and something Cllr Smith should have taken up with the Town Clerk separately rather than airing it in an e-mail to multiple recipients.

7.8 Cllr Neave says that he was "gobsmacked" by the e-mail, which explains his terse reply to Cllr Smith, timed at 19:53 on 3 September, "You been drinking" (see last entry in Appendix 4). Cllr Neave said that Cllr Smith knew in advance of the debrief meeting that he was unhappy with the content and that Cllr Smith could have taken steps to defuse the situation during the intervening 2½ weeks by retracting it or apologising for it, but did not.

7.9 The debrief meeting did not begin until 9.05 pm, by which time Cllr Neave had already done a full day's work in his private capacity, and had participated in a District Council Planning Applications Committee meeting in Lewes before driving to Telscombe Civic Centre. Hence the debrief came at the end of a

long day's work by Cllr Neave, which could have made him tired and somewhat ill-tempered.

- 7.10 Some witnesses suggested that Cllr Neave has a limited vocabulary and might struggle to express himself using civil language when he was highly agitated, which could explain why he resorted to swearing as a way of venting his anger.
- 7.11 The debrief was held as an internal meeting of TTC members and officers. Cllr Neave's offensive language was not in front of the public (except for Stan Newman, who was present because he was a volunteer at the fireworks event).
- 7.12 Was Cllr Smith's e-mail provocative? It was critical of certain aspects of the planning and running of the fireworks event, and alleged that the Town Clerk "arrived on the field [at Telscombe Tye] having clearly been drinking." This allegation goes some way to explain Cllr Neave's alleged statement that his wife found Cllr Smith's e-mail "f****ing rude", since Cllr Neave's wife and the Town Clerk are close friends; Cllr Neave therefore took the criticism of the Town Clerk as a personal affront.
- 7.13 Cllr Neave himself acknowledges the language he used was inappropriate, although, in his view, the kind of language that everyone present had heard before.
- 7.14 Whilst admitting to use of the F-word, he denies that he physically threatened anyone or acted as a bully during proceedings. Nonetheless, he has apologised to Cllr Harris, who was sitting between him and Cllr Smith, for shouting across him when venting his anger at Cllr Smith.
- 7.15 When asked how his behaviour sat with the TTC Code of Conduct, Cllr Neave himself acknowledged that his behaviour was "totally inappropriate."

B. Aggravating Factors

- 7.16 Cllr Neave was not the only TTC councillor to have regarded Cllr Smith's e-mail of 3 Sept as unfairly critical of the work done by councillor volunteers on the night. One witness described the e-mail as "provocative" and the Town Clerk had written to Cllr Smith on 5 September, objecting to his e-mail and pointing out that certain other people were "extremely hurt and annoyed by it". Despite that, no other person at the debrief reacted in the abusive fashion adopted by Cllr Neave who referred to the e-mail as "f***ing rude".
- 7.17 The debrief meeting may not have been held in public but it was still an official discussion between TTC members and officers about a TTC event. The code of conduct still applied to Members present; and with or without the public in attendance, use of the F-word is commonly regarded as an offensive term and definitely not appropriate at council meetings. In fact a member of the public, Stan Newman, was in the room, albeit that Mr Newman is the husband of a town council member of staff and frequently attends council meetings and functions and is often a volunteer at town council events.
- 7.18 Cllr Smith's e-mail was not personally insulting towards Cllr Neave or his wife. None of the content is directly critical of or accusatory towards them. In the entire two-page e-mail there is only one reference to parking and in that context, neither Cllr Neave nor his wife is mentioned by name. Cllr Neave has chosen to take it personally because he saw himself as the person who, on that night of the fireworks, was in charge of parking.
- 7.19 He has made no apology to Cllr Smith or anyone else in attendance, except for Cllr Harris, since the debrief occurred; he does not consider it necessary, despite recognising that his conduct on that occasion was completely out of order.
- 7.20 Cllr Neave's extreme reaction might, to some extent, reflect the rift which seems to have developed between certain TTC members, with Cllr Smith and

Cllr Neave in opposite camps. At one level, Cllr Neave took exception to Cllr Smith's e-mail because of its criticism of the way the event was managed (and therefore indirectly a criticism of him and other volunteers); at a broader level, Cllr Neave may have bridled at it for being (in his opinion) deliberately critical of him and those, like him, in the opposite camp to Cllr Smith.

