

**C O N F I D E N T I A L**

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**R e p o r t o f I n v e s t i g a t i o n**

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**F i n a l**

**Report of an investigation by Tim Darsley,  
appointed by the Monitoring Officer of  
Teignbridge District Council,  
into the conduct of Councillor Liam Mullone  
of Teignbridge District Council**

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## 1. Introduction

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- 1.1 Teignbridge is a District in south Devon, situated between Exeter and Torbay. Serving a population of around 132,000, the District Council comprises 47 councillors. Its offices are located in Newton Abbott.
- 1.2 The Teignbridge Local Plan was adopted in May 2014. It allocated a site for mixed development at Wolborough, to the south of Newton Abbot. In late 2018, a campaign group called Newton Says No (NSN) formed to oppose the development of the Wolborough site.
- 1.3 On 2 May 2019, three members of Newton Says No were elected as District councillors. They serve as a political group called Newton Says No. They have continued to oppose the development of the Wolborough site, through the NSN campaign group and as councillors.
- 1.4 Councillor Liam Mullone and Councillor Richard Daws are respectively the Leader and Deputy Leader of the NSN political group. Some of their activities in opposing development at Wolborough have led to a number of officers and members raising concerns about their conduct with the Council's Monitoring Officer.
- 1.5 The Monitoring Officer wrote to both Councillors on 1 November 2019, as follows:

### **The concerns of the Monitoring Officer**

Dear Liam and Richard,

Unfortunately significant concerns have been raised with me by officers and / or members about your conduct towards them particularly in recent weeks. The conduct appears on the face of it to establish a case for investigation into whether the standards of conduct required of councillors, as set out in the Members' Code of Conduct, have been breached. I list the relevant provisions of the Code below:

- Para 4.1 – requirement to behave in such a way that a reasonable person would regard as respectful
- Para 4.2 – requirement not to act in a way which a reasonable person would regard as bullying or intimidatory
- Para 4.7 – requirement not to bring the office of councillor or the Council into disrepute

The incidents which have been raised with me include:

1. Cllr Daws' behaviour in connection with his desire for members of the public to attend a Members' briefing on Climate Change on 24 September 2019
2. Comments directed to officers at / in response to the above, a subsequent, Wolborough DPD workshop meeting held on 3 October 2019 and more generally their advice on NA3 development / appeal issues, including comments which were made on social media by Cllr Mullone
3. Comments directed to Cllr Mr and Mrs Cllr Hook in response to their support of officers and / or more generally

- 1.6 The Monitoring Officer suggested a meeting with the councillors to discuss the concerns and how it might be possible to resolve them. Both councillors declined participate in such a meeting.
- 1.7 Having consulted with the Chair of the Standards Committee, the Monitoring Officer decided to proceed with an investigation into the conduct of Councillor Daws and Councillor Mallone in relation to the Council's Code of Conduct.
- 1.8 I was appointed to conduct the investigation on 8 November 2019.

## **2. The official details of Councillor Mullone**

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- 2.1 Councillor Mullone was elected to Teignbridge District Council on 2 May 2017.
- 2.2 He attended induction training for new councillors and the Code of Conduct and the Member/Officer protocol were covered in this.
- 2.3 Councillor Mullone is the Leader of the Newton Says No Group. He is a member of the Overview and Scrutiny Committee and the Audit Scrutiny Committee.

### **3. The relevant legislation and protocols**

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#### **The Localism Act 2011**

- 3.1 Section 27(1) of the Localism Act 2011 places a relevant authority under a statutory duty to 'promote and maintain high standards of conduct by members and co-opted members of the authority'.
- 3.2 Under section 27(2) of the Act, a relevant authority 'must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity'.
- 3.3 Teignbridge District Council is a relevant authority. Its Code of Conduct is included in the Council's Constitution, last updated in May 2018.
- 3.4 This investigation is carried out in relation to the District Council's Code of Conduct and under its arrangements for dealing with complaints against councillors.

#### **The Code of Conduct**

- 3.5 The following paragraphs of the District Council's Code of Conduct are relevant:

- |                                                                                                                                                                                                                                                                                                                  |
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| <ul style="list-style-type: none"><li>4.1 To behave in such a way that a reasonable person would regard as respectful.</li><li>4.2 Not act in a way which a reasonable person would regard as bullying or intimidatory</li><li>4.7 Not to bring the office of councillor or the Council into disrepute</li></ul> |
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## **The Protocol on Member Officer Relations**

- 3.6 The Council's Constitution includes a Protocol to guide members and officers in their relations with one another.
- 3.7 Compliance with the Protocol is not a specific requirement under the Code of Conduct. Nevertheless, it is a requirement of the Council, set out in its Constitution, that officers and members should treat each other with courtesy at all times.
- 3.8 The relevant sections of the Protocol are:

### **2. THE ROLES OF MEMBERS AND OFFICERS**

2.1 Officers should respect the code of conduct of the authority's members and treat them with courtesy at all times. The principle also applies to members in their relationships with officers.

2.2 A relevant extract from the "National Code of Local Government Conduct" for members is reproduced below:

23. Both Councillors and Officers are servants of the public and they are indispensable to one another but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and sub-committees.

24. Mutual respect between Councillors and Officers is essential to good local government. Close personal relationships between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

## **4. The evidence gathered**

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### **Documentary and on-line evidence**

4.1 I have taken account of the following information:

- The Newton Says No website.
- Posts made by Councillor Mullone on his Facebook page, dated 24 and 28 September 2019 and 4, 16, 22 and 29 October 2019.
- An article in the People's Republic of South Devon on-line magazine dated 21 October.

### **Oral evidence**

4.2 I have taken account of oral evidence through interviews with;

- Phil Shears, Managing Director,
- Michelle Luscombe, Principal Planning Officer,
- Rosalyn Eastman, Business Manager (Development Control),
- Councillor Gordon Hook, Leader of the Council,
- Councillor Jackie Hook, Portfolio Holder,
- Councillor Richard Daws and
- Councillor Liam Mullone.

4.3 My interviews were recorded. The written records of the interviews were sent to the interviewees for the confirmation of their accuracy. The dates of sending the record and of the confirmation of its accuracy are shown at the end of the records.

4.4 The accounts of witnesses are shown at documents 14 to 19.



## 5. Findings of fact

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- 5.1 The District Council has a duty to promote and maintain high standards of conduct from all its members. It sets out the standards that are expected in its Code of Conduct and members agree to abide by the Code at the start of their term of office. The Council's Constitution provides a specific Protocol to guide members and officers in their relations with one another.
- 5.2 This investigation has been initiated by the Monitoring Officer in response to concerns expressed by a number of members and officers about the conduct of Councillor Daws and Councillor Mullone from the time they were elected to the Council.
- 5.3 The Monitoring Officer categorised the concerns raised with her into three general areas. These were;
- Councillor Daws' behaviour in connection with a members' briefing on climate change on 24 September 2019,
  - Comments directed at officers relating to the climate change briefing, a Wolborough Workshop held on 3 October and the development of the Wolborough site, including comments on social media by Councillor Mullone, and
  - Comments directed at Councillor G Hook and Councillor J Hook.
- 5.4 Within this framework, I have sought to identify the specific instances of conduct which were of concern to the relevant members and officers, which councillor was responsible for that conduct and what exactly it entailed.
- 5.5 I have also considered whether the councillor concerned was acting in their role as a councillor or in their private life. If they were not acting in their role as a councillor, the Code of Conduct is not applicable.
- 5.6 There is some overlap of the conduct of Councillor Mullone and Councillor Daws in certain of the instances. I have noted this below as context but have considered the conduct of the two councillors individually. I have reported separately on the conduct of Councillor Daws.
- 5.7 Whilst many of the instances are a matter of record, there are some issues for factual determination. Firstly, I summarise the undisputed facts below.

### Undisputed facts

- 5.8 The Teignbridge Local Plan was adopted in 2014. It allocates a number of strategic development sites, including one of 120 acres at Wolborough, on the southern outskirts of Newton Abbot. The Local Plan has been subject to Public Examination and forms part of the statutory Development Plan for the District.
- 5.9 The Local Plan is currently being reviewed in order to take its provisions forward to 2040. In parallel with the review, a Development Plan Document (DPD) is being prepared for the Wolborough site to provide further guidance for the development there.
- 5.10 The Council's work on the Wolborough DPD has been accompanied by public opposition to the principle of development at the site. In particular, a campaign group called Newton Says No (NSN) has formed to oppose development at Wolborough. Richard Daws and Liam Mullone were founder members of Newton Says No.
- 5.11 In November 2018, NSN established a website to publicise and promote its activities. Its content included a 'Rogues Gallery' which featured the Council's Managing Director, Phil Shears, Business manager, [REDACTED], [REDACTED], a number of Council members, and others connected to the Wolborough site.
- 5.12 In May 2019, four members of NSN stood for election to the District Council. Richard Daws, Liam Mullone and Janet Bradford were elected. The three councillors serve as a political group called Newton Says No. Councillor Mullone is the Leader of the group and Councillor Daws is the Deputy Leader.
- 5.13 Shortly after the election, NSN amended its website. It placed a notice on its home page stating that; *Newton Says No now exists as a political entity as well as a pressure group. It said that; as an act of good faith in the new executive, we've suspended functionality on this website for the time being.* It also restated the objective of the group (document 1).
- 5.14 The NSN website and all of its content has remained live since the election. The tabs relating to the various categories of content have been blacked out so they are not visible. They are still functional, however, and can be found and accessed from the website's home page. Moreover, a Google search for *Newton Says No* lists the categories of content within the site, including the Rogues Gallery, and provides direct links to them.

- 5.15 The Rogues Gallery entry for Phil Shears includes reference to and a picture of his daughter and makes a joke about the two of them. It also refers to his role as Returning Officer for the May election, saying he was; *ultimately responsible for the boundary fiasco* (document 2).
- 5.16 The entry for [REDACTED] comments on his role at the Council and criticises him personally (document 3).
- 5.17 The Council had arranged a briefing for members on climate change on 24 September 2019. The briefing was not a formal Council meeting and would take place in the hour before a meeting of Council at 10am. The date and arrangements for the briefing had been notified to members about six weeks in advance.
- 5.18 About a week before the briefing, Councillor Daws wrote to ask why the briefing wasn't open to the public. He was advised that the briefing hadn't been arranged or advertised as such. He was also advised that, as an informal meeting, it was not subject to the public access provisions of the Local Government Act 1972.
- 5.19 At some time before 9am on the day of the briefing, Councillor Daws came in to the Council Offices and spoke to the Managing Director. Councillor Daws pressed his view that the briefing should be open to the public. There was argument on this point, but no agreement, and Councillor Daws left to attend the briefing.
- 5.20 Councillor Mullone posted about the briefing on his Facebook page later on 24 September. He commented that Councillor Daws; *had marched in on the Managing Director to call him a disgrace. He went on to say that; Phil Shears and the heads of the planning department are out of control. They are vandals who are unfit for office and nobody wants them to occupy the office. They need to go* (document 4).
- 5.21 On 28 September, Councillor Mallone posted on Facebook about a planning officer's advice on an outline proposal in neighbouring South Hams District. He commented; *A council planning department tries to get stuff built before the elected representatives know about it? 'We didn't want the issue to get sidetracked' sounds scarily like something our own Ros Eastman would say.* Ros Eastman is the Council's Development Control Manager (document 5).
- 5.22 As part of its work on the Wolborough DPD, the Council held a Wolborough Options Workshop on 3 October. The event was for the benefit of interested parties, namely the Wolborough Residents' Association, Abbotskerswell Parish Council and local members. Both Councillor Mullone and Councillor Daws attended. There were fundamental differences over the basis for the Workshop and it was agreed to reconvene the meeting at a future date.

