

Standards Panel

Minutes of a hearing of the **Standards Panel** held in the **Warren Room, Lewes House, High Street, Lewes** on **Tuesday, 16 January 2018** at 10:00am

Present:

Councillor M Chartier (Chair on Election)
Councillors J Denis and S Gauntlett

Officers Present:

O Dixon, Lawyer
C Knight, Investigating Officer/Monitoring Officer
J Norman, Committee Officer

Also Present:

A Gales, Independent Person
Councillor A Smith, Complainant, Telscombe Town Council
Councillor R Maskell, Telscombe Town Council
Councillor D Neave, Subject of Complaint
C Gallagher, Complainant's Representative
C Gape, Cobb PR
Two members of the press

	Minutes	Action
1	Election of Chair of the Standards Panel for this hearing <u>Resolved:</u> 1. That Councillor Chartier be elected Chair of the Panel for the duration of this hearing.	

2 Investigation into Complaint against Dave Neave, former councillor of Telscombe Town Council

The Chair gave permission for Councillor Neave and members of the press who were present at the hearing to record the proceedings. The Chair then explained the order of proceedings to all of those who were present and invited the Investigating Officer to present her report.

The Investigating Officer explained that Councillor Neave had resigned from Telscombe Town Council (TTC) prior to the hearing but that the incident in relation to his alleged breaches of TTC's Code of Conduct had occurred at a time when he was a then member of TTC. She further explained that she presented her draft report to the complainants and Councillor Neave on 28 November 2017 but Councillor Neave did not resign from TTC until 20 December 2017, after completion of the investigation and two days before she was going to issue her final report.

The Investigating Officer's view was that Councillor Neave's alleged breaches of the Code of Conduct were serious enough to warrant proceeding to a hearing for two reasons, despite him no longer being a Telscombe Town Councillor:

- 1) The District Council had a duty to promote and maintain high standards of conduct by members as referenced in the Localism Act 2002; and
- 2) Councillor Neave remains a councillor for two other local authorities.

The Investigating Officer drew the Panel's attention to pages 3 to 4 of her report which explained that in September 2017 two members of TTC, 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 TTC. Both complaints related to his conduct at a fireworks debrief meeting held at the offices of TTC on 20 September 2017. The complaints alleged that Councillor Neave's conduct at that meeting had breached the following member obligations as set out in TTC's Code of Conduct:

- 1) A member shall behave in such a way that a reasonable person would regard as respectful, both inside and outside the Council Chamber; and
- 2) A member shall not act in a way which a reasonable person would regard as bullying or intimidatory, both inside and outside the Council Chamber.

The complaints were the subject of an investigation by the Monitoring Officer. Written evidence was received from Councillor Andy Smith, Councillor David Wright and Councillor Gwen Maskell. Face to face interviews took place with Councillors Smith and Neave, and a telephone interview took place with Councillor Wright. Additionally, face to face interviews took place with Nancy Astley, Telscombe Town Clerk, and with

Councillor Joanna Wilkins, Telscombe Mayor. Comments received from Councillor Neave by way of email were considered prior to issue of the final report.

The Investigating Officer explained that although she did not interview all of those who were present at the fireworks debrief meeting on 20 September 2017, she believed she had made a proportionate response to the complaints in selecting the number and identity of the persons she interviewed. She explained that she thought it appropriate to interview Councillor Wilkins, as Councillor Wilkins was chairing the meeting on 20 September 2017 when the alleged breach of TTC's Code of Conduct occurred. Furthermore, it would be usual to interview the council clerk in a case of this nature.

The Investigating Officer highlighted that after her final report was issued, Councillors Smith and Wright maintained that evidence provided by the Town Clerk and the Mayor was not reliable for reasons set out in their submission detailed in Appendix B, which was marked as confidential.

The Investigating Officer detailed the summary of events in Appendix A on pages 6 to 18 of her report and she highlighted her conclusions which were detailed in pages 19 to 22 of the report. She stated that her investigation pointed to a clear breach of at least one, if not two, provisions of TTC's Code of Conduct and she brought the Panel's attention to her recommendations detailed on pages 22 to 23 of her report.

The Investigation Officer explained that despite the alleged breach of the TTC's Code of Conduct, both complainants were complimentary about Councillor Neave's hard work and diligent approach on other, unrelated, Town Council matters.

The Panel members confirmed they had no questions for the Investigating Officer in respect of her report.

Councillor Smith confirmed that he was satisfied with the Investigating Officer's report and that he had no further comments.

The Chair invited Councillor Neave to make his representation.

Councillor Neave explained that he agreed with previous comments made by Councillor Smith about the Investigating Officer's report, namely that a greater number of people should have been interviewed who were present at the fireworks debrief meeting on 20 September 2017, at the offices of TTC.

The Panel asked Councillor Neave several questions before the hearing moved into closed session.

Resolved:

1. Decision of the Standards Panel regarding the investigation into complaints received from Councillor Andy Smith and from Councillor David Wright of Telscombe Town Council against Councillor Dave Neave, Telscombe Town Council.

“Having considered all the written and oral submissions in relation to the complaint and the Investigating Officer’s report, the Panel finds that former Telscombe Town Councillor Neave failed to comply with the following two provisions of the Telscombe Town Council Code of Conduct:

- 1) That a Member shall behave in such a way that a reasonable person would regard as respectful, both inside and outside the Council Chamber; and
- 2) That a Member shall not act in a way which a reasonable person would regard as bullying or intimidatory, both inside and outside the Council Chamber.

The Panel’s reasons for making these findings were that Councillor Neave’s choice of language was totally inappropriate and disrespectful. With regard to his non-verbal behaviour, his conduct did not amount to bullying but could be perceived by a reasonable person as intimidatory.

2. **Sanctions**

The Panel has decided to issue the following sanctions in respect of former Councillor Neave’s conduct, recognising his admission that his language and behaviour were totally inappropriate and his willingness to apologise:

- 1) The Panel invites Dave Neave to write to Telscombe Town Council by the end of January 2018, formally apologising for his conduct at the fireworks debrief meeting there on 20 September 2017;
- 2) In terms of Councillor Neave’s future participation in other councils on which he serves, the Panel recommends that Councillor Neave avoids participating in council meetings where he is concerned about the possibility of reacting angrily about an item affecting him personally, and in that situation seeks to resolve his anger through alternative channels.
- 3) The Panel will write to the Town Clerk of Telscombe Town Council to ask that she remind all its councillors of the need to comply with the Code of Conduct and to engender a culture of mutual respect in all forms of communication used.

3. **Publication**

In accordance with the Council’s Standards Panel Hearings Procedure, a copy of this notice will be sent to former Councillor Dave Neave as subject

member and to Councillors Andy Smith and David Wright as complainants. In addition, this notice will be reported to the next meeting of Telscombe Town Council and published on its website.”

The hearing ended at 12:05pm.

M Chartier
Chair