8. Conclusion

8.1 **Whether the conduct breached the requirement to behave respectfully.**

8.1.1 Cllr Neave may have considered his use of swear words as language commonly heard in public but failed to appreciate that some, possibly all, of those at the debrief may have found it offensive.

8.1.2 Historically, intemperate language in e-mails between TTC councillors, including e-mails from Cllr Neave, appears to have been tolerated. With that in mind, Cllr Neave may have thought it acceptable to use the F-word to express his extreme anger at the Cllr Smith's e-mail.

8.1.3 However, TTC's code of conduct requires the situation to be viewed objectively and from the perspective of "a reasonable person". I consider that a reasonable person would **not** regard Cllr Neave's use of swear words as respectful.

8.1.4 Further, the word in question was not a mild swear word but among the strongest expletives in the English language. Its use is especially inappropriate at meetings of public authorities and demonstrates a lack of respect towards the person the words are aimed at, and for the sensitivities of any others present.

8.1.5 Even if Cllr Neave was tired at the end of long working day, and even if it is true that he lacks the vocabulary to give full expression to his anger, the particular language he adopted is completely inappropriate

for council meetings and demonstrated a lack of respect for those present.

8.1.6 I therefore conclude that Cllr Neave, through his use of offensive language, was in breach of the code of conduct requirement to behave inside the Council Chamber in such a way that a reasonable person would find respectful.

8.2 **Whether the conduct breached the requirement not to act in a bullying or intimidatory manner.**

8.2.1 Cllr Smith's complaint speaks of Cllr Neave exhibiting physical violence and invading his personal space. In a subsequent e-mail to the Town Clerk, Cllr Smith objects to the "aggressive posturing by Cllr Neave, his threats to punch me and invasion of my personal space with the prodding that went on."

8.2.2 Across other witnesses, there is recollection of Cllr Neave being angry, loud, confrontational, and assertive. One refers to him punching at Cllr Smith and touching his sleeve. Others dispute this but refer to him being aggressive and pointing. He is also alleged to have said at the end of his tirade "If you want to see what I can do, just carry on, you've only had one barrel." Language relating to shotguns, even if used figuratively as in this instance, can be intimidatory.

8.2.3 If the observation by one witness is believed i.e. that Cllr Neave's lashing out at Cllr Smith would have landed a blow on him had it not been for the presence of another councillor sitting between them, then this puts this behaviour firmly in the "intimidatory" category, and may have caused Cllr Smith fear of violence.

8.2.4 One witness, though, felt that Cllr Smith's personal space was not invaded firstly because, if it had been, he would have reacted physically – which he did not; and secondly because of the space

separating Cllr Smith and Cllr Neave (see seating layout in Appendix 5), with Cllr Harris in between them.

8.2.5 Cllr Neave himself acknowledged he may have pointed at Cllr Smith but was adamant he did not jab at him aggressively.

8.2.6 The issue, however, is whether a reasonable person would regard Cllr Neave's behaviour as bullying or intimidatory. On the facts, his conduct may not have been bullying, as it was not repeated behaviour intended to hurt someone emotionally or physically, but was intimidatory (commonly defined as 'being frightening or threatening towards someone, in order to persuade them to do something or stop doing something').

8.2.7 Behaviour can be intimidatory even in the absence of physical contact. The choice of words and the manner in which they are spoken (or shouted) can, in themselves, be perceived as frightening or threatening.

8.2.8 According to one witness statement, on leaving the council chamber after his outburst, Cllr Neave said "Oh yeah, an apology would be nice", which would indicate that Cllr Neave adopted an intimidating manner with Cllr Smith in order to extract an apology for what he considered an extremely rude e-mail. This interpretation is consistent with what Cllr Neave recounted to me during interview – that at the end of the meeting he told Cllr Smith he kept sending out rude e-mails and he should apologise for doing so.

8.2.9 TTC's Code of Conduct does not seek to stifle passion and the expression of strongly held views; the requirement is that any such sentiment be articulated, whether verbally or by actions, respectfully and without intimidating or bullying any person.

8.2.10 The disparity between the various witness accounts makes it difficult to judge, but there is a basis on which it might reasonably be concluded that Cllr Neave was in breach of the Code of Conduct requirement not to act in a way which a reasonable person would regard as bullying or intimidatory inside the Council Chamber.

8.3 The fact that Cllr Neave has in the past sent an abusive e-mail to all TTC Members indicates that he has a tendency to use foul language in communications to his fellow councillors. He may think there is no harm in it, but some recipients find it objectionable and disrespectful.