- 5.23 The next day, Councillor Mullone posted a review of the Workshop on his Facebook page. He likened the process of preparing the Wolborough DPD as 'beating up your gran'. He described the stages of the process in terms such as; *"Here's area 1," said Michelle. "Also known as the face and neck. Do we start with a swift upper cut to the chin, or shall we go in with a bit of happy slapping and name calling?"*
- 5.24 He named 'Michelle' as leading the process and associated the metaphor with her throughout the post. 'Michelle' was Michelle Luscombe, the Principal Planning Officer leading the Workshop (document 6).
- 5.25 Councillor Mullone's post attracted a number of comments, including; *Don't you have a soul, Michelle? Hope the cake chokes them and Whoever came up with this local effing plan should be shot.* Councillor Mullone 'liked' the second of those posts (documents 7, 8 and 9).
- 5.26 On 16 October, Councillor Mullone posted on Facebook to claim that efforts were being made from within the Council to prevent NSN from criticising it. He defended his review of the Wolborough Workshop and the comments attached to it (document 10).
- 5.27 The Council established a Local Plan Working Group to take forward the review of the Local Plan and its first meeting was held in late October. Councillor Daws was unable to attend the meeting and wrote to Michelle Luscombe on 21 October, with copies to the members of the Working Group, setting out the points he wished to make.
- 5.28 Also on 21 October, an article featuring Councillor Mullone was published in the on-line magazine, People's Republic of South Devon (PRSD). The article reported on the proposed Wolborough development and the activities of NSN. In a section headed Lib Dems, Councillor Mullone wrote; *I can confirm from my experience, and I've had a lot of it now, that politically speaking the Liberal Democrats are some of the most weaselly, deceptive, unprincipled, narcissistic and morally suspect people on earth* (document 11).
- 5.29 Councillor Mullone posted on Facebook on 22 October about coverage of NSN in the Mid Devon Advertiser. He indicated that the paper had reported that NSN had threatened Council officers from its website. Regarding the source of the story, he wrote: *Other senior Lib Dems have written to us insisting that it wasn't the Lib Dems at all but 'possibly others' at Forde House. Well, that only leaves the officers.*

- 5.30 He referred to; *Lovely fluffy planning officers ... lending a friendly, helping hand to a developer*. He did not name any officers, instead labelling them as *Voldemort 1, 2, 3 and 4* (document 12).
- 5.31 On 29 October, Councillor Mullone posted on his Facebook page about a Planning Committee meeting he had attended. He reported that the Committee had declined to grant delegated authority to the Development Control Manager, Ros Eastman, to deal with an appeal at the Wolborough site. He commented: *Thank all that's holy the Fantastic Ms Fox did not get the keys to the henhouse today* (document 13).

### **Disputed facts**

#### The Newton Says No website

- 5.32 The NSN website was set up in late 2018, around the time that the campaign group was formed. Councillor Mullone told me he had set up the website. He said that he and a number of other members of the group had written the content.
- 5.33 Councillor Mullone's actions in establishing the website and contributing to its content took place before he had been elected. They were not carried out in his role as a councillor and were therefore not subject to the Code of Conduct.
- 5.34 Following the election of the three NSN members to the Council, some changes were made to the website. A notice was placed on the home page saying that NSN now existed as a political entity as well as a pressure group. The notice restated the objective of the group.
- 5.35 Councillor Mullone told me he had asked the creator of the website to suspend its functionality. However, his email request hadn't been answered. He had therefore gone on to carry this out himself. He had done so by masking the menu bar. He said he had also written and posted the notice.
- 5.36 The functionality of the website remained operational, however. Although masked, the tabs to the pages of content remained live and the pages were directly accessible from a Google search.
- 5.37 The Rogues Gallery section on Phil Shears currently states that he was; *ultimately responsible for the boundary fiasco of the May 2 election*. This wording suggests that this section was amended after the election.

- 5.38 Councillor Mullone agreed that this reference was probably written after the election. He said he didn't know who had made the change and he couldn't remember if he had done it. He thought it would have been done on the day of the election or just after. He said it would have been before he had been 'sworn in'. Councillor Daws also thought that the reference to the 'boundary fiasco' had been added on the day of the election.
- 5.39 It is possible that Councillor Mullone added the boundary reference but I am not able to conclude on this point. In any event, I accept the accounts of Councillor Mullone and Councillor Daws that this was done on the election day or immediately afterwards. This would have been before the newly elected councillors took up their office, on 7 May.
- 5.40 I have considered whether Councillor Mullone's actions in connection with the website were carried out in his capacity as a councillor. The notice that he wrote and posted on the website states that; *Newton Says No now exists as a political entity as well as a pressure group*. This suggests that his actions under the banner of NSN were, at least partly, as a councillor.
- 5.41 Councillor Mullone told me that since the election, he was doing everything as a councillor. He said that what he did for NSN now was as a councillor.
- 5.42 In view of this, I consider that Councillor Mullone's additions to the website following his election were in his capacity as a councillor.
- 5.43 Regarding the NSN website, I find that:
- Councillor Mullone's actions in establishing the NSN website and contributing to its content took place before he was elected. They are therefore not subject to the Code of Conduct.
  - I cannot conclude on who added the reference to the 'boundary fiasco' in the Rogues gallery section. In any event, it is likely it was added before the newly elected councillors took up their office.
  - Councillor Mullone took responsibility for suspending the functionality of the website. He implemented this only superficially, with the contents of the website remaining accessible.
  - Councillor Mullone wrote and posted the notice on the home page of the website. He did this in his role as a councillor.

Councillor Mullone's Facebook posts

- 5.44 Councillor Mullone confirmed to me that he had made posts on his Facebook page on:
- 24 September (Climate Change Special)
  - 28 September (South Hams / Ros Eastman)
  - 4 October (Wolborough Options Workshop)
  - 16 October (Defence of Wolborough Options Workshop review)
  - 22 October (Fluffy planning officers)
  - 29 October (Ms Fox / Ros Eastman)
- 5.45 The heading of the Facebook page concerned is *Liam Mullone : NSN Independent*. It is clearly referring to his position as a councillor. Councillor Mullone confirmed to me that he made these posts as a councillor.
- 5.46 I find therefore that:
- Councillor Mullone made these Facebook posts in his official capacity.

Councillor Mullone's contribution to the PRSD magazine

- 5.47 Councillor Mullone told me that he hadn't written the material published in PRSD for the magazine. It had been copied and pasted from his Facebook page. He had been told it had been done but he hadn't been asked. Nevertheless, the material had been written and originally published by him.
- 5.48 In the section headed Lib Dems, Councillor Mullone describes Liberal Democrat councillors from his political experience. In this context, I consider that Councillor Mullone is writing as a councillor.
- 5.49 I find therefore that:
- In writing the material published in the PRSD, Councillor Mullone was acting his official capacity.

**Chronology of relevant events – Councillor Mullone**

Date	Event
<b>2019</b>	
May	District Council elections. Cllrs Daws, Mullone and Bradford elected representing NSN group.
Early May	NSN website updated. Notice placed on home page re-stating NSN objective. Tabs screened but content remains accessible. Rogues gallery includes sections on Phil Shears and [REDACTED].
24 September	Members' briefing on Climate Change. Arranged as a member only event. Councillor Daws presses for public access.
24 September	Cllr Mullone posts on his Facebook page about Climate Change Briefing. Describes Managing Director and planning officers as vandals who are unfit for office.
28 September	Cllr Mullone post on South Hams issue. Says comment of spokesperson sounds scarily like something our own Ros Eastman would say.
3 October	Wolborough Options Workshop. For interested parties, including NSN. Fundamental disagreement on basis. Workshop to be reconvened.
4 October	Cllr Mullone post. Review of the workshop. Likens process to beating up your gran. Mentions Michelle (Luscombe). Post attracts comments from others.
16 October	Cllr Mullone post defending review of Workshop.
21 October	Cllr Mullone contribution to PRSD. Describes Liberal Democrat councillors.
22 October	Cllr Mullone post. Describes planning officers and them lending a helping hand to developers.
29 October	Cllr Mullone post on Planning Committee's consideration of Wolborough appeal. Refers personally to Ros Eastman.



## 6. Reasoning as to whether there has been a failure to comply with the Code of Conduct

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- 6.1 On the basis of the findings of fact above, it is now possible to assess Councillor Mullone's conduct in relation to the requirements of the Council's Code of Conduct.
- 6.2 The relevant sections of the Code are those concerning respect for others, bullying and intimidation, and disrepute. The test for all three sections is how a reasonable person in possession of the facts would regard the conduct in question.
- 6.3 The Council's Protocol on Member/Officer Relations provides additional guidance on the particular issue of how members and officers should interact. It emphasises the importance of very high standards of conduct to the integrity of local government. It requires that both groups should treat each other with courtesy at all times.
- 6.4 The Protocol makes it clear that officers are responsible to the Council. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the direction and control of the Council.

### The Newton Says No website

- 6.5 I found that Councillor Mullone's actions in establishing the NSN website and contributing to its content took place before he was elected. I also found that it was likely that the reference to the *boundary fiasco* was added immediately after the election but before the new councillors took up their office. These actions are therefore not subject to the Code of Conduct.
- 6.6 Councillor Mullone took responsibility for amending the website following the election. He made the superficial change of masking the tabs to the various sections of the website. He also added the notice to the home page of the website. I found that he did this in his role as a councillor.
- 6.7 The notice includes the following:

*As you probably know, Newton Says No now exists as a political entity as well as a pressure group...*

*Our objective remains the same: the Local Plan must be revised. And by revised we mean hung, drawn, quartered, torn apart by horses; its head put on a spike outside Asda and the remains thrown into a plague pit with the careers of the people who devised it.*

- 6.8 Councillor Mullone's wording for the objective of NSN calls for the remains of the Local Plan to be thrown into a plague pit along with the careers of the people who devised it. The use of the word *careers* indicates that he is referring to the officers who were involved in preparing the Plan, including the Managing Director, the Director of Strategic Place, the Principal Planning Officer and her team. He is effectively calling for their careers to be ended.
- 6.9 Phil Shears believed this showed that Newton Says No continued to hold the aim of bringing down him and his team.
- 6.10 Councillor Mallone told me he had been talking about the outgoing Conservative Executive. Even if this had been the case, the nature of his comment to those concerned is the same.
- 6.11 I consider that Councillor Mullone's call concerning the careers of those involved in preparing the Local Plan was unpleasant, discourteous and undermining. I find therefore that;
- In writing and publishing the notice on the NSN website, Councillor Mullone did not treat Council officers with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.

Councillor Mullone's Facebook post of 24 September

- 6.12 Councillor Mullone's post of 24 September was his report on the Climate Change Briefing.
- 6.13 The post included the following:

*(Phil Shears) just decided to be a dick about it. (It was) the last refuge of a fat cat on ice.*

*Why did Phil Shears spend the whole of the hearing last February cosyng up to Farmer [REDACTED]?*

*The management AND the planning department are out of control.*

*Phil Shears and the heads of the planning department are out of control. They are vandals who are unfit for office and nobody wants them to occupy the office. They need to go.*

*Why did you make up the housing figures, Phil?*

- 6.14 Phil Shears told me there had been a series of allegations that he had 'cooked up' the housing numbers with the planners. He had explained to Councillor Daws how the numbers had been calculated and had provided him with the published technical assessments.
- 6.15 Councillor Mullone told me he considered that the language he had used in his review was fit for what happened that day.
- 6.16 The post is insulting to the Managing Director and suggests he has an improper relationship with a landowner of NA3. It accuses him personally of making up the housing figures used in what was found to be a sound Local Plan.
- 6.17 Most significantly, Councillor Mullone describes the Managing Director and the heads of the Planning Department as vandals who are unfit for office and calls for their dismissal.
- 6.18 I consider that these elements of Councillor Mullone's post are grossly disrespectful to the Managing Director and planning officers.
- 6.19 Councillor Mullone reported on the Climate Change Briefing as a District Councillor to his constituents. I believe that an objective observer would recognise his review as grossly disrespectful to Council officers. They would be surprised at insults and allegations of impropriety being made personally against the Council's Managing Director in public. I believe they would find the review wholly inappropriate and not befitting the office of a councillor.
- 6.20 I find therefore that, in his post of 24 September;
- Councillor Mullone did not treat Council officers with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.
  - He brought his office as a councillor into disrepute. He therefore failed to follow paragraph 4.7 of the Code of Conduct.

Councillor Mullone's Facebook post of 28 September

- 6.21 Councillor Mullone's post of 28 September refers to a planning issue in South Hams District. The post reads:

*A council planning department tries to get stuff built before the elected representatives know about it? WHAT A SURPRISE. 'We didn't want the issue to get sidetracked' sounds scarily like something our own Ros Eastman would say.*

- 6.22 The matter at South Hams had been an outline planning application for a housing development. Such applications concern the principle of development, not the detail of the houses that might be built. The South Hams advice had been not to include detailed house types, since such detail was likely to change and could be misleading at the outline stage.
- 6.23 Notwithstanding the wisdom of this approach, Councillor Mullone summarised it as *trying to get stuff built before the elected representatives know about it*. This was an inaccurate representation, since the details of any houses to be built would be submitted subsequently and considered by the planning authority.
- 6.24 He then associated his summary directly with a named Teignbridge Planning Officer. That officer had no opportunity to explain the situation or defend her position.
- 6.25 Ros Eastman told me that NSN seemed to hold the view that she did everything in a corrupt manner and that planning was carried out entirely behind closed doors. This theme ran through their posts on social media.
- 6.26 Councillor Mullone thought there had been a clear equivalence between the South Hams case and a decision Ros Eastman had been involved with. What he had posted was the truth.
- 6.27 I consider that associating an incorrect representation of the South Hams case with a named Teignbridge planning officer was discourteous, unfair and damaging to her. I find therefore that;
- In his post of 28 September, Councillor Mullone did not treat Ros Eastman with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.

