

## **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 2<sup>nd</sup> September 2017. To all those present, he expressed his anger at Cllr Smith’s 3<sup>rd</sup> 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 intimidating. 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 intimidating (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 intimidating 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