8.4 Lastly, it should be said that both complainants have been complimentary about Cllr Neave's hard work and diligent approach on other, unrelated, Town Council matters. In addition, I was told of occasions when he has put forward verbal arguments convincingly *and calmly* without resorting to any swear words. It is only when angry that he is inclined to employ inappropriate language, it would seem.

9. Referral to Standards Panel

9.1 This investigation points to a clear breach of at least one, if not two, provisions of TTC's Code of Conduct. Given the extreme language and alleged physicality involved, I consider it appropriate for the complaints and this investigation report matter to be heard and determined by a Standards Panel, which is a sub-committee of Lewes District Council's Audit and Standards Committee.

9.2 If the Panel finds that Cllr Neave did breach the Code of Conduct, they may wish to bear in mind the following observation. In his e-mail of 21 September to the Town Clerk about how he wanted Cllr Neave's conduct to be dealt with, Cllr Smith suggested that "if Cllr Neave feels any future discussions would cause him to act in a similar way, he removes himself from those meetings." At interview, Cllr Neave accepted this suggestion, which is a positive sign that he recognises that his conduct was wrong, and realises that, when angry

about council matters, he should either express himself using more acceptable language or deal with the matter in private.

- 9.3 Although, at the time of the incident, Cllr Neave was not prepared to apologise to Cllr Smith or to anyone else attending the debrief, except for Cllr Harris, the Panel may wish to recommend that he does issue a formal apology to TTC for his conduct, not least because he now recognises his use of language was inappropriate.
- 9.4 The Panel may further wish to recommend that in his apology, Cllr Neave makes it clear that, as per the suggestion above, he will avoid participating in council meetings where he is concerned about the possibility of reacting angrily about an item affecting him personally, and will seek to resolve his anger through alternative channels.
- 9.5 In considering any sanctions, the Panel may wish to address Cllr Neave's record of using inappropriate language in written communications with TTC members and officers.

10. List of appendices

- Appendix 1: Complaint submitted by Cllr Andy Smith
- Appendix 1A: Witness statement by Cllr Gwen Maskell
- Appendix 2: Complaint submitted by Cllr David Wright
- Appendix 3: TTC Code of Conduct
- Appendix 4: Cllr Smith's e-mail of 3 Sept 2017 and Cllr Neave's reply
- Appendix 5: Layout of debrief meeting room on 20 Sept 2017
- Appendix 6: Example of previous abusive e-mail from Cllr Neave

Appendix 7: Email dated 3 September 2017 from Cllr J Wilkins,
Mayor, to TTC councillors and officers.

Catherine Knight

Monitoring Officer, Lewes District Council



Lewes District Council

COMPLAINT FORM

1. Your Details

Please provide us with your name and contact details.

Title:	Cllr
First Name:	Andy
Last Name:	Smith
Address:	The Brambles, 8A Chatsworth Close
Daytime Telephone:	01273584484
Evening Telephone:	01273584484
Mobile Telephone:	██████████
Email Address:	cllr.andysmith@gmail.com

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about;
- the Monitoring Officer of the authority; and
- the Parish or Town Clerk (if applicable).

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal

with it. If you have serious concerns about your name or details of your complaint being released to the Member about whom it relates, please complete Section 5 of this form.

Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent person of Lewes District Council
- Member of Parliament
- Local Authority Monitoring Officer
- Other council officer or authority employee
- Other (please specify)

2. Making Your Complaint

Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First Name	Last Name	Council or Authority Name
<i>Cllr</i>	<i>David</i>	<i>Neave</i>	<i>Telscombe Town Council</i>

3. Date of Complaint

Please inform us of any relevant dates concerning your complaints (e.g. when the incident occurred, any relevant meetings dates etc).

At the very end of a De-briefing to discuss Email AS late evening Wednesday 20th September 2017

4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when it decides whether to take any action on your complaint. For example:-

- You should be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

That there have been two serious breaches of the Town Councils code of conduct specifically parts 1 and 2. Copy is attached.

The complaint is about the behaviour which as you will read was threatening and abusive. The incident occurred in front of many witnesses.

I was sitting with Cllr Neave on my left and did not get the best view of what went on but directly opposite Cllr Neave was Cllr Gwen Maskell. Cllr Maskell went home and made her own notes and has forwarded them to me to support this complaint. I will corroborate her version of events as a true record.