Councillor Mullone's Facebook post of 4 October

- 6.28 Councillor Mullone's post of 4 October was his review of the Wolborough Options Workshop. He likened the process to *beating up your gran* and named Principal Planning Officer Michelle Luscombe as leading it. The post included the following:

*It's a heinous moral crime that any normal human being would feel ashamed of perpetrating and aren't these people just beyond contempt?*

*Michelle began her presentation. She told us that a lot of work had gone into beating up your gran*

*Michelle rolled her eyes and told us all very sternly that she fully appreciated that SOME people were ... opposed to geriatric violence in principle, but these principles were not our business today.*

*“Here’s area 1,” said Michelle. “Also known as the face and neck. Do we start with a swift upper cut to the chin, or shall we go in with a bit of happy slapping and name calling?”*

*“Option three is a punch to the windpipe ...”*

*Michelle shook her head. “We have expert advice on how beating up this gran fits in with the other grans lying dead and dying around the area”.*

*“To achieve an effect that fits in with the deadgranscape you really need to pummel the gran evenly all over”.*

- 6.29 Councillor Mullone employs the metaphor of beating up your gran throughout his post. The story is of slapping, punching and death and the language used to detail this is aggressive and violent.
- 6.30 The process, described in these terms, is attributed directly to Michelle Luscombe, the planning officer leading the workshop. Councillor Mullone states she rolled her eyes at anyone objecting to the process.
- 6.31 Michelle Luscombe told me the post was aimed at her personally and she found it deeply upsetting. Offensive graffiti had appeared at the Wolborough site shortly afterwards and she was concerned at the potential for public reaction directed at her. She had not felt able to share the issue with her family because of the worry it would cause them.
- 6.32 Councillor Jackie Hook told me that Councillor Mullone’s review would be very offensive to Michelle Luscombe. A lot of people knew who she was. Councillor Gordon Hook said that he knew Michelle had been very upset and frightened.
- 6.33 Michelle Luscombe told me it was the description of her morals that concerned her the most. She was being accused of undertaking *a heinous moral crime that any normal human being would feel ashamed of*. She was; *just beyond contempt*. She said her job was concerned with regulating the use of land in the public interest. She was not carrying out a crime and should not be ashamed of what she did.
- 6.34 Councillor Mullone told me he had been using absurdity to satirise the process. He was talking about environmental destruction and breaking the law. He was making it gentler, if anything.

- 6.35 I consider that by associating a violent and aggressive metaphor to Michelle Luscombe and criticising her morals as he did, Councillor Mullone was grossly disrespectful to her.
- 6.36 By portraying the Options Workshop as he did and naming Michelle Luscombe as the planning officer responsible for it, Councillor Mullone caused her significant concern and upset. She was worried about possible reactions to the review and felt intimidated by it.
- 6.37 Councillor Mullone reported on the Options Review as a District Councillor. I believe that an objective observer would recognise his review as grossly disrespectful and intimidatory. They would be shocked at the violent and aggressive language being attached to a named Council officer simply doing her job. I believe they would find his conduct objectionable and not befitting the office of a councillor.
- 6.38 I find therefore that, in his post of 4 October;
- Councillor Mullone did not treat Michelle Luscombe with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.
  - His post was intimidatory to Michelle Luscombe. He therefore failed to follow paragraph 4.2 of the Code of Conduct.
  - Councillor Mullone brought his office as a councillor into disrepute. He therefore failed to follow paragraph 4.7 of the Code of Conduct.
- 6.39 Councillor Mullone's review of the Options Workshop attracted a number of comments, including;
- Don't you have a soul Michelle?*
- Hope the cake chokes them.*
- Whoever came up with this local effing plan should be shot.*
- 6.40 Councillor Mullone told me that the comments of other people were not his responsibility. At a basic level this is correct. He was, however, responsible for the aggressive and inflammatory nature of his own report and I believe this set the tone for the comments that it attracted.
- 6.41 Michelle Luscombe said she was concerned with what the comments were inciting. She doubted whether such comments would have been made without the lead given by Councillor Mullone.

- 6.42 Councillor Jackie Hook thought there was a link between Councillor Mullone's posts and the comments they attracted from others. She believed his comments fed and multiplied dissatisfaction with the Council.
- 6.43 Councillor Mullone uses his Facebook page to report on his Council activities to his constituents. It is his principal public face as a councillor. As such, I consider he bears some responsibility for the content that others place on his page. He has the ability to counter any comments he does not agree with and to remove any that are offensive or hateful.
- 6.44 I consider the call for; *whoever came up with this local effing plan should be shot* falls into this category but Councillor Mullone allowed it to remain on his page. At the same time, he actively 'liked' the comment hoping that the cake would choke those who had provided it.
- 6.45 I believe an objective observer would expect Councillor Mullone to take some responsibility for the comments made on the Facebook page used for his Council activities. They would regard not doing so as a deficiency in carrying out his role as a councillor.
- 6.46 I find therefore that;
- By endorsing an offensive comment and by allowing offensive and hateful comments to remain on his Facebook page, Councillor Mullone brought his office into disrepute. He therefore failed to follow paragraph 4.7 of the Code of Conduct.

#### Councillor Mullone's Facebook post of 16 October

- 6.47 In this post, Councillor Mullone outlines what he calls lies, misinformation and threats made against NSN since it was formed. He suggests that a shadowy cabal of Liberal Democrat councillors, possibly on behalf of council officers, is responsible for this.
- 6.48 He also defends his post of 4 October about the Wolborough Options Workshop and the comments that it attracted. He says he knows what a threatening comment is and, if he saw one, it wouldn't last two seconds on his page.
- 6.49 The complaints are in general terms and do not criticise particular individuals. I do not consider that Councillor Mullone breached the Code of Conduct in making this post.

Councillor Mullone's contribution to PRSD of 21 October

- 6.50 The article in The People's Republic of South Devon magazine had been copied from Councillor Mullone's Facebook page. I found that it was written in his official capacity. The article includes:

*I can confirm from my experience, and I've had a lot of it now, that politically speaking the Liberal Democrats are some of the most weaselly, deceptive, unprincipled, narcissistic and morally suspect people on earth.*

*They literally care about nothing, and stand for nothing, other than themselves and their own self-aggrandisement.*

- 6.51 In the context of his experience, Councillor Mullone is referring to the Liberal Democrat councillors of Teignbridge District Council.
- 6.52 He is, of course, entitled to disagree with the views of his political opponents and to express his opinions strongly and publicly. However, he is not disagreeing with Liberal Democrat views or policies. His comments are aimed at the people concerned and their personal characteristics.
- 6.53 Councillor Mullone's description of Liberal Democrat councillors at Teignbridge is clearly disrespectful. I find therefore that;

- In the PRSD article of 21 October, Councillor Mullone was disrespectful to Teignbridge Liberal Democrat councillors. He therefore failed to follow paragraph 4.1 of the Code of Conduct.

Councillor Mullone's Facebook post of 22 October

- 6.54 In his post of 22 October, Councillor Mullone continues with the subject of NSN being threatened. He considers the source of an article in the Mid Devon Advertiser and, with councillors having denied responsibility, concludes; *Well, that only leaves the officers. You know, those dear little cherubs who 'can't answer back'.*
- 6.55 The post continues to refer to council officers, and includes;

*Our lovely fluffy planning officers ...*

*... have put an amendment through planning asking them to remove two of the four objections to PCL's diabolical plans for Wolborough Hill NA3, to weaken it up in time for their appeal in January.*



*We have been asked to remember that the officers are 'not political', and indeed there is nothing more unpolitical than lending a friendly, helping hand to a developer ...*

*We would sing your praises, if only we were allowed to name you, but we're not. So well done, those who cannot be named. We'll just call you Voldemort 1, Voldemort 2, Voldemort 3 and ...ESPECIALLY YOU, Voldemort 4 - you really knocked it out the park like the big sparkly unicorn you are. THANK YOU OFFICERS. You really went the extra mile today in just doing your jobs.*

- 6.56 Councillor Mullone's ironic description of the Council's planning officers is mildly insulting to them.
- 6.57 More serious are his suggestions that officers have sought to weaken the Council's case in a planning appeal for development at Wolborough and have lent a friendly helping hand to a developer. These casual and unsubstantiated allegations strike directly at the integrity of the officers concerned and are undermining and damaging to them.
- 6.58 I consider that Councillor Mullone's descriptions of planning officers and his allegations against them were insulting, undermining and damaging. I find therefore that;
- In his post of 22 October, Councillor Mullone was disrespectful to Council planning officers. He therefore failed to follow paragraph 4.1 of the Code of Conduct.

Councillor Mullone's Facebook post of 29 October

- 6.59 In his post of 29 October, Councillor Mullone reported on the Planning Committee of that date.
- 6.60 The Committee had previously refused a major planning application at Wolborough Barton. The refusal decision was now subject to an appeal and the Committee was recommended to review the four refusal reasons that would be used in the appeal, in the light of current information.
- 6.61 The Development Control Manager had reported that two of the refusal reasons had been resolved by the developer agreeing to planning conditions. A legal agreement had been submitted in respect of a third refusal reason. Delegated authority had been sought to determine the best course of action in relation to the fourth refusal reason.

- 6.62 The Committee had not accepted these recommendations and decided that all four refusal reasons should be defended at the inquiry into the appeal.
- 6.63 Councillor Mullone reported this as;
- (Councillor Jackie Hook) wanted to hand control of protecting the South Hams SAC over to the planning department and Ros Eastman. Thank all that's holy the Fantastic Ms Fox did not get the keys to the henhouse today.*
- 6.64 The metaphor was clear and to reinforce the picture, Councillor Mullone added an image of a fox attacking chickens. Ros Eastman was clearly cast as the fox.
- 6.65 Ros Eastman told me that she fully expected challenge and robust debate in her work. She respected the Committee's decision. However the clear message of Councillor Mullone's post was that she could not be trusted in the matter. This undermined her position corporately and with the public. She was concerned at the personal reference to her by name.
- 6.66 I consider that Councillor Mullone's post was insulting, demeaning and undermining to Ros Eastman. I find therefore that;
- In his post of 29 October, Councillor Mullone was disrespectful to Ros Eastman. He therefore failed to follow paragraph 4.1 of the Code of Conduct.

### **The Protocol on Member/Officer relations**

- 6.67 The Protocol on Member/Officer Relations provides indicative guidance on the nature of the relationship between members and officers that the Council seeks to promote. Compliance with the Protocol is not a specific requirement under the Code of Conduct. Nevertheless, it is a standard of the Council, set out in its Constitution, that officers and members are expected to meet at all times.
- 6.68 The guiding principle of the Protocol is that members and officers should treat each other with courtesy at all times. The Protocol also includes guidance on the distinct responsibilities of the two functional parts of the Council. It recognises the importance of that partnership to the effective working of the Council.

- 6.69 Members and officers have interrelated but different roles within a council.
- 6.70 Members are accountable to the electorate and are community leaders for their ward and the district as a whole. Collectively, members are the council's policy makers. They determine the core values of the council and set and approve the council's policy framework, strategic plans and budgets.
- 6.71 Officers serve the whole council. They have a contractual and legal duty to be impartial. They provide professional judgement and advice to enable councillors to fulfil their role. Officers have a duty to implement the lawful decisions of the council and its properly constituted member bodies.
- 6.72 Opposition members will want hold the administration to account and will often advocate alternative policies. This will inevitably involve challenging decisions that have been made. Those challenges should be addressed to the council or the relevant cabinet member and not aimed at the officers who are charged with their implementation.
- 6.73 Councillor Mullone was elected on the basis of pursuing the objectives of Newton Says No. To achieve this will require some form of change to the Teignbridge Local Plan. That plan was developed over a number of years and was the culmination of many decisions, all which were made by councillors, sitting in committees and corporately in the Council. The Plan was approved by the Council and the process of its preparation was found to be sound by independent examination.
- 6.74 That is not to say that the Plan cannot be changed or that the objectives of NSN cannot be achieved. But the proper and fair route to that is through the planning process and the decisions of councillors, committees and the Council.
- 6.75 Councillor Mullone seems to have chosen to pursue NSN's objectives principally by attacking officers of the Council. His subjects have ranged from the Managing Director and Business Managers to planning officers engaged in Planning Policy and Development Control. His conduct has included repeatedly insulting and demeaning them, criticising their morals and integrity, undermining their professional reputation and calling for their dismissal.
- 6.76 Considered individually, under the Code of Conduct, I found that Councillor Mullone failed to treat officers with respect in six instances and was intimidatory in one. The Member/Officer Protocol requires that Members and officers should treat each other with courtesy at all times. It follows therefore that he also failed to follow the Protocol in these instances.

