

**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