The complaint is that Cllr Neave behaved in a threatening and abusive manor, exhibiting physical violence with a lot of invasion of my personal space. These and previous actions (texts and emails) are an attempt to bully others for reasons which will become apparent.

Background

The Meeting had been called by me to discuss the Town fireworks event which had occurred on the 2nd September. The debrief started at the conclusion of the Full Council Meeting. The Debrief email I sent out attracted some odd but not unexpected commentary from both Cllr Neave and the Town Clerk Nancy Astley.

I estimate there were around 1500 to 2000 people present for the fireworks being set off.

Nancy Astley had been responsible for planning the event and had assisted in the logistical setting up etc during the day. On the night she had not given herself any responsibilities in the pre and post stages of the event management. She did arrive on the field and chose to assist Cllr Neave with the parking which is several hundred meters from the safety cordons.

The Fireworks on the Tye has become a tradition for the Town and its purpose is to market the Town Council in a positive way. Efforts to offset the costs resulted in a

change of format in 2015 with the Tyefest music event. The planning was considerably ramped up to take account of the changes to the risk assessment. The addition of the paid bar was included and an alternative order was produced. The main change was that the event was moved into the school holidays which made getting volunteers more difficult. It also means that the firing is now later due to the sun setting later.

I could not make the Tyfest event 2016 to an injury which had run into some logistical and volunteer issues.

Councilors agreed subsequently because of these issues that Tyfest would be discontinued and the original fireworks plan which carried fewer risks would be returned to.

An undocumented decision between Nancy Astley and councilors at the end of another Town meeting on the 31st July re introduced a fun fair element of Tyefest but no mention was made of any alcohol being sold. The fun fair, without our knowledge it appears, sub contracted to a bar which spent the day selling alcohol on the field.

With hindsight this decision directly contributed to some of the problems we had to deal with on the night. In effect the wrong plan was in place do deal with the public safety issues I raised in my email. As I had been named in the plan, without my prior knowledge, with key responsibilities, I asked for a debriefing meeting. This I felt was needed to improve the plan for any future events.

Present at this debriefing meeting were the following people; Town Clerk Nancy Astley, Deputy Town Clerk Stella Newman and Councillors; Gwen Maskell, Tim Armour, Brian Page, David Wright, Joanna Wilkins (Mayor), Darryll Brindley (Deputy Mayor), Andy Smith, Job Harris and David Neave. Public: Stan Newman (helper).

Initially I offered the Town Clerk NA the opportunity to informally resolve my complaint. I am not now looking for an informal resolution of this matter I consider it to be too serious. My association has been kept up to date on this incident also.

Councillor Neave will need to explain the reasons for his outburst and why all Town Councillors on this Town Council have in the past received abusive emails and some texts from him. For the purposes of the debriefing meeting, Cllr Neave made no comment and its business passed in a constructive and professional way. His out-burst at the end of the meeting I suspect is to do with the close friendship which exists between himself, his wife and Nancy Astley.

Cllr Neave has on previous occasions become overly defensive when he perceives criticism of Nancy. No overt Criticism was levelled at Nancy at this meeting.

Cllr Neave and I are also members of the District Council for this area. The complaint concerns Cllr Neave's duties as a Town Councilor for Telscombe Cliffs.

FIREWORK DE-BRIEF MEETING WEDNESDAY 20TH SEPTEMBER 2017 TELSCOMBE CIVIC CENTRE 21.15

The meeting took place after full council with the tables arranged in a horseshoe shape. Present were Mayor Joanna Wilkins, Deputy Mayor Daryll Brindley, Town Clerk Nancy Astley and Deputy Town Clerk Stella Newman on the top table. Looking out into the room from the top table the on the right-hand row seated were Cllrs David Wright, Brian Page, myself Gwen Maskell, and Tim Armour. On the left-hand row seated were Cllrs Andy Smith, Job Harris and Cllr David Neave. From my position, I was exactly opposite Cllr Neave and Cllr Harris with Cllr Smith slightly to my left all, were in full view for me to witness what happened.