- 6.77 Viewed as an overall pattern of behaviour, and in the context of the Protocol, I consider that Councillor Mullone's conduct is wholly misplaced. His argument is with previous decisions of the Council and his challenge now is to persuade his fellow councillors to take different decisions. Attacking the Council's officers for past Council decisions is unwarranted and unfair.
- 6.78 Although not following the Member/Officer Protocol is not in itself a breach the Code of Conduct, it does indicate that Councillor Mullone's behaviour would not be considered acceptable by the Council.
- 6.79 Member/Officer Protocols are commonly used by councils to establish the principles by which members and officers should work together. As well as dealing with issues of courtesy, they underline the importance of mutual trust and respect to the governance and successful operation of a council.
- 6.80 Such protocols often provide more detailed guidance, on the roles of members and officers and on appropriate attitudes and behaviours, than is found in the Teignbridge Protocol.
- 6.81 Many councils include in their Codes of Conduct a requirement for members to adhere to their other codes and protocols.
- 6.82 I would recommend that, in the light of this investigation, Teignbridge District Council considers these matters further.

## 7. Summary of Findings

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- 7.1 I established findings of fact for the conduct of Councillor Mullone that has caused concern. I have assessed these against the Council's Code of Conduct. I have found that;
- 7.2 In writing and publishing the notice on the NSN website;
- **Councillor Mullone did not treat council officers with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**
- 7.3 In his post of 24 September, on the Climate Change Briefing;
- **Councillor Mullone did not treat council officers with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**
  - **In doing so, he brought his office as a councillor into disrepute. He therefore failed to follow paragraph 4.7 of the Code of Conduct.**
- 7.4 In his post of 28 September, commenting on a planning application in South Hams;
- **Councillor Mullone did not treat a planning officer with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**
- 7.5 In his post of 4 October, on the Wolborough Options Workshop;
- **Councillor Mullone did not treat a planning officer with respect. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**
  - **He was intimidating to the planning officer. He therefore failed to follow paragraph 4.2 of the Code of Conduct.**

- **In doing so, Councillor Mullone brought his office as a councillor into disrepute. He therefore failed to follow paragraph 4.7 of the Code of Conduct.**
- **By endorsing an offensive comment and by allowing offensive and hateful comments to remain on his Facebook page, Councillor Mullone brought his office as a councillor into disrepute. He therefore failed to follow paragraph 4.7 of the Code of Conduct.**

7.6 In his contribution to the PRSD article of 21 October,

- **Councillor Mullone was disrespectful to Teignbridge Liberal Democrat councillors. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**

7.7 In his post of 22 October, describing planning officers;

- **Councillor Mullone was disrespectful to planning officers. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**

7.8 In his post of 29 October, reporting on the Planning Committee's consideration of the Wolborough appeal;

- **Councillor Mullone was disrespectful to a planning officer. He therefore failed to follow paragraph 4.1 of the Code of Conduct.**

7.9 The reasoning for my findings is set out in section 6 above.

7.10 Councillor Mullone was sent a draft copy of this report on 25 January. He did not comment on the draft report.

7.11 This is my final report. It will be forwarded to the Monitoring Officer for her action as necessary.

## 8. Schedule of evidence appended

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Document no.	Description
1	Notice on home page of Newton Says No website
2	NSN website: Text from Rogues Gallery section on Phil Shears, December 2019
3	NSN website: Text from Rogues Gallery section on [REDACTED], December 2019
4	Facebook post of Councillor Mullone, 24 September 2019
5	Facebook post of Councillor Mullone, 28 September 2019
6	Facebook post of Councillor Mullone, 4 October 2019
7	Comment by [REDACTED] on Councillor Mullone's Facebook post of 4 October 2019
8	Comment by [REDACTED] on Councillor Mullone's Facebook post of 4 October 2019
9	Comment by [REDACTED] on Councillor Mullone's Facebook post of 4 October 2019
10	Facebook post of Councillor Mullone, 16 October 2019
11	Extract from article in Peoples Republic of South Devon, 21 October 2019
12	Facebook post of Councillor Mullone, 22 October 2019
13	Facebook post of Councillor Mullone, 29 October 2019
14	Record of interview with Phil Shears
15	Record of interview with Michelle Luscombe
16	Record of interview with Ros Eastman
17	Record of interview with Councillor Gordon Hook and Councillor Jackie Hook
18	Record of interview with Councillor Richard Daws
19	Record of interview with Councillor Liam Mullone

**Document 1: Notice on home page of Newton Says No website**

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## **NOTICE**

As you probably know, Newton Says No now exists as a political entity as well as a pressure group, since three NSN councillors gained office following the election of May 2 2019. As an act of good faith in the new executive, and the various other people we'll need to wrangle with, we've suspended functionality on this website for the time being.

We are not, however, putting our satirical weapons beyond use.

Our objective remains the same: the Local Plan must be revised. And by revised we mean hung, drawn, quartered, torn apart by horses; its head put on a spike outside Asda and the remains thrown into a plague pit with the careers of the people who devised it. If that doesn't happen then this site will be back with some updates.

In the meantime please sign the petition (link above on a PC / below on a mobile) if you haven't yet. And you can still write to our campaign manager at [batty@newtonsaysno.co.uk](mailto:batty@newtonsaysno.co.uk)



**Document 2: NSN website: Text from Rogues Gallery section on  
Phil Shears, December 2019**

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## **Managing Director Phil Shears**

Here's a joke for you: What's the difference between Phil Shears and [REDACTED]? One is a shameless tart who'll do anything for money; the other is a [REDACTED]. Well, we'd laugh it wasn't all so tragic.

Phil is [REDACTED]. Can't see much family resemblance, but then DNA is a strange thing. Phil was given the job of Managing Director in January this year by [REDACTED], who then publicly congratulated him on getting the job as if there had been some sort of contest. So what does the managing director actually do, for his £105,000 a year? Well, his first job was to hide how much [REDACTED] had been paid off to the tabloids; telling a Sun reporter that showing transparency in public office would cause 'undue distress' to the woman whose boots he was now wearing, and that he therefore had no intention of telling the taxpayers how much of their money his office had spent. Classy!

Other than that, we have no idea what Phil's job entails. He's the Returning Officer, so we suppose ultimately responsible for the boundary fiasco of the May 2 election. Apart from that we have no idea. And don't bother trying to find out via the Teignbridge.gov.uk website because, although it is supposed to give full disclosure of all the bureaucrats who work for us, and despite the fact that Phil 'waited through 25 years of loyal service to get this top dog position', neither he nor his position are even listed on the website. It's very odd. It's almost as if, but for the 105k hole in our pockets, Phil doesn't exist.

Sadly, though, he does.

**Document 3: NSN website: Text from Rogues Gallery section on [REDACTED], December 2019**

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## **Business Manager Strategic Place [REDACTED]**

[REDACTED] title makes as much sense as the shambles he's cobbling together, but he doesn't care. He is the driving force behind the local plan and the ludicrous housing numbers. He is now putting together the Greater Exeter Strategic Plan, which has almost nothing to do with Exeter and is all about building as many houses as possible in Teignbridge.

[REDACTED] is a career bureaucrat; an unelected apparatchik and the drone our City Fathers send to planning 'consultations' at which the public are invited to come and stare in horror at the ruination and insanity of which [REDACTED] is the gurning grand master.

[REDACTED] stands around at these events as if actually awaiting congratulation (he recently won a prize for matchmaking rapacious developers with swivel-eyed town planners so he's even more pleased with himself than usual at the moment). But trying to reason with [REDACTED], as the public have discovered, is a bit like trying to squeeze a fat pimple with a fairground claw

**Document 4: Facebook post of Councillor Mullone, 24 September 2019**

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**Liam Mullone: NSN Independent**

24 September ·

My report of today's FULL COUNCIL MEETING CLIMATE CHANGE SPECIAL!

As before it is overlong. Feel free to skip. Or ignore. Or just read the swears bits. They're the best bits. Or just watch Netflix.

So today started oddly, and at 9am which is too early for me (I have a smaller carbon footprint when in bed, no?) But councillor Daws was already at Old Fraud House, where he had marched in on the Managing Director to call him a disgrace.

The point of principle: according to the Local Government Act (1972), the public are allowed in to ALL briefings unless there are very good reasons otherwise, such as a reserved or legal matter. This was no such thing – it was an academic from Exeter Uni banging through all the usual tropes and saws on Climate Change. I had wondered, with all this resistance, whether he was going to tell us something jaw-dropping, like how to power a car with discarded yellow briefing papers - but no.

There was no reason for excluding the public except that Shears wanted it. I can but conclude that he just decided to be a dick about it. Of course he eventually came up with 'safety', which is always the last refuge of the fat cat on ice. Nobody wants to argue against 'safety', do they? I'm sure he'd have had 'child protection', 'hedgehog hospitals' and 'preventing racism' if he thought any of these would fly.

But Richard stuck to the principal, trying to get two people into the public gallery. No dice. So that will be cropping up, like a bad smell, at O&S. I hope Mr Shears is available to explain the appalling dangers he managed to forestall by forbidding two people from the public gallery.

So we sat through the briefing, which pointed out that, compared to 1990, we are using almost no energy and producing negligible amounts of Co2. The 1990s were terrible and we should all be very pleased with ourselves for not being like that anymore, even though, let's face it, we were all thinner and we had Nirvana and Ned's Atomic Dustbin instead of Nikki Minaj.

And this slow-cooked vegan loaf of info was served with a side salad of 'there's still a lot to do' and a 'We mustn't be complacent' dressing... all seasoned with carbon capture in depleted oil wells and served on a credulous plate. Councillor Daws asked how reckless oversupply of housing fitted into all this. Our friend just said 'Well there has to be growth, of course!' Does there? For its own sake? Why?

I wanted to raise my concerns about turning every environmental discussion into a CO2 graph-and-crayons exercise like this, but by the time I sort my thoughts out time is generally up because I just don't think that fast. And so it was today.

Full Council kicked off with a prayer in which the vicar hoped we would maintain fortitude in the face of 'the difficult people'. God (I hope) knows who he means. I hope it's us. I seem to recall Jesus saying 'Suffer the little children, the poor and the sick', though, not 'Oh shit here come the difficult people'.

Then the good bit: Public questions. Our friend [REDACTED] from Coach Road asked why there was no consultation about the Devon FC car park and its sugar-coating of promises. [REDACTED] of further down Coach Road was given 15 seconds to read the handout and come up with a supplemental question – a system so unfair that our Tory friend Sarah Parker-Kahn said it was ridiculous.

He had 15 seconds of being-stared-at-by-the-entire-chamber-while-Councillor-Keeling-ground-his-teeth reading time, which must have been very relaxing, after which he asked this question: Why did Phil Shears spend the whole of the hearing last February cosying up to Farmer [REDACTED]? Did this REALLY look 'non-partisan'? The specific question was not, of course, answered but the bush was beaten around to the point that it is now a shrub with a lethal ditch around it, and I hope the public are kept away.

On a similar note I asked why TDC was making Section 106 arrangements with the [REDACTED] for a development THEIR OWN LAWYER argued against. And the main point: The management AND the planning department are out of control.

We're not the only ones who think this. More and more councillors have been whispering their agreements in our ear. However the Lib Dem portfolio holder for planning, Gary Taylor, said 'Oh no no no they're lovely' (or something, sadly only dogs and oceanographic echo-sounding devices can hear Gary these days so I had to guess). We do like Gary but if TDC cannot fix their PA he should bring along a bullhorn.

Of course our thoughts are well enough known by now, and of course saying it does no actual good, but all we can do is repeat it. So we will, over and over: Phil Shears and the heads of the planning department are out of control. They are vandals who are unfit for office and nobody wants them to occupy the office. They need to go. Which Richard Daws reiterated by asking, for the... fifth? Sixth?... time where the 2012 housing figures came from. Of course the question is by now rhetorical: Phil Shears made them up. His answer is always that he's fed up of the question and wants to move on. We'd like to move on too. So, a new question: Why did you make up the housing figures, Phil?

Then came the main event. The hot, unsustainably boiled potato of climate change. I'm not even sure how to report on this anymore. Just the thought of paraphrasing it makes me want to take up opium, or start midday drinking, or drive my awful diesel car over an eroding cliff.

We are getting a lot of 'SURELY you must agree with us...' and 'How can you not want to do this...' every time there's something we don't like in principle but it has triple glazing and a windmill. We have been reluctant to get into the nitty gritty of zero-carbon homes and sustainable warehousing and carbon-neutral office space because it obscures a very simple truth: We don't want ANYTHING built where it isn't absolutely necessary, and where it is necessary we want it to be affordable and sustainable. But affordability and sustainability are mitigations to the sad necessity of building it. They are not reasons to build it.

And that's our problem with the whole approach, the only approach the council understands: How do we GROW ourselves out of the climate change emergency? How do we DEVELOP a greener future? How can we BUILD beauty in the world with our planning department and our rapacious catalogue of developers? Well, we can't. We need to stop. Stop building. Stop growing. Stop adding 'employment opportunities', 'retail hubs', 'live-work garden towns', 'resident value'. You're just building a bigger bonfire and then drawing a pretty graph that tells everyone you did a good thing.

When developers can throw up a jerrybuilt favela and say it's carbon neutral, or even 'an environmental net gain' then by logical deduction the more concrete we pour the more bright and beautiful our world. But we just cannot get anyone to understand this equation: Climate Emergency = Stop.

It is hard to engage with an argument that is just CO<sub>2</sub>, CO<sub>2</sub>, CO<sub>2</sub> as we were expected to today. CO<sub>2</sub> is an indicator and a factor in climate change but it is not the whole picture. Twenty years ago we spoke of pollution, loss of habitat, extinction, biodiversity and the public amenity of beautiful places. We have to return to discussing these real things, not just the reductionist nonsense of turning everything we do into a CO<sub>2</sub> calculation that we can bang on the anvil of whatever point we want to make. We can't hide behind graphs. Because of this cyclops approach to CO<sub>2</sub> a lot of people think it's a poison. But without it we'd have no coral reefs. Insufficient CO<sub>2</sub> was the main feature of the Pleistocene Ice Age, when the frozen oceans sucked up all the carbon dioxide and so the forests died, levelling the world's human population to 100,000. But many talk about carbon dioxide as if it requires eradication.

Just to make sure we had a handle on our own futility, Conservative Sylvia Russell commented that just one volcano would cancel out anything nice we tried to do anyway, and we should all stop eating Flora. I have no idea what she means by that, but I've filed it alongside her equally entertaining 'Dogs kill horses' speech from a year ago.

And so to Act 4: the portfolio holder for climate change, Ms Jackie Hook, who told us (in case we missed it) that she was in Extinction Rebellion and that they operated a no-blame culture to remove the 'toxic arguments' such as we'd been having today. We assumed she was referring to us. Also they didn't want people getting tied up on 'single issues' but 'the big picture'. Again, I think that was us. She kept quoting Greta Thunberg. What it added up to, more or less, was 'Greta says you have to stop having a go at me'.

She then told us to go to London and lie down in a road. This is funny because the first two applications we were asked to pass in office, with Jackie's commendation, were both new roads. Can we not lie down in those? A trip to London seems like an unnecessary journey when we have brand new roads right here, Jackie.

I don't think anyone truly knows the enigmatic engine that makes Ms Thunberg tick, but I doubt she would appreciate having her message turned on its head so that fighting your own corner, with every breath you have, equals toxic, blame-culture selfishness. We fight on single issues because they are manageable and we believe we are equal to them. The Bigger Picture is impervious. You can throw all the tears and nostrums and electric car charging points you like at it but it isn't going to budge. And I think that's why we are told to fight the bigger picture; because it will take all our energy and give us nothing.

Fuck the bigger picture. We are fighting NA3.

So once again we're at the same old question: Has the Executive torn up the monstrous Local Plan yet? Are they ready to cancel a plan that will wipe out an irreplaceable green amenity, and desecrate Wolborough Fen, which contains at least three species not known to exist ANYWHERE ELSE on earth? No, well you're not fighting climate change then are you? As ██████████ said, "If you can't do anything about climate change in Newton Abbot then I think the world might be a stretch".

**Document 5: Facebook post of Councillor Mullone, 28 September 2019**

**Liam Mullone: NSN Independent**

28 September ·

A council planning department tries to get stuff built before the elected representatives know about it? WHAT A SURPRISE. 'We didn't want the issue to get sidetracked' sounds scarily like something our own Ros Eastman would say.



**Document 6: Facebook post of Councillor Mullone, 4 October 2019**

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**Liam Mullone: NSN Independent**

4 October ·

I try to make this stuff amusing so that people will read it. But let's face it, it's always the same: we said this, they said that; that it's a heinous moral crime that any normal human being would feel ashamed of perpetrating and aren't these people just beyond contempt? Or beyond parody? Well there's the rub. We've run out of parody, but the plan for NA3 rumbles on.

So to alter the mood music, I'll report last night's 'Wolborough Options' presentation/workshop not as if TDC officers are planning to desecrate a massive area of pristine rolling hill and fenland, as I usually do, but as if they're planning to beat up your gran. It's similarly criminal but evokes a different emotive response. It'll be fun.

If your gran is dead, don't worry. This still applies to you. She can be dug up under 'reserved matters'. We are at an early planning stage with this gran-beating and at this point no idea is a bad idea. Similarly we don't want to get hung up on issues like mortality, incineration or internment which can be sorted out when Granning Permission is finally gran-ted.

Now read on...

Slowly, the room filled up with the many local people who had an 'interest' in beating up your gran. Some were surprised by the offerings of cake. Not just cake, but massive chunks of cake, and good cake too, cut into massive eighths. "This is just like my gran used to make," said one local resident, stifling a tear. "Before the council got her."

Michelle began her presentation. She told us that a lot of work had gone into beating up your gran. She understands that beating up your gran will present some challenges, such as catching her unawares after bingo and minimising the heroic impulses of passers-by. There's also the chance she may be quite handy swinging a zimmer in her own defence. But there are many benefits to beating up your gran which you surely must begin to appreciate. For one thing, she is so close to town. Also she is really close to town. Then there is the money the council will get for doing her over and selling her pearls on Ebay. Also she is so close to town that she's just asking for it, really. I mean, just look at her, sitting there all close to town. She's got it coming.

At this point 'preliminary questions' were invited, and it soon became apparent that the main question in the room was 'Why are we beating up an innocent woman?', 'Surely attacking elderly ladies is wrong?' 'This lady fought a war for us' and 'Are you aware there's an Elderly Care Emergency?' Michelle rolled her eyes and told us all very sternly that she fully appreciated that SOME people were, for whatever obtuse reason, opposed to geriatric violence in principle, but these principles were not our business today.



Perhaps, if some insanity intervened on the Local Gran, then your gran wouldn't get beaten up. But then we would need to beat up some other gran, so what good was that, really? "But haven't we beaten up enough grans?" asked a man from the WRA.

"We have bashed out our full quota for now," Michelle replied. "But we work to a five-year gran. And in five years time we'll be granless if more grans can't be identified. We really need to get stuck into this gran by 2021, otherwise we'll miss our chance."

Michelle then moved onto the diagrams. These divided your gran up into three sections, and each of those sections had a variety of things that could be done to it. "Here's area 1," said Michelle. "Also known as the face and neck. Do we start with a swift upper cut to the chin, or shall we go in with a bit of happy slapping and name calling? Option three is a punch to the windpipe which will make the whole project less expensive in terms of the energy we have to expend on it."

"But all these ideas are just appalling," Said a man from the Campaign to Protect Rural Grannies. "Why are we even having to discuss this? Why are we not talking about how to get her grandkids round and give her a nice cup of tea and show her how to send an email?"

The Lib Dem Portfolio Holder for Superannuated Malice suggested that if we were to just do over her right foot and ankle – like, fire a rocket-propelled grenade at it, or hit it with a sledgehammer – then perhaps we could leave the rest of her alone? Michelle shook her head. "We have expert advice on how beating up this gran fits in with the other grans lying dead and dying around the area. To achieve an effect that fits in with the deadgranscape you really need to pummel the gran evenly all over."

Sensing the dejection, defeat and sorrow in the room, Michelle said "This is YOUR chance to say exactly how this gran is going to be beaten up. You're welcome not to take part, of course, but you may feel later, when the gran is beaten up in the worst possible way our officers can devise, that maybe you should have contributed."

Slowly, painfully, like broken donkeys pulling wagons full of tractor parts in a Brooke's advert, the people began to mutter some questions. This was now officially a 'consultation' and we were ALL implicated in its outcome. [REDACTED] Biscuits, who has a trophy cupboard full of Gran-Bashing Awards, costume jewellery brooches, medals made from requisitioned doillies and, of course, biscuits, left the room satiated. "What about the cats?" asked someone, weakly. "What will we do about her endangered cats?"

"We have a cat expert here," said Michelle.

"Yes!" said the council's cat expert, standing up so quickly that her cowl fell off. "The cats will be taken care of. Don't worry! THEY WILL BE TAKEN CARE OF."

**Document 7: Comment by [REDACTED] on Councillor Mullone's Facebook post of 4 October 2019**

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02-UK [signal] [Wi-Fi] [mobile data] [battery] 95% 10:30

Write a reply... Reply

**Berta Hext**  
Cleverly written. Sadly hilarious. 😂😞👍 2  
1 mo Like Reply More

**Jamie Powell**  
DON'T YOU HAVE A SOUL, MICHELLE?  
1 mo Like Reply More

**Emily Putnam**  
I assume the council have cottoned on to the fact that HTB is only available to home movers until April 2021. After that these sprawling developments won't be financially viable to the developers themselves. Houses will have to be priced no more than £341k and to 1st time buyers for that to be utilised. SO, unless they have their plan approved, agreed, signed in triplicate - it ain't going to work. She says optimistically....  
1 mo Like Reply More

**Document 8: Comment by [REDACTED] on Councillor Mullone's Facebook post of 4 October 2019**

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23

13 Shares



Write a comment...

Post



**Edith Moss**

Marvellous, very emotive, well done. I take it they know cling film doesn't biodegrade? Hope the cake chokes them.



1 mo Like Reply More



**Emily Putnam**

I don't think I understand. You seemed to be discussing how to make NA3 work. I thought we were hoping the council had got the message the entire Local Plan needs to be looked at before the bits within it... or did I get lost?

1 mo Like Reply More

**Document 9: Comment by [REDACTED] on Councillor Mullone's Facebook post of 4 October 2019**

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**Emily Putnam** Liam Mullone: NSN Independent they are systematically ruining this town. Whoever came up with this local effing plan should be shot. Anyway back to marching, or similar - if the 16 year olds can do it, surely we can muster something. How many votes did all NSN candidates get between you - surely more than 300? Planned with a bit of notice we should be able to gather. It absolutely matters and we must be running out of time. Will we regret it if we don't at least try? Less fond of not paying council tax just because we'll all end up with poor credit files which won't help much with our mortgages etc.

Like · Reply · Message · 1w



**Document 10: Facebook post of Councillor Mullone, 16 October 2019**

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**Liam Mullone: NSN Independent**

16 October at 14:15 ·

TDC: THREATENED BY ITS OWN PEOPLE (CAKEGATE!)

Ever since NSN started we've been lied about, misinformed against and threatened with the Police. When we started the website emails started arriving from those we'd featured on the 'rogues gallery' page threatening police action. The Police didn't take any. When that didn't work, [REDACTED] and co went to the Mid Devon Advertiser and got a front-page story about how awful we are. It won us the election.

In the run-up to that election, the then College Ward Councillor [REDACTED] posted comments on the NSN Facebook page saying what she thought of us. I replied that she could say what she liked but she'd soon be out of office. She wrote "Is that a threat?" I wasn't sure what sort of threat she thought it was. The threat of democracy? Anyway she called the police. The Police ignored her.

Throughout our election campaign we had the Police attaché to the election calling us up, sounding increasingly weary, because he had to. We couldn't put up a single poster without someone claiming that it broke the rules of the electoral commission. Was any action against us ever taken? Of course not. Oh, and we got in by landslide amounts.

So here we are again. A shadowy cabal of Liberal Democrat councillors are putting together a committee to investigate Newton Says No and its 'online activities' (apparently). And they're involving (scary organ music) ... the Police! Yes! More of your taxpayer-funded police man hours will be drawn away from preventing burglary, stabbings and suicide and devoted to staring uncomprehendingly at our Facebook page, sipping tea and shrugging.

So what are these threatening missives, that curdle the blood and damn us as the gang of terrorists we are? They are two comments on my Facebook page, made by people I've never met. The first was in response to a satirical piece I wrote about a meeting on how to develop Wolborough Hill, at which I commented that, awful as it was, there was a lot of nice cake. I took a picture of the cake. someone called Edith said that she hoped they choke on their cake.