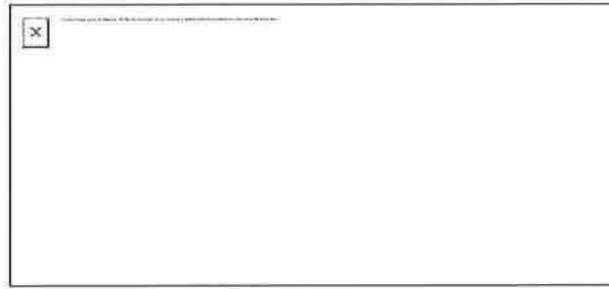
The meeting was a de-brief on the firework display held on Telscombe Tye on Saturday 2nd September 2017 to avoid any dangerous outcomes at future firework events. I had no input as I did not attend the function due to a family bereavement.

Cllr Smith started the meeting and produced the action plan arranged by The Town Clerk to be followed by the volunteers at the event. This was the "Barbarossa Plan" used in 2014. Cllr Smith stated the incorrect plan had been used because there was a fun fayre which included selling alcohol on the Tye, this stall was still selling alcohol while the fireworks were set off. In 2015 a Tyefest Function was held on the Tye involving daytime activity with alcohol and a new plan was put in place. This plan should of have been used as it covered the event of alcohol being present. Some members of the public had brought alcohol onto the Tye themselves meaning there were quite few adults having consumed alcohol for most of the day with children around. One hazard was two men went behind the cordoned off area for the fireworks, clearly having consumed alcohol. Another hazard was the number of cars parked on the Tye with some vehicles driving across the Tye to get as close as they could to the main attraction. There were children sitting on the ground to view the fireworks invisible to vehicles. At the end of the evening adults, children and cars were leaving the field through one gate together. The time is now around 9.30pm and is very dark. Cllr Smith pointed out that this was very dangerous and could have put the council in a very bad position should an accident of happened. There followed a discussion by various Cllrs with their views. Cllr Smith stated this was in no way laying blame on any one person but needed to be made clear for future reference. Within the plan, Cllr Smith was made the responsible officer for the event of which he was unaware until later in the evening. A pre-meeting for the event had been held but Cllr Smith was on holiday and unable to attend. Cllr Smith felt he had been placed in an awkward position with the radios not working to contact volunteers. The deputy Town Clerk Stella Newman stated that not enough volunteers were present on the evening making it hard to cover all the Tye as needed. Stella pointed out that although she is staff for Telscombe Town Council Stella was unpaid for the event. Cllr Smith stated that if Stella wanted to claim TOIL she is entitled to. This event is held to promote our town. The Town Clerk Nancy Astley looked quite sternly at Cllr Smith stating that she disputed the remark about alcohol being sold on the Tye a problem. It was pointed out in close vicinity is an off licence and a public house for people to get alcohol from and bring to the Tye should they wish.

Cllr Smith had sent an e-mail to the town clerk and all Cllrs noting his concerns and had a discussion with Nancy previous to the meeting. Every discussion was carried out calmly until Cllr David Neave stood up, turned to face Cllr Smith and started shouting and aggressively punching his fist at Cllr Smith.

Cllr Neave SHOUTED "As Mr NCP I dispute your F!!!!ING e-mail, this e-mail made me F!!!!ing Angry and made my Cath F!!!!ING Angry (Cath being Cllr Neave's wife and Nancy Astley's friend) While stating this Cllr Neave was leaning towards Cllr Smith across Cllr Job Harris who was sitting between them. Job is an elderly man and at one point I thought he was going to get knocked in the face by Cllr Neave's arm aggressively aiming and punching at Cllr Smith. Cllr Neave was asked by the Mayor to sit down but did not and continued to shout abuse. Cllr Neave shouted at Cllr Smith "I wanted to punch you hard up the "ARSE". Cllr Smith asked him politely to calm down. I noticed that Cllr Smith had his hands flat on the table all the time while this was happening. Cllr Neave sat and Cllr Smith asked Cllr Neave "Exactly what part of the e-mail upset you and what part upset Catherine, or is it just that you are close friends of Nancy?" Immediately Cllr Neave stood up again throwing his chair back and going around the back of Cllr Harris's chair to get closer to Cllr Smith. Also at this point Nancy Astley said "Oh here we go" and moved her chair back to join in but was stopped from standing by the Mayor. Cllr Neave said in a very aggressive tone and again punching at Cllr Smith "You are rude, I will not attend any future functions. We should stop all functions as we stopped his allotments". Cllr Neave then said "I would never send rude e-mails out". I know this to be untrue as I myself have received rude e-mails from Cllr Neave stating that I am "Rude, Unprofessional, Poison and a Wanker" In August 2016 I was Town Mayor and the Town Clerk resigned. I had to deal with the situation. This I did with the guidance of Trevor Leggo from SALC. I have never received an apology for these e-mails. The Mayor was then closing the meeting with Cllr Neave now heading towards to the exit, he turned back and said "Oh yea an apology would be nice". With that Cllr Neave left the building leaving us all bewildered that a member of our council could behave in such a rude, unprofessional and bullying way towards fellow Cllrs. All this was in front of a member of the public. Mr Stan Newman who was a volunteer at the event. This behaviour is totally unacceptable and I felt hurt and ashamed to of witnessed this.