The second, which I REALLY had to search for, was made by someone called Emily and says "Whoever came up with this effing plan should be shot".

Notice how Emily even took care to write the word 'effing', so concerned was she about causing any offence to anyone who might read it. She then goes on to say that she would rather we do a march than withhold council tax because, not unreasonably, she doesn't want to get into too much trouble.

That's the class of thuggishness and villainy we're dealing with here. These are two of the people we're apparently working up into a pitchfork mob.

Captain Hook says it's nothing to do with him. We believe him because, as much as he may dislike us, Gordon is a man of some principle and would not have the discourtesy to go to the press without telling us. According to ██████ at the MDA it is 'a group of Lib Dems, possibly on behalf of council officers'.

Now I know what a threatening comment is, and if I saw one it wouldn't last two seconds on my page. But these are just people calmly expressing anger and frustration. Frustration with the people who sit in offices planning the ruination of their environment and of this corner of a despoiled, burning planet. Why shouldn't they? The inability of these people to deal maturely with the fact that somebody, somewhere, doesn't like them is I suppose part of this age of professional victimhood. But there's a darker side to all this.

They want the police to make us take down any criticism, no matter how minor. Not just our own words but comments by anyone who contributes to our pages. They will want us to delete anything that expresses anger at the council and its officers, for fear of getting in trouble. They want us cut off from the caucus of people who voted for us and for whom we promised to work.

They want to make it impossible for us to criticise this council, because that will be SO much easier than actually listening to people. So much easier than steering the bulldozers away from a site of special scientific interest with an ancient water course and critically endangered species. And as ever, nobody wants to feel threatened by consensus. So they pretend it's a different kind of threat; a threat that will win some sympathy. They pretend it's a threat against the person, which they implicate us in. It's diabolical.

We imagine that this complaint will be fobbed off like all the other attempts to use the police to intimidate us. It would be nice if someone could be arrested for wasting police time. But maybe – depending on who is 'friendly' with who, and who might be in the Masons – we will get the machinery of the State cracking down on us like a sledgehammer on a piece of very nice, clingfilmed cake.

Whatever happens, we'll carry on. And we'll tell you exactly what we're doing, and what we've said, as we always have - rather than sneak around in the shadows feeding nothing-stories to the press. You know, like people with something to hide might do.

**Document 11: Extract from article in Peoples Republic of South Devon,  
21 October 2019**

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## **Cakegate shakes Teignbridge as controversial plans continue**

MONDAY, OCTOBER 21, 2019 BY PRSD

*The mess at Teignbridge Council doesn't seem to have been cleared up by kicking out the Tories. It seems planning problems and personal attacks, AKA Cakegate, are the order of the day. Newton Says No councillor Liam Mullone got in touch with a response to the latest doings.*

*We don't think Liam has a fast-track to the front page of the local Teignbridge paper, so here are his words, which he tells us you can also find on his Facebook page. But be warned, there's a real rant against the Lib Dems in here.*

*Here's Liam...*

### **Lib Dems...**

I can confirm from my experience, and I've had a lot of it now, that politically speaking the Liberal Democrats are some of the most weaselly, deceptive, unprincipled, narcissistic and morally suspect people on earth. I would urge you not to trust them with a fiver, much less the environment, and still less governorship of this country no matter how much 'Bollocks to Brexit' may chime with you. They literally care about nothing, and stand for nothing, other than themselves and their own self-aggrandisement. Never vote for them, on any level, in any kind of election.

**Document 12: Facebook post of Councillor Mullone, 22 October 2019**

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CAKEGATE EXTRA:

1. The reporter [REDACTED] from the Mid Devon Advertiser has texted me saying he was only reporting what he was told and it wasn't biased because he would report anything I wanted to tell him with similar disregard to process. How comforting it is to know that we're safeguarded by such journalistic integrity and professionalism!
2. To show just how much it stands by its story, the Mid Devon Advertiser has removed the article about NSN 'threatening' the officers from its website.
3. The Editor [REDACTED] says she wasn't there when it went to print and never saw it.
4. Gordon Hook insists he knew nothing about it, despite the fact that Jackie Hook had discussed the article on this FB page BEFORE IT WAS PUBLISHED.
5. Other senior Lib Dems have written to us insisting that it wasn't the Lib Dems at all but 'possibly others' at Forde House. Well, that only leaves the officers. So was it the officers? You know, those dear little cherubs who 'can't answer back'?

And today, while we are talking to lawyers and are hopefully feeling suitably chastened and intimidated into not saying ANYTHING an officer wouldn't like, our lovely fluffy planning officers have put an amendment through planning asking them to remove two of the four objections to PCL's diabolical plans for Wolborough Hill NA3, to weaken it up in time for their appeal in January. And they've shoved it in at the last minute, while everyone is on half term holiday with their kids, because they are lovely and sweet and just doing their jobs.

We have been asked to remember that the officers are 'not political', and indeed there is nothing more unpolitical than lending a friendly, helping hand to a developer that TDC and the taxpayer have spent thousands fighting off. So well done, lovely wonderful planning officers. May a thousand blessings be heaped at your heavenly doorway and may flights of angels accompany you to Wetherspoons after work.

We would sing your praises, if only we were allowed to name you, but we're not. So well done, those who cannot be named. We'll just call you Voldemort 1, Voldemort 2, Voldemort 3 and ...ESPECIALLY YOU, Voldemort 4 - you really knocked it out the park like the big sparkly unicorn you are. THANK YOU OFFICERS. You really went the extra mile today in just doing your jobs.

Note: Please keep comments to stuff like 'oh botheration' and 'yes they are just doing their jobs'. And be aware that I can't like your comments as, under the terms of the Cake Act, this would make me a bully who likes to threaten people.



**Document 13: Facebook post of Councillor Mullone, 29 October 2019**

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WHAT THE HOOK JUST HAPPENED

Just the highlights from today... the TDC planning officers were turned down on all four of their requests to have objections removed / discretionary powers handed over to them.

Good turnout from the public. THANK YOU guys.

Councillors Bradford and Patch made sure that the votes were recorded, so that nobody could be in any doubt that the public would know which way they'd gone.

The votes were unanimous or close to. The contrarians were usually Mike Haines (Ind) and Phil Bullivant (Con). And, bloody hell, Jackie Hook ... who voted for the officers on the first reason. Yup, our Climate Change Chief and Extinction Rebel wanted to hand control of protecting the South Hams SAC over to the planning department and Ros Eastman. Thank all that's holy the Fantastic Ms Fox did not get the keys to the henhouse today.

Also, Jackie thinks we're pricks, apparently. She's spot on as usual.

(Note: There was a 'let's swear at Liam' competition here earlier but it occurred to me that some people might swear at other people, so let's cancel that before we're all in the paper / in trouble with the pretend police again)...



**Document 14: Record of interview with Phil Shears, 28 November 2019**

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1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. I outlined the various incidents that had been drawn to my attention and we agreed which ones were directly relevant to you.
3. You said the period of concern about the conduct of Councillors Daws and Mullone started when they were elected. Before the election, the Newton Says No campaign had been directed against officers – it was trying to discredit you and [REDACTED].
4. The NSN website was still present. Its home page states that, since the election of three NSN councillors, the functionality of the site has been suspended. It goes on to say: *Our objective remains the same: the Local Plan must be revised. And by revised we mean hung, drawn, quartered, torn apart by horses; its head put on a spike outside Asda and the remains thrown into a plague pit with the careers of the people who devised it.*
5. So the campaign had said and continued to say that it was there to bring you and your team down. The current first page had been written since the election. You believed the website was run and written by Councillors Mullone and Daws.
6. You pointed out that, although the website was said to be non-functional, all that had happened was that the tabs had been blacked out. Its content was all still present and could be accessed.
7. The section that was particularly offensive to you and [REDACTED] was the 'Rogues Gallery'. You demonstrated how this could easily be accessed.
8. The section on [REDACTED] was critical, insulting and offensive. It was damaging to his professional reputation.
9. The section on you was similarly insulting and offensive and included a picture of [REDACTED] who was named and included in a demeaning joke. There was also criticism of you as the Returning Officer which was obviously written after the election.
10. You told me there had been a series of allegations that you had 'cooked up' the housing numbers with the planners. This had arisen from a statement in the press that you made in 2012 about predicted population levels. You had an email exchange with Councillor Daws which showed he failed to understand the model.

11. The latest was the email of 18 June 2019 which made the allegation of misfeasance in public office.
12. You said you had never said anything offensive or discourteous against any of the three NSN members.
13. The attacks had resulted in a stressful time for the officers concerned. They were not being trusted to carry out their jobs. Councillor Daws had suggested that officers were in the pockets of developers, or in some way benefiting from them.
14. You told me about the Climate Change Briefing. You and the Leader had attended a presentation by [REDACTED] of the South West Energy Efficiency Group. You had suggested that this would be valuable for the councillors to hear.
15. A briefing for members had been arranged, with a lead in of about six weeks. It was to be held before a Council meeting. But it was separate from this and was not a formal Council meeting. Everybody had known about the arrangements
16. After the agenda had come out, Councillor Daws sent in an email asking why the briefing was behind closed doors. You hadn't been involved in that; it was within the Monitoring Officer's remit. They didn't accept the legal advice on the status of the briefing. The matter escalated over the weekend to a discussion between Councillor Daws and the Leader. The Leader then said that he thought it should be a public meeting.
17. You pointed out that the meeting hadn't been advertised as public meeting and so there wouldn't be fair access to all members of the public. Moreover, it wasn't the Leader's meeting; it was the Chair's. The Chair agreed that it should be a non-public members' briefing. So you had said no having been advised by the Monitoring Officer and Solicitor.
18. At 8.55am on the day of the briefing, you were having a meeting with Councillor Connett. Through your door, you saw Councillor Daws march in and stand by your door. You said to Councillor Connett that you had to speak to him. You invited Councillor Daws in. He argued that there should be public access to the Briefing Meeting.
19. You referred to the notes that you had made at the time. You had pointed to the email Councillor Daws had received from the Deputy Monitoring Officer. He claimed you had no right to stop public access. He said you were *on thin ice trying to run the Council and limit democratic processes*.
20. You believed the reference to thin ice was not about the Briefing Meeting but about your job and your involvement in running the Council.

21. You had suggested that he saw the Deputy Monitoring Officer for her to explain the reasons for the decision. He reiterated that you were on thin ice and said you were running the Council in an undemocratic fashion. He said you had no remit to restrict public access.
22. You explained the requirements of the Local Government Act 1972 but he wouldn't accept that. He continued to argue and you then asked him to leave your office.
23. You then saw a woman who you didn't recognise marching down the office. She was intercepted by your PA and the Comms Manager. She argued with the staff. It transpired that Councillor Daws had brought [REDACTED] and [REDACTED] in through the side entrance. The woman was [REDACTED], a member of the public active in the NSN campaign.
24. Councillor Daws had no right to bring these people into the building. He had brought them in through a side door and up through the building, avoiding reception staff. He had directed [REDACTED] to your office, indicating that it was you she should protest to. You pointed out to me the implications and risks of such a security breach.
25. You understood that, after the meeting, she again demanded a meeting with you as she had been directed by Councillor Daws.
26. You believed that the episode had been planned, with Councillor Daws knowing what would happen.
27. Subsequent Facebook posts from Councillor Mullone and Councillor Daws referred to the mismanagement of the Council and to management being out of control. Councillor Mullone's post of 24 September included; *Phil Shears and the heads of the planning department are out of control. They are vandals who are unfit for office and nobody wants them to occupy the office. They need to go.*
28. You confirmed that you hadn't attended the Wolborough Workshop. You had been on hand if required.
29. Councillor Mullone's posts following the Workshop were of concern. He had defended a comment saying that; *Whoever came up with this effing plan should be shot.*
30. You confirmed that members had received training on the Code of Conduct following the May election. This had been detailed and provided by an external expert. The Member/Officer Protocol had also been covered. You believed Councillors Daws and Mullone were aware of the requirements for their conduct.

31. You said that the officers concerned had been personally affected by the conduct of the two councillors. Two of the officers live in the area of the Wolborough site and worry about the potential consequences of being named whilst being criticised and insulted.
32. You felt that the continuation of the harassment and stress on officers who were properly doing their job was not acceptable. You had a duty to staff, both morally and legally, to protect their conditions of work.

Sent to witness for confirmation	11 December 2019
Agreed by witness as an accurate record	11 December 2019

**Document 15: Record of interview with Michelle Luscombe,  
28 November 2019**

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1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You told me that the Wolborough site was included in the Teignbridge Local Plan, adopted in May 2014. It provided for mixed development, including 1500 houses. The Plan had gone through Public Examination and had been found sound. It had also been subject to a legal challenge which had been quashed.
3. Since the Plan's adoption, work was proceeding to prepare framework plans for the strategic development sites, including Wolborough.
4. The land was allocated for housing. The site itself could not be revoked, only the entire Local Plan. This would leave the District completely open to unplanned development and the site could then come forward in any case. There was an appeal against the non determination of a planning application underway.
5. The purpose of the Wolborough Options meeting was to engage with the interested parties to consider the different approaches to the layout of the development. The Newton Says No group wanted the whole site taken away.
6. We considered the various incidents of conduct that had been raised.

*Email, 18 June 2019*

7. You said this concerned the housing numbers and methodology used for the 2014 Local Plan. You felt therefore that the criticism in it was principally directed at Phil Shears and [REDACTED].

*Security Breach*

8. You hadn't been involved in this but you understood it was in connection with the Climate Change Briefing. It was because of this that you had asked for security for the Wolborough Options Workshop.

*Wolborough Options Workshop*

9. You confirmed that the event was open to the Residents Association, the Parish Council and local members (ie the NSN Group). Councillor Daws and the three people with him were therefore all entitled to attend. Signs had been put up to direct people in but Councillor Daws and his party had not followed them.

10. The meeting itself had been difficult. There was an atmosphere of anger and an unwillingness to engage in the process. There was a fundamental difference over the basis for the meeting, despite the Parish Council and the Residents' Association wanting a DPD to be prepared.

11. Councillor Daws had raised a few questions in the meeting; Councillor Mullone hadn't spoken. They hadn't been rude or disrespectful.

*Councillor Mullone post, 4 October - 'Satirical Review'*

12. You said it was the questioning of your morals that concerned you most (eg *it's a heinous moral crime that any normal human being would feel ashamed of perpetrating and aren't these people just beyond contempt?*). Your job concerned regulating the use of land in the public interest. You were not carrying out a crime and should not be ashamed of what you did.

13. The language in the post was aggressive, violent and inflammatory. The metaphor was of beating up a gran, with slapping, punching and death.

14. You were mentioned by name in the post. You took those criticisms personally and deeply. It was upsetting. You had not felt able to share the issue with some of your family because they would worry about the work you were doing.

15. You found it odd that Councillor Mullone had never engaged with you individually. He didn't say a thing in the meeting. It was more disconcerting that someone was sitting watching you and then went away to write that about you.

16. The post attracted follow up comments, including; *Don't you have a soul, Michelle?* and; *Hope the cake chokes them.* You were concerned with what the posts were inciting. You doubted if such comments would have been made without the lead given by the post. You pointed out that the comments were made on Councillor Mullone's Facebook page. If he didn't agree with them he could correct or delete them.

17. Shortly afterwards, there had been offensive graffiti made at the land in question. You lived in Teignbridge and such behaviour scared you.

*Councillor Mullone post, 16 October*

18. This seemed to be defending or trying to justify the previous post. There were no particular comments of concern.

- Councillor Daws email to you and the Local Plan Working Group*
19. You told me this had been raised at the Working Group by other councillors, saying that the language used was unacceptable. You didn't see it as personal to you but it did aim at officers rather than the Council as a whole. It was another part of a sustained attack about the same issues. The questions had been answered time and time again. You didn't expect to receive that sort of communication from a member.
20. You said that your team had been affected by the continuing attack on what they were doing. You were used to dealing with objections and challenges – that was part of the job. But the way in which this was being done was unpleasant and unnecessary. If they wanted things to change, they should engage with the process in the right way.

Sent to witness for confirmation	16 December 2019
Agreed by witness as an accurate record	16 December 2019



**Document 16: Record of interview with Ros Eastman, 28 November 2019**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You told me that neither Councillor Daws nor Councillor Mullone was on the Planning Committee.
3. They seemed to hold the view that everything you did was done in a corrupt manner and that planning was done entirely behind closed doors. This theme ran through everything they posted on social media.
4. You agreed that the councillors were targeting officers rather than the decisions of the Council. There were two specific occasions when you had been mentioned by name.
5. The first was unprompted by anything that you had said or done. Councillor Mullone shared on Facebook a link to a newspaper story from the South Hams where a planning officer had given advice in relation to an outline proposal. The advice had been not to include the detail of house types. Such detail could change at later stages and therefore submitting it at outline stage could be misleading.
6. Councillor Mullone had added the comment that this sort of behaviour *sounds scarily like something our own Ros Eastman would say* (28 September).
7. The second was after the Planning Committee on 29 October. You had asked for delegated authority concerning defending the second Wolborough appeal. Councillor Mullone posted a report of the meeting. He referred to you as the fantastic Ms Fox, commenting; *thank all that is holy that the fantastic Ms Fox did not get the keys to the henhouse*. The implication was that you could not be trusted in the matter. This undermined your position corporately and with the public.
8. You found it frustrating that this level of discourse spread out and other groups were now behaving in the same way. It set an example that others followed. You referred to a group in Chudleigh. It impacted on the morale of your team.
9. You said you fully expected challenge and robust debate but you were concerned at the personal references to you by name.
10. You understood that members were aware of the Member/Officer Protocol. It had been included in the induction programme for new members.

11. Both of these incidents had come from Councillor Mullone. There had been nothing from Councillor Daws directed particularly at you.

Sent to witness for confirmation	11 December 2019
Agreed by witness as an accurate record	11 December 2019

**Document 17: Record of interview with Councillor Gordon Hook and Councillor Jackie Hook, 28 November 2019**

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1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. GH said that, as both the Leader and a member of the Council, he had two concerns with the conduct of Councillor Daws and Councillor Mullone. The first was the image and reputation of the Council. He was concerned over inaccuracies in their statements and with the language they used in public. The second was the clear negative impact that their comments in the Council and on Facebook were having on officers.
3. He referred to a Council meeting which had been reported on by NSN councillors. He came in the next day and observed in the Planning Department that an intense officer meeting was going on about what had happened in the Council meeting. Despite their denials, they were clearly very upset about what had been said. One officer had subsequently met with him about their concerns.
4. JH said that all members had received training on the Code of Conduct and the Member/Officer Protocol. Councillor Mullone had mentioned the Protocol in his statements so was clearly aware of it.
5. JH gave an example of personalised comments about the MD on social media. She pointed to Councillor Mullone's post on 24 September commenting on the Climate Change Briefing. She identified a number of phrases of concern.
6. GH referred to the Rogues Galley on the NSN website which he pointed out was still freely available.
7. JH provided the text of Councillor Mullone's Facebook post of 4 October on the Wolborough Options Workshop.
8. JH provided a quotation of Councillor Mullone in the PRSD of 21 October. This described Liberal Democrats from his experience.
9. JH provided the text of a post of Councillor Mullone of 22 October, referring to 'lovely fluffy planning officers' and 'Voldemort's'. She thought this must have been after he been told he shouldn't criticise officers personally. But although ironic, it was still criticising officers.

10. GH confirmed that the Climate Change Briefing was organised well in advance, programmed at 9am, before the Council meeting at 10am. In the week before, he had been supportive of it being a public event. The MD had rejected that. The matter was then taken up in emails over the weekend but the ruling continued to be no.
11. GH said that Councillor Daws had put his head round his door sometime before 9am on the Tuesday. But neither GH nor JH had any direct knowledge of Councillor Daws' visit to the MD's office that morning.
12. JH had attended the Wolborough Options Workshop. She didn't have any particular concerns about what went on in the Workshop itself.
13. Referring to Councillor Mullone's 'satirical review' of the Workshop, JH commented that it would be very offensive to the person it was aimed at. She said a lot of people would know who Michelle was. GH said that he knew Michelle had been very upset and indeed frightened.
14. GH commented that the NSN councillors were not great engagers. Their Group was not represented at the latest Leaders' meeting and they didn't turn up and speak to their recent call in request.
15. JH said they had asked her questions about planning and she had pointed out that they were District Councillors now and could make enquiries for themselves. She thought they were very poor at engaging in a proper constructive way with officers.
16. GH emphasised that the issues for Standards were their portrayal of the Council in the public domain and their behaviour in some meetings. He thought the comments made on social media had undermined the Council's reputation. He had observed Councillor Mullone swearing while speaking as a councillor at the AGM of the Wolborough Residents Association. Two couples had approached him after the meeting to complain about Councillor Mullone's language.
17. JH thought there was a link between the posts being made and the comments they attracted from others. The posts fed and multiplied dissatisfaction with the Council. Some of the comments added were clearly incorrect but Councillor Mullone in particular didn't take the opportunity to correct them.

Sent to witness for confirmation	11 December 2019
Agreed by witness as an accurate record	11 December 2019

**Document 18: Record of interview with Councillor Richard Daws  
17 December 2019**

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Councillor Liam Mullone accompanied Councillor Daws throughout.

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You confirmed you were elected on 2 May 2019. You had not been a councillor before. You had attended the Council's induction training and the Code of Conduct had been covered. You had no recollection of the Member/Officer Protocol being covered.
3. You were the Deputy Leader of the NSN Group on the Council. You were a member of the Overview and Scrutiny Committee and a reserve member for the Planning Committee.
4. I asked you when the NSN campaign group was formed. You said you had been a member of the Wolborough Residents' Association since you moved to the area. As such, you had been involved in the issue of NA3. You felt their campaigning was not being effective so you took a different approach. A small number of people came up with a name, and a Facebook page and the website were launched. You told me the YouTube videos would show when this was (November 2018).
5. You described yourself as one of the catalysts of a loose group of people. There were some 2,600 supporters on the Facebook page – more than for any political party in the District. You said NSN had taken up the campaign that had been fought by Abbotskerswell Parish Council and the Wolborough Residents' Association. There was no legal structure to the group; it didn't manage people and there was no co-ordination. There were a number of people who put their time and effort into perpetuating the arguments of WRA and APC.
6. You said there were no titles for those involved in the group. You put your time and effort into supporting the arguments of WRA and APC.
7. You said the content of the website was written by a number of people. You didn't believe any changes were made after the day of the election. When you were councillors, you had been invited to a meeting with the Leader and Deputy Leader of the Council. They had said they were worried about the website. You had agreed for the website to have its functionality removed.

8. Prior to your election, your voice was at public meetings and affecting planning decisions. After the election, your voice was as a councillor. You continued to do things like putting your views forward on Facebook and to the media. You had set up a councillor Facebook page so there was delineation from your private life. This was headed; Richard Daws Teignbridge District Council Ambrook Ward.
9. You said you didn't know who wrote the Notice put on the website. You acknowledged that Councillor Mullone had said he wrote it. I asked you whose careers were being referred to in the Notice. You said you didn't know because you hadn't written it. You had no view on whether the notice was respectful to those it referred to. You thought it was talking about the Conservative Executive.
10. You acknowledged that the Rogues gallery was still accessible. You said that, in good faith, you had hoped that the navigation had been disabled. You hadn't had a complaint about the site since the meeting with the Leader.
11. You didn't know whether the Rogues Gallery had been changed since the election; you didn't think so. You pointed out that the boundary changes had caused a furore on election day. As candidates, you hadn't been given the correct information about Wards.
12. You thought that the reference; *He's the Returning Officer, so we suppose ultimately responsible for the boundary fiasco of the May 2 election* was probably changed on the day of the election, but you didn't know. You said you didn't know who wrote the Rogues Gallery section on Phil Shears.
13. You told me that APC and WRA had been contesting the housing numbers used in the Local Plan since 2010. They had put forward a methodology and reasoning to support a lower housing number. They had consistently asked for the basis of the numbers used but it had never been explained. As an elected councillor, you had tried to get an answer to this long standing question.
14. You acknowledged that Phil Shears had given you an explanation; you were currently digesting this. You thought the figures had been inflated on a political basis.
15. I asked you why, in your email to Phil Shears of 18 June, you had said that the actions to defend the figures without addressing reasoned concerns were tantamount to misfeasance in public office. You said that was because it had taken seven years to even get into a conversation about it. You thought that an independent statistician would not have come up with the inflated figures that Teignbridge had chosen to go with.