Cllr Gwen Maskell



COMPLAINT FORM

1. Your Details

Please provide us with your name and contact details.

Title:	Mr
First Name:	David
Last Name:	Wright
Address:	9, Linchmere Avenue, Saltdean, BN2 8LE
Daytime Telephone:	07905039210
Evening Telephone:	
Mobile Telephone:	07905039210
Email Address:	Lavandines@rocketmail.com

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about;
- the Monitoring Officer of the authority; and
- the Parish or Town Clerk (if applicable).

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name or details of your complaint being released to the Member about whom it relates, please complete Section 5 of this form.

Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent person of Lewes District Council
- Member of Parliament
- Local Authority Monitoring Officer
- Other council officer or authority employee
- Other (please specify)

2. Making Your Complaint

Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First Name	Last Name	Council or Authority Name
Mr	David	Neave	Telscombe Town Council

3. Date of Complaint

Please inform us of any relevant dates concerning your complaints (e.g. when the incident occurred, any relevant meetings dates etc).

20th September, 2017

4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when it decides whether to take any action on your complaint. For example:-

- You should be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.

- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

At a recent meeting discussing the outcomes of a firework display Councillor Neave contravened the Code of Conduct. He used threatening behavior to another councilor and coarse language.

This is not the first time that language has been used but previously in written form which has been emailed to councilors.

5. Only complete this next section if you are requesting that your identity is kept confidential.

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:-

- You have reasonable grounds for believing that you will be at risk of physical harm if your identity is disclosed.
- You are an officer who works closely with the subject Councillor and you are afraid of the consequences to your employment or of losing your job if your identity is discovered.
- You suffer from a serious health condition and there are medical risks associated with your identity being disclosed. In these circumstances the Audit and Standards Committee may request medical evidence of your condition.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

6. Additional Help

Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let me know as soon as possible.

This information can be made available in **large print**, on audio tape or disk, or in another language upon request. Contact us on 01273 471600 or email jennifer.norman@lewes.gov.uk.

Please return your form to:

The Monitoring Officer
Lewes District Council
Southover House
Southover Road

Email complaints marked for the attention of "The Monitoring Officer" can be sent to jennifer.norman@lewes.gov.uk .



TELSCOMBE TOWN COUNCIL

CODE OF CONDUCT

Introduction

Pursuant to section 27 of the Localism Act 2011, Telscombe Town Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful, both inside and outside the Council Chamber.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory, both inside and outside the Council Chamber.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.



TELSCOMBE TOWN COUNCIL

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.



TELSCOMBE TOWN COUNCIL

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—



TELSCOMBE TOWN COUNCIL

Appendix A (Contd)	
Subject	Description
Securities (Contd)	<p>(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
 of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

© NALC 2012

ADOPTED BY TELSCOMBE TOWN COUNCIL AT ITS MEETING ON 18th SEPTEMBER 2013

(review due by Council September 2016)

EMAIL REQUESTING the Debrief meeting along with correspondence between Nancy Astley and David Neave

From: Andy Smith [mailto:cllr.andysmith@googlemail.com]
Sent: 03 September 2017 19:11
To: 'Joanna Wilkins'; 'Stella Newman'; Nancy Astley
Cc: 'dave neave'; Andy Smith; cllr.brianpage@gmail.com; Brindley Daryll; Harris Job; Job Harris; andy@adloraine.com
Subject: RE: Fireworks

Dear Joanna, Stella and Nancy,

I have a number of concerns about the planning and implementation of the event this year and was wondering if we can have a debrief at some point. The operational order is a watered down version one I produced when I was the leader of the council and to be clear although it was in places a bit tongue in cheek it made a clear statement about who was in charge a point I will return to. Prior to the 2014 event I asked the then Cllr Alan Sargent who had experience of H&S to review the plan for us and attached are those comments in his memo based on the original plan.

The attached memo confirmed what I already understood to be the case; *'In the event of a serious accident and subsequent prosecution if you can demonstrate that you have followed the guidance this will way in favour of the prosecuted.'* And *'Where as in a corporate situation when a serious accident has occurred the prosecution is normally limited to one or two deemed responsible directors. Unfortunately in the case of a serious accident occurring involving the Council all 13 Telscombe Councillors could be prosecuted which has occurred at other Councils in the past. Therefore the safety aspects of an event such as a firework display must be taken seriously by all Councillors.'*

.....and this is why I am concerned about what I witnessed yesterday evening.

Fireworks events are potentially very dangerous and rigour around planning is important. Some of this commentary may seem critical but when these sorts of events go wrong, how we ran the event gets put under the microscope.

Getting things right by leaning from the things which did not go as well as expected is an important part of improving this process.

Here is an example of what can go wrong;

<http://www.bbc.co.uk/news/av/uk-scotland-20211782/firework-rocket-display-goes-wrong> fortunately no one was seriously injured but this is not always the case when these types of events miss fire.

In our case whilst the firework company have to risk assess their display and carry some insurance liability. We are responsible for everything going on outside the cordon. If it comes under scrutiny this would include, the plan its command and control, contingency plans and how we communicate between ourselves and other parties. Having a robust plan with contingencies combined with the quality of briefings is retrospectively the areas which get the most attention when things go wrong (I know this from my personal and professional experience).

The original operational order is attached for comparison, It provides clear lines of responsibility and direction, call signs for radio holders at key sites understanding three key phases of the operation. Previous events were not perfect I admit but in the event of an accident it served the purpose of demonstrating we 'had a plan'.

For example last night, I was not clear who was in charge, or how we contact the various other parties such as the fun fair or fireworks teams. Nancy produced a number of radios which we sort of worked out how to use and accidentally found we could talk to the fireworks people who were on channel one.

The reason why I am writing this ahead of a debrief is I don't want to forget some of the important issues which did occur and should not be overlooked.

Others involved may not be aware but just before the 'firing' (causing the delay) Stella asked for Brian, Darryl and I to go urgently and speak with the fireworks team leader because the cordon on the east side was giving concern. For reasons explained later the fireworks were now too close to the east cordon and spectators were standing where debris etc. would be falling during the display. Darryl, Brian and I moved these people down the hill to the southern cordon. I noticed some of the spectators I spoke to had clearly been drinking but they moved anyway.

After the display and while people were starting to leave the Tye another call from the fireworks team for assistance was received. Brian and I went up to speak to them. Apparently people started to enter the cordoned off area and more of a concern is they were trying to enter the bit where the fireworks were set up. They explained that before the public could return, the fireworks must be checked for duds and these made safe. A chap called Chris explained that in addition to this he had tried to stop two males entering the fireworks area which led to an altercation where one drunk or high individual swung a punch at Chris and the other male dragged him off described as having a white top.

During the discussion it was clear they had concerns about the event; I have asked them to email Nancy so we can capture these concerns and make the necessary changes for next year. 1. The cordon in effect was in the wrong place because the fun fair had crept up the hill towards them. This meant they set the fireworks in the top right hand corner of the enclosure, close to the eastern perimeter. The delay was caused because people were up against that cordon and as the fireworks company predicted due to the wind direction debris and as it happened, still ignited fireworks, hit the ground in this area during the display which had been cleared of the public by Brian, Darryl and myself.

I was unaware that a beer tent was going to be involved which ordinarily is fine but needs additional planning. In reality it makes the event potentially more risky and as with a football match for example, planning should be stepped up to counter the impact of people who have been drinking, causing increased disorder, not understanding instructions or as in this case trying to punch one of the fireworks team.

Watching still ignited fireworks hitting the grass where we had just cleared spectators was a worry particularly as we seemed to be muddling through on the night and fortunately this risk had been dealt with.

Parking was an issue like I have never seen it before, I challenged a lady who drove up to within 30 feet of the Cordon placed her disability badge on the dashboard and refused to move it? I noticed cars parked all around the fun fair and more worrying was the drivers were exiting through the people walking around in the dark, on the Tye?

Ron who was not present had a job to do (calling the emergency services presumably if something had gone wrong) I return briefly to the fact as a named person (which I was, speaking into the PA system?) it would have been nice to have been told. I refuse to take any responsibility for this event and as no one is named, that I am afraid would fall to the 'Directors' responsible for planning or the lead officers presumably.