16. You told me that a week before the Climate Change Briefing, you had put in a request for the meeting to be open to the public. You said you didn't know about the arrangements that had been made for the meeting about six weeks before.
17. You hadn't got any sensible answer from Phil Shears. You had approached the Leader of the Council and he had agreed that it should be a public meeting. He said you had the full backing of the Executive.
18. You acknowledged that you had been advised by a legal officer that the provisions of the Local Government Act 1972 didn't apply to the Briefing but you didn't accept that. You also thought the meeting should be subject to the local transparency guidance.
19. You said that on the Monday, you did not have clarity on the issue. The Leader had told you he was doing everything he could to get the meeting open to the public.
20. You told me that on the morning of the briefing, you came in to the building. You met two people at the front door - your wife and [REDACTED]. She had asked you if the Briefing was open to the public. You had suggested going in to see what the situation was. The door to the reception area was locked so the three of you went in through the Riverside entrance. You acknowledged that you had brought the other two through the secure door with your pass.
21. You had reached the public gallery and found it was locked. You had asked the other two to wait there. You said you would go and find out if it had been concluded that the Briefing would be open to the public. You came down to the entrance to the Chief Executive's corridor. Your pass didn't open that door so you waited for someone to let you through. You had walked in after someone.
22. You weren't sure whether members were permitted access to that corridor. You said you saw members in there all the time. You felt that, as an elected member, you had the ability to go and knock on the door of the Managing Director.
23. You said that Phil Shears was standing in his office with Alan Connett. You knocked on the door and he waved you in. You said you were there to check if the Climate change Briefing was open to the public. He said no. He suggested you talked to Sarah Selway about that. You had agreed that you had had an email saying it wasn't open to the public.

24. Your contention was that the position was in breach of the 1972 Act. He said no we're not. At that point you said; *be careful Phil, because I think you are skating on thin ice*. You had meant that he shouldn't be breaking the 1972 Act. He should be running a transparent Council and all things that weren't specifically excluded should be open to the public. The comment was about the Climate Change Briefing. You hadn't been talking about anything else.
25. You told me you had no recollection of your manner in the conversation. You didn't think it had been rude and aggressive. You didn't consider you were at all disrespectful to Phil Shears. You didn't think you were disrespectful to Councillor Connett. He didn't engage in the conversation. You had been invited in and you spoke for about 30 seconds.
26. You left and went back to the public gallery. You told the other two that the briefing wasn't going to be open to the public – you were sorry about that. [REDACTED] had asked whose decision that was. You told her it was the decision of the Managing Director. She said she would like to go and talk to him. You said you couldn't let her through to where he was because your pass didn't work. She said she would try to go and talk to him. She left you, going in that direction.
27. I asked you if you accepted any responsibility for a security breach in which two members of the public came in to the secure part of the building. You said you accepted full responsibility for trying to get the public in to a climate change meeting. You said that two women in their 40s or 50s did not represent any threat.
28. I asked you about your Facebook post of 24 September, which included comment on the arrangements for the Climate Change Briefing. You had stated that the request to allow the public to attend was flatly refused, with no good reasons given, and that this was a clear contravention of the Local Government Act. You said that Phil Shears had made a decision that was not in the public interest and you still believed that he would be unable to defend that decision. You had made a complaint and it had not yet been answered.
29. You confirmed that you had attended the Wolborough Options Workshop. You said you had used the Riverside entrance because that was the most convenient in the circumstances. You had met some other attendees in the car park. You hadn't brought them with you. It would not have been practical or polite to have sent them to another entrance.
30. You told me that Councillor Mullone hadn't consulted with you on his post about the meeting or shown it to you before posting it. You pointed out that the meeting hadn't been suspended – it had been completed, with a list of actions.



31. You confirmed that you hadn't been able to attend the first meeting of the Local Plan Working Group, so you had put forward your views in an email reply to Michelle Luscombe. You had commented that the TDC five year review was running 2/3 years behind schedule and this was because the Local Plan had not been done properly in the first place.
32. You told me this comment related to the fact that the Local Plan put in place was wholesaley unpopular and that the housing figures had not been substantiated to the satisfaction of the WRA, the APC, CPRE Devon and NSN. The Plan was fundamentally flawed. It was an opinion but one that was not without basis.
33. You confirmed that you had set up the Facebook page headed; Richard Daws Teignbridge District Council Ambrook Ward, to deal with your Council activities. What you said there was in your role as a councillor.
34. You said you did have a clear view of the different roles of councillors and officers now. In the past you had, like many people, viewed the Council as an amorphous blob that made decisions.
35. I asked you if the NSN campaign had been principally directed at the officers. You said your campaign was principally directed at the crime that is NA3. By being polite, the APC and the WRA had got nowhere. You believed you had been effective using the tool of satire. You had been elected to stop an environmental crime. If NA3 got concreted over, which the Council officers feel it's their job to do, then if you upset people by trying to stop that happening, you were very sorry. The greater good was better served by you carrying out those actions.
36. I put to you that officers felt that they were simply doing their job, working within decisions made by the Council. They felt they were being attacked personally and very publicly. You said that officers were recommending that the Council makes decisions that you knew were unlawful. They were public servants recommending that the Council breaks the law.
37. You thought that this process was best described as a political witch hunt.

Sent to witness for confirmation	1 January 2020
Agreed by witness as an accurate record	

**Document 19: Record of interview with Councillor Liam Mullone,  
17 December 2019**

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Councillor Mullone was accompanied by Councillor Richard Daws throughout.

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You made a statement covering five points. You had asked for this interview to be public; this had been denied. You had asked who had made the complaints about you; this had also been denied. Under the Freedom of Information Act, you had asked for information to be available for this interview, or for the interview to be delayed; this had been denied. You had asked to film the interview; this had been denied. You had asked whether Karen Trickey had done due diligence on me; she had said she felt none was required.
3. You confirmed you were elected in May 2019. You had not been a councillor before. You had attended the induction training for new councillors and this had covered the Code of Conduct. You didn't recall the Member/Officer Protocol being covered. You were the Leader of the NSN Group at the Council.
4. I asked you about the NSN campaign group before the May election. You said that NSN was formed about a year before the election. You were a founder member of the group. The NSN website had been going for some time before the election.
5. I asked you how NSN was run before the election. You said there were no membership cards and no formal organisation; it was a loose grouping of people. There was a core group of people who came together to form the group.
6. You said you didn't really do anything within the campaign group anymore because your whole time was taken up with being a councillor. You were still a member of the campaign group.
7. You said you had set up the website. A number of members of the group had contributed content to it.
8. I asked you if there had been any changes to the organisation of NSN following the election. You said no, because it didn't have an organisation. If anyone said they were in NSN, they were in NSN. There was no managing group. Things happened through the Facebook page; you didn't manage that. There hadn't been any change of the strategy of NSN.

9. I asked you about changes to the website since the election. You said you had suspended the functionality of the website. You had asked the person who set up the website to take it down but he hadn't answered your email. So you did the best fix solution you could find which was to put something across the menu bar. And you were able to put the message on the front. You confirmed you had written the notice.
10. You said that the objective stated in the notice, which included the careers of the people who devised the Local Plan being thrown into a plague pit, did not refer to officers. You believed you had been talking about the outgoing conservative executive. I asked you if you felt that phrase was disrespectful to those people; you said you were happy with that statement.
11. I asked you about your role in NSN now. You said you were doing everything as a councillor – your Facebook page was NSN Councillor Liam Mullone. When something happened, you tried to tell people what has happened. So what you did for NSN now was as a councillor.
12. I asked you about the Rogues Gallery section of the website, which was still accessible. You said that it couldn't be accessed. Any casual visitor to the website wouldn't find it. I pointed out that a Google search for NSN presented the website and its structure, which included the Rogues Gallery. Clicking on that link took the searcher straight to the Rogues Gallery content. You said that, as far as you knew, that wasn't accessible.
13. You told me you hadn't made any changes to the Rogues Gallery since the election. Regarding the references to Phil Shears' role in the May 2 election, you said that if that was done after the election, it was very soon after. You said you didn't know who had made that change. You couldn't remember what you had done at the beginning of May.
14. You said that a number of people had written the sections on Phil Shears and [REDACTED], including you. You said that had been done by the campaign group, as private citizens who were fed up with this Council. You said you didn't know why the sections had been changed or who changed them. You wouldn't say whether it was you who had changed the Phil Shears section.
15. You agreed that the comment on Phil Shears being responsible for the boundary fiasco of the May 2 Election was probably written after the election. You thought it would have been on the day of the election or just after. It would have been before you had been 'sworn in'. You couldn't remember whether you were responsible for making any of the changes.

16. You wouldn't comment on whether you felt the sections were disrespectful or not. You thought they were well written and hilarious.
17. You confirmed that, on 24 September, you had posted on Facebook; *My report of today's full Council meeting climate change special*. Your aim had been to report back to your constituents. You were doing what you had been elected to do.
18. I asked you if you thought some of the phrases in the post were disrespectful to those they referred to. You said the language was fit for what happened that day. You considered it was treating them with the same respect that you had been treated with.
19. You confirmed you had posted on Facebook on 28 September, mentioning Ros Eastman. You outlined the case in South Hams that it referred to. There had been a clear equivalence with what Ros Eastman had done with writing up the minutes on a decision concerning the Devon County FA. What you had posted was the truth, so it wasn't disrespectful.
20. You confirmed you had attended the Wolborough Options Workshop on 3 October and that you had posted about it on Facebook on 4 October. You had used a metaphor of 'beating up your gran' throughout that. Regarding the aggressive and violent language used in the post, you said you were using absurdity to satirise something. It was making it gentler, if anything. You were talking about environmental destruction, breaking the law and destroying very rare species.
21. You confirmed that 'Michelle' in the post was Michelle Luscombe. You didn't accept that you associated the aggressive and violent actions with her. It was clearly absurd and nobody thought that you were saying that Michelle was going to beat up someone's gran. Michelle was laying out a plan by which Wolborough Hill would be destroyed.
22. You said you weren't aware that you couldn't refer to officers by name. You weren't aware that Michelle had a problem with it and if she had written to you with it you would have taken her name out. Her name wasn't important to the story.
23. I referred to some of the comments that had been made on the post. You said people writing comments that reflected their anger and frustration was not your responsibility. You couldn't remember whether you had liked one of them. You didn't believe that calling for *whoever came up with the effing plan should be shot* was meant literally.

24. You told me you hadn't written an article for the PRSD. It had been copied and pasted from your Facebook page. You had been told it had been done but you hadn't been asked if they could do it. Regarding your description of the Lib Dems, you asked if you could be proved wrong on that. You accepted that it was your view. You didn't care if it was disrespectful to have that view.
25. In your post of 22 October, you had said you weren't allowed to name officers so you had referred to Voldemorts 1 to 4. You explained there had been some argument on Facebook with Jackie Hook, who said you shouldn't name the officers. You believed that officers had been *lending a friendly helping hand to a developer*.
26. In your post of 29 October, you had named Ros Eastman as the *Fantastic Ms Fox*. You said you thought Ros Eastman had broken the law. The post was about the appeal and the four reasons for refusal. Ros Eastman had been trying to get delegated powers to deal with matter.
27. You told me that, when you said the officers were out of control, it was a criticism aimed directly at Gordon Hook and his Executive. It was their job to control them.
28. You confirmed that you were making your posts on the Facebook page headed *Liam Mullone : NSN Independent* as a councillor. Regarding the different roles of councillors and officers, you said you were clearer about that now. You agreed that it was supposed to be that officers advised and councillors made decisions. But that wasn't how it worked here.
29. You accepted that decisions about the Local Plan and the sites in it were decisions of the Council. You said the officers kept calling meetings so they could bang things through with a hammer. The officers ran rings around people and the Executive was too weak to do anything about it. In the middle, a valuable resource was being destroyed.
30. I put it to you that your campaign seemed to be directed principally at officers rather than councillors. You said you had been elected for one reason only. That was to stop the development of NA3. There were council officers whose job it was to advocate building on NA3. Your job was diametrically opposed to that. That was just a fact of the matter; there was nothing you could do about that. You weren't attacking them as people; you didn't have any ill-will against them. You just wanted them to stop this act of vandalism.

- 31. In summary, you wished to reiterate the concerns that you had expressed at the beginning. You didn't think it was a crime to name the planning officers. They had names and they were doing a job. You had to refer to somebody when you were telling people what was happening. People had a right to know who was working for them. The Council's website was deliberately unclear about who did what. You wondered if that was because they were ashamed of what they were doing.
- 32. You didn't think it was wrong to say something that was true. The statements you had made were evidentially and provably true. The Leader of the Council believed them to be true. You thought I should investigate their truth.
- 33. You had been elected to stop the planning officers carrying out their tasks. You were trying to stop them via the elected leadership. The leadership had confessed that they were helpless to do anything. They said the officers really wanted to do it.
- 34. You said it was your right to dislike a political party. You didn't believe that telling the truth brought the Council into disrepute.
- 35. You and Councillor Daws had no clear view on the format of my report.

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