Councils are not above the law when things go wrong and had we had a problem last night and a Police or HSE investigation followed, the plan would be found to be inadequate in my view.

I am assuming the responsible officer from TTC or 'lead' was Stella (who was doing an excellent job) on the night. I am including the observation that Nancy arrived on the field having clearly been drinking. This is not a problem but this does carry some additional potentially risks, to the council, if the TC was involved in decision making which she was not at this stage.

Fortunately apart from the issues raised here, we did get through the event, but let's not forget this all started as an idea to market our Town Council and if someone gets injured in circumstances which could have been avoided then the thing back fires literally.

Kind regards

Andy

From: dave neave [mailto:daveneave@gmail.com]
Sent: 03 September 2017 19:54
To: Andy Smith
Cc: Nancy Astley; Andy Loraine; Job Harris; Stella Newman; cllr.brianpage@gmail.com; Harris Job; Joanna Wilkins; Brindley Daryll
Subject: RE: Fireworks

You been drinking

[REDACTED]

[REDACTED]
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**Room Layout at Telscombe Civic Centre
for Fireworks Debrief Meeting on 20 September 2017**

Stan Newman
(volunteer helper at
fireworks event)

Cllr Dave Neave

Cllr Job Harris

Cllr Andy Smith

Cllr Tim Armour

Cllr Gwen Maskell

Cllr Brian Page

Cllr David Wright

Cllr Daryll Brindley (Deputy Mayor)	Cllr Joanna Wilkins (Mayor)	Nancy Astley (Town Clerk)	Stella Newman (RFO & Deputy Town Clerk)
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Example email from Councillor Neave referred to by Cllr Smith and Maskell.

From: Dave Neave [<mailto:cllr.daveneave@gmail.com>]

Sent: 17 August 2016 20:38

To: Wayne Botting <cllr.waynebotting@gmail.com>

Cc: Andy Smith <cllr.andysmith@googlemail.com>; ANDREW MENDOZA <cllr.andrewmendoza@gmail.com>; Job Harris <cllr_job_harris@lincolnave.plus.com>; daryll brindley <cllr.daryllbrindley@gmail.com>; tim armour <Cllr.TimArmour@gmail.com>; Cllr. David Wright <Lavandines@rocketmail.com>; Cllr. Loraine <andy@adloraine.com>; Nancy Astley <nancy.astley@telscombetowncouncil.org.uk>; Brian Page <Cllr.BrianPage@gmail.com>; Cllr Wayne Botting <Wayne.Botting@lewes.gov.uk>; Ron Maskell <cllr.ronmaskell@gmail.com>; Cllr. Joanna Wilkins <Cllr.joannawilkins@gmail.com>; Gwen Maskell <cllr.gwenmaskell@gmail.com>; Gwen Maskell <cllr.gwen.maskell@gmail.com>

Subject: Re: Your Resignation

I'm not happy either this is so Un professional we are really all a bunch of wankers and that includes you andy smith and the poison dwarf and ow well done tim you should all be very proud of your self's Toilet and I ain't started yet

CONFIDENTIAL INFORMATION

This is the last in a short sequence of emails - Below this email is an email from Cllr Wayne Botting criticising the group and below that is the resignation of Town Clerk NA.

From: Joanna Wilkins [<mailto:cllr.joannawilkins@gmail.com>]

Sent: 03 September 2017 15:12

To: Stella Newman

Cc: cllr.daveneave@gmail.com; Cllr. Daryll Brindley; Smith Andy; Cllr.TimArmour@gmail.com; Wilkins Joanna; cllr.brianpage@gmail.com; Cllr. Andy Loraine

Subject: Re: Fireworks

Hi to everyone

I would like to say a huge thank you to all those councillors & officers (and their long suffering spouses) who were able to help with the fireworks and funfair on Saturday. It was a small but beautifully formed team and no one could ask for more.

I understand our stalwart parking team dealt with over 750 vehicles and their departure was speedily and safely handled; many thanks.

To the team that patrolled the perimeters and held the hordes at bay; a big thank you.

To the command post team, all passed smoothly; well done.

To the setters up, organisers of funfair staff and all the backroom stuff that sometimes gets overlooked, you are stars!

Stella, please could you send my thanks to John Livings (I don't have his email address). Also could you please ask Stan to thank the lovely Beth for her First Aid support (she may not realise that she now has a job for life!)

Everyone seemed to enjoy themselves!

much love

Joanna X